

and community programs for patients with kidney disease and for the conduct of training related to such programs, and for other purposes; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 14902. A bill to require imported foodstuffs to meet standards required by the Federal Government for domestic foodstuffs; to the Committee on Ways and Means.

By Mr. ERLENBORN:

H.R. 14903. A bill to provide flexible interest rates for mortgages insured by the Federal Housing Administration; to the Committee on Banking and Currency.

By Mr. HARSHA:

H.R. 14904. A bill to amend chapter 4 of title 23, United States Code, to provide safety standards for bridges, and for their inspection; to the Committee on Public Works.

By Mr. HOLIFIELD (by request):

H.R. 14905. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. QUIE:

H.R. 14906. A bill to designate the Veterans' Administration hospital in the District of Columbia as the Melvin J. Maas Memorial Hospital; to the Committee on Veterans' Affairs.

By Mr. PATMAN:

H.R. 14907. A bill to amend the Federal Credit Union Act; to the Committee on Banking and Currency.

By Mr. RIVERS:

H.R. 14908. A bill to amend title 10, United States Code, to provide for the rank of major general for the Chief of the Dental Service of the Air Force; to the Committee on Armed Services.

By Mr. ROYBAL:

H.R. 14909. A bill to amend the Public Health Service Act to provide for a comprehensive review of the medical, technical, social and legal problems and opportunities which the Nation faces as a result of medical progress toward making transplantation of organs, and the use of artificial organs a practical alternative in the treatment of disease; to amend the Public Health Service Act to provide assistance to certain non-Federal institutions, agencies, and organizations for the establishment and operation of regional and community programs for patients with kidney disease and for the conduct of training related to such programs; and for other purposes; to the Committee on Ways and Means.

By Mr. STAGGERS:

H.R. 14910. A bill to amend the Communications Act of 1934, as amended, to give the Federal Communications Commission authority to prescribe regulations for the manufacture, import, sale, shipment, or use of devices which cause harmful interference to

radio reception; to the Committee on Interstate and Foreign Commerce.

By Mr. WALDIE:

H.R. 14911. A bill to amend section 163 of the Internal Revenue Code of 1954 to provide that loan origination fees (commonly referred to as "points") imposed in connection with home mortgage loans shall be deductible as interest thereunder; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON:

H.R. 14912. A bill to amend title 5, United States Code, to correct inequities in the prohibition of nepotism in government employment; to the Committee on Post Office and Civil Service.

By Mr. DEL CLAWSON (for himself and Mr. BOB WILSON):

H.J. Res. 1014. Joint resolution to provide for the issuance of a gold medal to the widow of the late Walt Disney and for the issuance of bronze medals to the California Institute of the Arts in recognition of the distinguished public service and the outstanding contributions of Walt Disney to the United States and to the world; to the Committee on Banking and Currency.

By Mr. LEGGETT:

H.J. Res. 1015. Joint resolution to provide for the designation of the second week of May of each year as National School Safety Patrol Week; to the Committee on the Judiciary.

By Mr. MCCLORY:

H.J. Res. 1016. Joint resolution to provide for the issuance of a special postage stamp in commemoration of Dr. Enrico Fermi; to the Committee on Post Office and Civil Service.

By Mr. MINISH:

H.J. Res. 1017. Joint resolution to provide for the issuance of a special postage stamp in commemoration of Dr. Enrico Fermi; to the Committee on Post Office and Civil Service.

By Mr. REIFEL (for himself and Mr. BERRY):

H.J. Res. 1018. Joint resolution to provide for the designation of the second week of May of each year as National School Safety Patrol Week; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.J. Res. 1019. Joint resolution authorizing the President to proclaim August 11, 1968, as Family Reunion Day; to the Committee on the Judiciary.

By Mr. TIERNAN:

H.J. Res. 1020. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. WALDIE:

H.J. Res. 1021. Joint resolution to provide for the designation of the second week of May of each year as National School Safety Patrol Week; to the Committee on the Judiciary.

By Mr. COLLIER:

H. Con. Res. 621. Concurrent resolution concerning the need to demand payment of French World War I obligation; to the Committee on Ways and Means.

By Mr. RHODES of Arizona:

H. Res. 1047. Resolution to reexamine the trade and tariff policy of the United States; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII,

303. The SPEAKER presented a memorial of the Legislature of the State of South Dakota, relative to special consideration for the development and the use of waters of the Upper Missouri River Basin in the Upper Great Plains States including South Dakota, which was referred to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. FINO:

H.R. 14913. A bill for the relief of Antonio Peluso; to the Committee on the Judiciary.

By Mr. FLYNT:

H.R. 14914. A bill for the relief of the Clay- ton County Journal and Wilbur Harris; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts:

H.R. 14915. A bill for the relief of Maria Amalia Da Cruz Concavas; to the Committee on the Judiciary.

H.R. 14916. A bill for the relief of Dr. Marianne Dierks; to the Committee on the Ju- diciary.

H.R. 14917. A bill for the relief of Luis Enrique Linares; to the Committee on the Ju- diciary.

H.R. 14918. A bill for the relief of Maria Do Santo Cristo Se Souza Maiato; to the Committee on the Judiciary.

H.R. 14919. A bill for the relief of Nocera Rocco; to the Committee on the Judiciary.

By Mr. MORTON:

H.R. 14920. A bill for the relief of Helmar C. Schmidt; to the Committee on the Ju- diciary.

By Mr. ROGERS of Colorado:

H.R. 14921. A bill for the relief of Pasquale (Pat) LaValle; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

233. The SPEAKER presented a petition of Henry Stoner, Avon Park, Fla., relative to a suggested correction of the Congressional Record, which was referred to the Committee on House Administration.

SENATE—Monday, January 29, 1968

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

Rev. Edward B. Lewis, D.D., pastor, Capitol Hill Methodist Church, Washington, D.C., offered the following prayer:

Merciful Father, we know that You bestow upon Your children gifts that they cannot gain for themselves. Grant unto the President, the Congress, and the people the awareness that You are loving us in every disaster, lighting a way in every darkness, strengthening us in every weakness, and caring for us in every trouble.

Give understanding today as our leaders must deal with present crises. Forgive us for our sins and failures. Inspire all world leaders with calmness and self-control. Direct the thinking of men of all nations that peace may be found and guide our feet into paths of righteousness, truth, goodness, and love. We pray in the Master's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, January 26, 1968, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

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

THE BUDGET—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 225)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States,

which, with the accompanying document, was referred to the Committee on Appropriations:

To the Congress of the United States:

The budget I send you today reflects a series of difficult choices. They are choices we cannot avoid. How we make the choices will affect our future as a strong, responsible, and compassionate people.

We now possess the strongest military capability that any nation has ever had. Domestically, we have enjoyed an unparalleled period of economic advance. Nevertheless, we are confronted by a number of problems which demand our energies and determination.

Abroad we face the challenge of an obstinate foe, who is testing our resolve and the worth of our commitment. While we maintain our unremitting search for a just and reasonable peace, we must also continue a determined defense against aggression. This budget provides the funds needed for that defense, and for the maintenance and improvement of our total defense forces. The costs of that defense—even after a thorough review and screening—remain very large.

At home we face equally stubborn foes—poverty, slums and substandard housing, urban blight, polluted air and water, excessively high infant mortality, rising crime rates, and inferior education for too many of our citizens. In recent years, we have come to recognize that these are conquerable ills. We have used our ingenuity to develop means to attack them, and have devoted increasing resources to that effort. We would be derelict in our responsibilities as a great nation if we shrank from pressing forward toward solutions to these problems.

But faced with a costly war abroad and urgent requirements at home, we have had to set priorities. And "priority" is but another word for "choice." We cannot do everything we would wish to do. And so we must choose carefully among the many competing demands on our resources.

After carefully weighing priorities, I am proposing three kinds of actions:

First, I have carefully examined the broad range of defense and civilian needs, and am proposing the selective expansion of existing programs or the inauguration of new programs only as necessary to meet those urgent requirements whose fulfillment we cannot delay.

Second, I am proposing delays and deferrals in existing programs, wherever this can be done without sacrificing vital national objectives.

Third, I am proposing basic changes, reforms, or reductions designed to lower the budgetary cost of a number of Federal programs which, in their present form, no longer effectively meet the needs of today.

Federal programs bring important benefits to all segments of the Nation. This is why they were proposed and enacted in the first place. Setting priorities among them, proposing reductions in some places and fundamental reforms in others, is a difficult and a painful task. But it is also a duty. I ask the Congress and the American people to help me carry out that duty.

Even after a rigorous screening of priorities, however, the cost of meeting our most pressing defense and civilian requirements cannot be responsibly financed without a temporary tax increase. I requested such an increase a year ago. On the basis of changed fiscal conditions, I revised my request in a special message to the Congress last August. I am renewing that request now.

There is no question that as a nation we are strong enough, we are intelligent enough, we are productive enough to carry out our responsibilities and take advantage of our opportunities. Our ability to act as a great nation is not at issue. It is our will that is being tested.

Are we willing to tax our incomes an additional penny on the dollar to finance the cost of Vietnam responsibly? Are we willing to take the necessary steps to preserve a stable economy at home and the soundness of the dollar abroad?

One way or the other we will be taxed. We can choose to accept the arbitrary and capricious tax levied by inflation, and high interest rates, and the likelihood of a deteriorating balance of payments, and the threat of an economic bust at the end of the boom.

Or, we can choose the path of responsibility. We can adopt a reasoned and moderate approach to our fiscal needs. We can apportion the fiscal burden equitably and rationally through the tax measures I am proposing.

The question, in short, is whether we can match our will and determination to our responsibilities and our capacity.

BUDGET SUMMARY

I am presenting my 1969 budget under the new unified budget concept unanimously recommended by the bipartisan Commission on Budget Concepts I appointed last year. Among the many changes recommended by the Commission and incorporated in this year's budget presentation, two stand out:

First, the total budget includes the receipts and expenditures of the trust funds, which were excluded from the traditional "administrative budget" concept. Because some \$47 billion of trust funds are included in the new budget concept, its totals are much larger than those in the old administrative budget.

Second, when the Federal Government makes a repayable loan, the effect on the economy is very different than when it spends money for a missile, a dam, or a grant program. A loan is an exchange of financial assets. Unlike other outlays, it does not directly add to the income of the recipient. Consequently, the Commission on Budget Concepts recommended that the budget identify and distinguish "expenditures" from "lending," and, for purposes of evaluating economic impact, show a separate calculation of the surplus or deficit based on expenditure totals alone. My budget presentation follows this significant recommendation.

This budget carries a special section showing the relationship between the new and the old concepts.

The 1969 budget proposes outlays of \$186.1 billion, of which:

\$182.8 billion is spending.

\$3.3 billion is net lending.

Including the effects of the tax increase I am proposing, revenues in fiscal year 1969 are estimated at \$178.1 billion.

On the new budget basis, the overall deficit of \$8.0 billion anticipated in 1969 compares with an estimated deficit of \$19.8 billion in 1968. Thus, the reduction in the deficit is estimated to be \$11.8 billion.

A better measure of the direct impact of the Federal budget on the Nation's income and output is given by the expenditure account (which excludes the lending programs of the Federal Government). The expenditure deficit in fiscal year 1969 is estimated at \$4.7 billion, a reduction of \$9.3 billion from 1968.

Between 1968 and 1969 the normal growth in revenues—associated with rising incomes and business activity—is expected to be \$11.5 billion. This more than covers the rise in budget outlays between the two years—estimated at \$10.4 billion. Consequently, all of the revenues from the proposed surcharge and the speedup in corporate tax payments will be applied towards reducing the budget deficit.

To carry forward the proposals in the budget, I am requesting new budget authority of \$201.7 billion for 1969, of which \$141.5 billion will have to be provided through appropriation bills or similar action during the current session of Congress. The remainder will become available under existing law without current congressional action, including the social insurance trust funds and interest on the public debt.

SUMMARY OF THE BUDGET AND FINANCIAL PLAN

[Fiscal years. In billions]

Description	1967 actual	1968 estimat-	1969 estimat-
Budget authority (largely appropriations):			
Previously enacted.....	\$135.4	\$125.1	.....
Proposed for current action by Congress.....	.....	3.3	\$141.5
Becoming available without current action by Congress.....	58.7	69.9	73.1
Deductions for interfund and intragovernmental transactions and applicable receipts.....	-11.5	-11.8	-12.9
Total, budget authority....	182.6	186.5	201.7
Receipts, expenditures, and net lending:			
Expenditure account:			
Receipts.....	149.6	155.8	178.1
Expenditures (excludes net lending).....	153.2	169.9	182.8
Expenditure deficit (-).....	-3.6	-14.0	-4.7
Loan account:			
Loan disbursements.....	17.8	20.9	20.4
Loan repayments.....	-12.6	-15.1	-17.1
Net lending.....	5.2	5.8	3.3
Total budget:			
Receipts.....	149.6	155.8	178.1
Outlays (expenditures and net lending).....	158.4	175.6	186.1
Budget deficit (-).....	-8.8	-19.8	-8.0
Budget financing:			
Borrowing from the public.....	3.6	20.8	8.0
Reduction of cash balances, etc.....	5.3	-1.0	(1)
Total, budget financing.....	8.8	19.8	8.0
Outstanding debt, end of 1966 year:			
Gross amount outstanding.....	329.5	341.3	370.0
Held by the public.....	265.6	269.2	290.0
			387.2
			298.0

¹ Less than \$50,000,000.

FISCAL PROGRAM FOR 1969

Economic background.—The overall fiscal policy for 1969 has been designed to achieve four major goals:

Continuation of sustained growth in jobs and real income for the American people.

Lessening of inflationary pressures.

Improvement in the U.S. balance of payments.

Reduction in Federal borrowing, aimed at reducing the upward pressure on interest rates.

In March, the American economy will achieve a new milestone as it enters its eighth year of sustained expansion. No prior period in our history has been marked by an expansion of such long duration. Each month that we continue to move ahead creates its own new record. And this record translates into jobs, incomes, and rising living standards for the American people.

During the past 4 years, the continued expansion has resulted in:

The creation of 7 and a half million new jobs;

An increase of 21% in national output;

A rise of 18.8% in per capita income after taxes and after adjustment for price change;

A rise of 12% in output per man-hour in the private sector of the economy;

A decline of 6½ million in the number of people living in poverty; and

A rate of unemployment which, for the past 2 years, has averaged less than 4% of the labor force and now stands at 3.7%.

Many factors contributed to this unparalleled achievement. But chief among them was the flexible use of fiscal policy—particularly the tax reductions and reforms of 1962, 1964, and 1965. A lagging economy was set in motion and sustained in expansion through these actions.

Between calendar years 1961 and 1965, economic growth was accompanied by a remarkable degree of price stability. Wholesale industrial prices rose by about one-half of 1% per year. The annual increase in consumer prices was about 1½%.

Since 1965, however, our economic achievements have been marred by an accelerated rate of price increases. Although these increases have not been as great as those in many other industrial countries, the consumer price index in the past 2 years has risen at an annual rate of 2.9%, and wholesale industrial prices at an annual rate of 1.8%.

Interest rates on loans and securities of all types have advanced sharply, first in 1966, and then after a short period of decline, again in 1967. Our balance of payments deficit—which had been reduced from \$3.9 billion in 1960 to \$1.4 billion in 1966—took a sharp turn for the worse in 1967.

The problems of rising prices and interest rates, and a worsening balance of payments, arise from many causes. And their correction will require a variety of measures. But central to any attack upon them is a fiscal policy which—through a combination of expenditure control and tax increase—sharply reduces the inap-

propriate stimulus of a large Federal budget deficit in today's vigorous economy.

We are now spending approximately \$25 billion annually to support our efforts in Vietnam—in the 4 fiscal years, 1966 through 1969 combined, we will have spent more than \$75 billion. Our annual expenditure for this purpose amounts to about 3% of gross national product. Other outlays, exclusive of social insurance trust funds, have been declining as a share of the Nation's income and output in recent years. It is not the rise in regular budget outlays which requires a tax increase, but the cost of Vietnam.

BUDGET OUTLAWS AS A PERCENTAGE OF GROSS NATIONAL PRODUCT

[Fiscal years. In percent]

	Average, 1958-60 actual	1965 actual	1968 estimate	1969 estimate
Total outlays:				
Vietnam.....		(1)	3.1	3.0
Social insurance trust funds.....	3	3.4	4.2	4.4
Other outlays.....	16	14.6	14.2	13.9

¹ Less than 0.05 percent.

The tax increase I am requesting is in the same form as the one I recommended last year—a temporary 10% surcharge on individual and corporation income taxes. I again strongly urge its early approval by the Congress, with an effective date of January 1, 1968, for corporations and April 1, 1968, for individuals.

With enactment of the tax measures proposed in this budget—the surcharge, extension of excises, and the acceleration of corporate tax collections—the total budget deficit can be cut by more than half between 1968 and 1969. Without the tax measures, the deficit in 1969 would remain close to \$20 billion for the second year in a row. In an economy already moving strongly upward, such a deficit in 1969 would clearly add sharply to inflationary pressures.

Inflation robs the purchasing power of those living on fixed incomes. It is a regressive tax which strikes hardest at those least able to afford it—the poor and the elderly.

By raising the price at which we must sell in foreign markets, inflation also causes our export industries to suffer and our imports to increase more rapidly. Perhaps even more importantly, failure to take decisive fiscal action to reduce our budget deficit would raise strong doubts throughout the world about America's willingness to keep its financial house in order.

Finally, unless we take action to reduce the budget deficit significantly, Federal borrowing is likely to be so large as to drive up interest rates and reduce the availability of credit, especially to home buyers, small businessmen, and State and local governments.

Revenues.—The \$178.1 billion in estimated revenues for fiscal year 1969 includes \$12.9 billion from the tax measures I am proposing—the temporary income tax surcharge, the extension of present excise tax rates, and the speedup in corporation tax payments.

As I have repeatedly noted, the temporary surcharge represents a modest addition to our current tax bills. It would spread most equitably and fairly the cost of the commitments we must meet. It would exempt entirely from increased taxation about 17 million Americans whose low incomes place them within the first two tax brackets. It would not be haphazard and capricious like the tax of inflation. In terms of the income of individuals subject to the surcharge, the tax increase would average about one additional penny on the dollar. And, unlike inflation, it can be removed promptly if no longer warranted by our unusual outlays in Southeast Asia.

I am also proposing that the telephone excise tax of 10% and the automobile excise tax of 7% be extended at these rates beyond April 1, 1968, instead of dropping to 1% and 2%, respectively, as provided in present law. In addition, the Congress should enact the proposals made last year to modify the provisions for current payment of the corporate income tax so that they correspond to the current payment provisions applicable to individuals.

BUDGET RECEIPTS

[Fiscal years. In billions]

Source	1967 actual	1968 estimate	1969 estimate
Individual income taxes.....	\$61.5	\$67.7	\$80.9
Corporation income taxes.....	34.0	31.3	34.3
Excise taxes.....	13.7	13.8	14.7
Employment taxes.....	27.8	29.7	34.2
All other receipts.....	12.6	13.3	14.1
Total.....	149.6	155.8	178.1
Under existing law.....	149.6	152.8	165.0
Under proposed legislation:			
Tax measures.....		3.0	12.9
User charges.....			.3

An estimated \$4.4 billion of the increase in revenues in 1969 will come from employment taxes which finance social security and other trust fund programs. Under the recent amendments to the Social Security Act, the annual wages on which each employee's social security taxes are paid rose from \$6,600 to \$7,800 as of January 1, 1968, and the combined employer-employee payroll tax will increase from 8.8% to 9.6% on January 1, 1969.

I am also recommending a number of new and increased user charges for programs in which the services provided by the Federal Government yield direct benefits to specific individuals and businesses. These charges—notably in the field of transportation—will, and should, shift the burden of financing from the general taxpayer to those who benefit directly, and make the provision of these services dependent upon the willingness of the user to pay for them.

Outlays.—The \$186.1 billion in total budget outlays for 1969 represents an increase of \$10.4 billion from the current fiscal year. Almost all of this increase is accounted for by rising outlays for defense and for relatively fixed charges under present laws.

Of the total \$10.4 billion increase: \$3.3 billion is for national defense; \$4.2 billion is for the Federal Government's social insurance programs (chiefly social security and Medicare);

\$1.6 billion is for the second step of the civilian and military pay increase enacted last year; and \$1.3 billion is for other relatively fixed charges (interest, public assistance, veterans pensions, etc.).

CONTROLLABILITY OF BUDGET OUTLAYS

[Fiscal years. In billions]

Type of controllability	1967 actual	1968 estimate	1969 estimate	Change, 1968-69
National defense.....	\$70.1	\$76.5	\$79.8	+\$3.3
Relatively uncontrollable civilian programs:				
Open-ended programs and fixed costs:				
Social security, medicare, and other social insurance trust funds.....	30.3	34.3	38.5	+4.2
Interest.....	12.5	13.5	14.4	+.9
Civilian and military pay increase.....	4.9	5.1	5.2	+.1
Veterans pensions, compensation, and insurance.....	4.2	5.2	5.7	+.5
Public assistance grants.....	1.7	2.8	2.9	+.1
Farm price supports (Commodity Credit Corporation).....	.8	.7	.3	-.4
Postal operations.....	.3	.4	.4	0
Legislative and judiciary.....	2.4	2.7	2.8	+.1
Other.....				
Subtotal, relatively uncontrollable civilian programs.....	57.1	64.7	71.8	+7.1
Relatively controllable civilian programs, including outlays from prior year contracts and obligations.....	35.2	39.0	39.5	+.5
Undistributed intragovernmental payments (-).....	-4.0	-4.6	-5.0	-.5
Total budget outlays.....	158.4	175.6	186.1	+10.4

¹ Less than \$50,000,000.

Outlays in relatively controllable civilian programs are estimated to rise by \$0.5 billion from 1968 to 1969. This rise is more than accounted for by an increase of \$1½ to \$2 billion in payments on prior contracts and obligations. On the other hand, budget outlays by the Federal National Mortgage Association trust fund are scheduled to decline. All other outlays in relatively controllable civilian programs will be essentially unchanged from 1968 to 1969.

Within this relatively stable total, however, there are a large number of individual increases and decreases. Tight budgeting does not mean an indiscriminate "hold-the-line" on all programs. Rather, it implies a rigorous application of priorities, providing increases where needs are urgent and returns high, slowing the growth of programs with less urgent priority, and reducing outlays where requirements have decreased or programs have become outmoded.

In the application of this priority system, my budget provides selective increases for a number of urgent domestic programs, particularly:

Manpower training;
Model cities;

Programs to control the rising crime rate;

Family planning and health care for mothers and infants;

Air and water pollution control; and

Research in better methods of education, and assistance in increasing the supply of qualified teachers.

These and the other selected programs for which I am recommending increases, respond to the most urgent needs of our Nation today—the basic problems of poverty, crime, and the quality of our environment. I urge the Congress to give them the most careful consideration. We can ignore these problems only at grave risk of harm to the fabric of our society.

BUDGET OUTLAYS
[Fiscal years. In billions]

Description	1967 actual	1968 estimate	1969 estimate	Change 1968-69
National defense.....	\$70.1	\$76.5	\$79.8	+\$3.3
Social security, medicare, and other social insurance trust funds.....	30.3	34.3	38.5	+4.2

Lending authority of \$4.6 billion for loan account programs.

Not all of this authority will be fully obligated or spent in 1969; some of it is needed to provide the authority for major procurement, construction, loan contracts, and other large-scale activities in which obligations made in one year result in outlays over a period of years.

Of the total budget authority recommended for 1969, the Congress would have to act on \$141.5 billion during the current session. The remaining authority will become available under existing law without further action by the Congress. Such authority consists chiefly of trust fund programs (under which the revenues of the special taxes and other specific receipts financing the programs are automatically appropriated) and interest on the public debt.

The authority for 1969 which the Congress is being asked to enact is \$13.1 billion greater than the current estimate for 1968, but only \$6.1 billion higher than the amount enacted 2 years ago. Current action by the Congress to provide budget authority varies widely from year to year because in several large programs—highways, TVA electric power construction, and the special assistance functions of the Department of Housing and Urban Development, for example—budget authority is provided in 1 year to cover a number of succeeding years. In fiscal year 1968, there is a considerable decline in the amount of such multiyear authority.

BUDGET OUTLAYS—Continued

[Fiscal years. In billions]

Description	1967 actual	1968 estimate	1969 estimate	Change 1968-69
Other major social programs:				
Education.....	\$4.0	\$4.5	\$4.7	+\$2
Health (excluding medicare).....	3.4	4.4	4.9	+.5
Labor and manpower.....	1.1	1.3	1.5	+.2
Economic opportunity programs.....	1.5	1.9	2.0	+.1
Welfare.....	3.9	4.6	4.9	+.3
Urban community development, and low and moderate income housing.....	1.1	2.0	2.3	+.4
Regional development.....	.2	.4	.5	+.1
Interest.....	12.5	13.5	14.4	+.9
Civilian and military pay increase.....				
All other.....	34.2	36.9	36.0	-.8
Undistributed intragovernmental payments (-).....	-4.0	-4.6	-5.0	-.5
Total budget outlays.....	158.4	175.6	186.1	+10.4

At the same time as I propose selected increases, I have taken other steps to hold budget totals to the minimum consistent with the national security and well-being. My budget provides for:

The cutback of controllable programs in 1968 which the Congress enacted upon my recommendation;

Reductions, deferrals, and program reforms, which would reduce program levels in a variety of Federal activities by \$2.9 billion in 1969;

A determined effort to slow the pace of federally financed construction programs as much as possible consistent with orderly government and sound practices;

A careful review of all budget requests to insure that increases are recommended only in case of high priority programs.

Budget authority.—Before Federal agencies can spend or lend funds, the Congress must enact authority for them to incur financial obligations and make the payments required to meet these obligations. Most of this authority is provided in the form of appropriations.

For fiscal year 1969, a total of \$201.7 billion of such authority is proposed:

New obligational authority of \$197.1 billion for expenditure account programs, and

Lending authority of \$4.6 billion for loan account programs.

Not all of this authority will be fully obligated or spent in 1969; some of it is needed to provide the authority for major procurement, construction, loan contracts, and other large-scale activities in which obligations made in one year result in outlays over a period of years.

Of the total budget authority recommended for 1969, the Congress would have to act on \$141.5 billion during the current session. The remaining authority will become available under existing law without further action by the Congress. Such authority consists chiefly of trust fund programs (under which the revenues of the special taxes and other specific receipts financing the programs are automatically appropriated) and interest on the public debt.

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BUDGET AUTHORITY

[Fiscal years. In billions]

Description	1967 actual	1968 estimate	1969 estimate
Available through current action by the Congress:			
Previously enacted.....		\$135.4	\$125.1
Proposed in this budget.....			\$138.4
To be requested separately:			
For supplemental requirements under present law.....			3.0 (1)
Upon enactment of proposed legislation.....			.2 .9
Allowances:			
Civilian and military pay increase.....			1.6
Contingencies.....			.2 .6
Subtotal, available through current action by the Congress.....			
	135.4	128.4	141.5

Available without current action by the Congress (permanent authorizations):

Trust funds.....	41.7	50.1	54.0
Interest on the public debt.....	13.4	14.4	15.2
Other.....	3.6	5.4	3.9
Interfund and intragovernmental transactions (-).....			
Applicable receipts from the public (-).....	-6.6	-7.4	-8.2
Total budget authority.....	182.6	186.5	201.7

¹ Less than \$50,000,000.

Of the \$15.2 billion increase in total budget authority in 1969, \$6.2 billion is for the Department of Defense and military assistance program, \$3.9 billion is available for trust funds, \$0.9 billion is for interest on the public debt, and \$1.6 billion for the military and civilian pay raises effective July 1, 1968.

The remaining increase in budget authority totals \$2.6 billion. Major increases in this remainder are:

\$586 million for public assistance and payments to the Medicare trust fund.

\$597 million for foreign economic as-

sistance, to meet minimal development needs, primarily in Latin America and Asia, following the reductions in this program last year.

\$42 million for Federal manpower activities of civilian agencies.

\$163 million for the Office of Economic Opportunity (apart from the manpower activities).

\$245 million for the Atomic Energy Commission, largely associated with the new Sentinel antiballistic missile system.

\$688 million for the Model Cities program.

Major decreases from 1968 to 1969 include:

\$401 million for construction grant programs of the Office of Education.

\$254 million for the Post Office, reflecting the postal rate increase enacted in 1967.

\$204 million for health construction grants.

\$218 million for the National Aeronautics and Space Administration, because requirements for the Apollo program are declining.

\$81 million for certain Corps of Engineers construction activities.

This budget includes for fiscal year 1968 \$3.4 billion in supplemental appropriations recommended for enactment this year, along with the related outlays. Of this total, \$1.1 billion represents the current year's cost of the pay raise for Federal personnel, over and above amounts the agencies have been able to absorb. The other major supplemental requirement is \$1.6 billion for the Department of Health, Education, and Welfare, largely for welfare payments and medical assistance, and for the Government's payments to the health insurance trust fund.

BUDGET PROGRAM REDUCTIONS AND REFORMS

In this budget I am recommending two kinds of measures to reduce Federal outlays.

First, I am proposing certain reductions which primarily reflect the stringent nature of the 1969 budget. I am, for example, recommending a temporary reduction in certain construction programs, not because they have outlived their usefulness, but because a deferral of this construction is appropriate in a period when we must relieve inflationary pressures by reducing the deficit.

These reductions reflect a cut in existing program levels in terms of obligations, commitments, or contracts, which can be accomplished without substantially altering the character of the affected program. Such reductions are estimated to bring 1969 programs some \$1.6 billion below 1968 appropriated levels.

Second, I am recommending long-run reforms and modifications to eliminate certain programs or make them more effective. As the economic and social profile of the Nation changes, Federal programs must also change—or run the risk of being inappropriate, ineffective, and irrelevant.

Under the reform proposals, the program level of older outmoded activities would be reduced, or, in certain cases, charges for benefits would be imposed or substantially increased. These proposed reforms are estimated to reduce the

1969 budgetary burden for these programs by \$1.2 billion below the prior year's levels. The corresponding amount for 1970 is estimated at \$1.4 billion.

Change will not be easy. Many revisions will require legislation, for which I seek congressional support and approval. Many of these programs have lived long lives and recipients have become accustomed to enjoying their benefits. Nevertheless, today's priorities demand change—no matter how difficult it may be.

The expenditure savings from these reductions and reforms will not all occur in 1969, but will be spread over several years. These proposals, shown in the accompanying table, will touch nearly every major agency in the Federal Government.

BUDGET PROGRAM REDUCTIONS AND REFORMS

[Fiscal years. In millions]

Agency and program	Cuts below 1968 program level, as funded, 1969	Cuts below 1968 program level, as funded, 1970
PROGRAM REFORMS		
Agriculture: Agricultural conservation program—limit to practices with long-term benefits.....	-\$120	-\$120
Health, Education, and Welfare: School aid to federally impacted areas—tie payments more closely to Federal burden.....	100	100
Housing and Urban Development: Private housing—place greater reliance on the private market (requiring change in statutory interest rate ceilings).....	669	669
Labor: Institute user charges to recover expenses under Longshoremen and Harbor Workers Compensation Act.....	3	3
Transportation:		
Airway services—increase taxes on users.....	40	55
Waterways—impose tax on users.....	7	14
Highway trucking—increase tax on diesel fuels and apply graduated use tax by weight.....	239	250
Subtotal, Transportation.....	286	319
Veterans' Administration:		
Compensation—eliminate statutory payments for cases of arrested tuberculosis.....	54	54
Burial benefits—eliminate duplication with social security.....	46	46
Pensions—count railroad retirement benefits as part of income in setting amount of veteran's pension.....	7	7
Subtotal, Veterans' Administration.....	107	107
Small Business Administration: Disaster loans—employ more equitable and rigorous criteria.....	50	50
Water resources projects of several agencies—raise the interest rate used for evaluating projects.....	(1,235)	(1,368)
Subtotal, budget program reductions and reforms, 1969.....	2,867	.....
BUDGET REDUCTIONS		
Agriculture:		
Farm operating loans.....	50	50
Rural electrification loans.....	45	45
Forest roads and trails.....	29	29
Sewer and water loans.....	22	22
Water and sewer grants.....	3	3
Watershed protection program.....	17	17
Flood prevention program.....	11	11
Agricultural research.....	15	15
Forest protection and utilization.....	2	2
Great plains conservation program.....	2	2
Other.....	1	1
Subtotal, Agriculture.....	197	197
Commerce:		
Ship construction.....	156	156
Research, Maritime Administration.....	7	7
Subtotal, Commerce.....	163	163
Health, Education, and Welfare:		
College facility grants.....	224	224
Books, equipment, guidance, and testing grants.....	120	120
Health research facilities construction.....	29	29
School aid to federally impacted areas.....	17	17
Medical library construction grants.....	10	10
Subtotal, Health, Education, and Welfare.....	400	400
Housing and Urban Development:		
Grants for basic water and sewer facilities.....	25	25
Public facility loans.....	10	10
Special assistance for market rate mortgages, Federal National Mortgage Association.....	27	27
Subtotal, Housing and Urban Development.....	62	62
Interior:		
Reclamation program.....	27	27
Indian construction programs.....	22	22
Road programs.....	6	6
Sport fisheries construction.....	5	5
Commercial fisheries construction.....	1	1
Subtotal, Interior.....	61	61
Justice: Elimination of new prison construction.....	1	1
State: Educational exchange.....	1	1
Atomic Energy Commission:		
Production of special nuclear materials.....	12	12
Nuclear rocket program.....	10	10
Space electric power.....	8	8
Civilian application of nuclear explosives (Plowshare).....	6	6
Subtotal, Atomic Energy Commission.....	36	36
General Services Administration: Construction.....	143	143
National Aeronautics and Space Administration:		
Manned and unmanned exploration and other programs.....	447	447
National Science Foundation: Institutional science programs.....	31	31
Small Business Administration:		
Business loans.....	40	40
Economic opportunity loans.....	25	25
Investment company loans.....	25	25
Subtotal, Small Business Administration.....	90	90
Total, budget reductions.....	1,632	.....

BUDGET PROGRAM REDUCTIONS AND REFORMS—Con.
[Fiscal years. In billions]

Agency and program	Cuts below 1968 program level, as funded	1969	1970
PROGRAM REFORMS			
Agriculture: Agricultural conservation program—limit to practices with long-term benefits.....	-\$120	-\$120	.....
Health, Education, and Welfare: School aid to federally impacted areas—tie payments more closely to Federal burden.....	100	100	.....
Housing and Urban Development: Private housing—place greater reliance on the private market (requiring change in statutory interest rate ceilings).....	669	669	.....
Labor: Institute user charges to recover expenses under Longshoremen and Harbor Workers Compensation Act.....	3	3	.....
Transportation:			
Airway services—increase taxes on users.....	40	55	.....
Waterways—impose tax on users.....	7	14	.....
Highway trucking—increase tax on diesel fuels and apply graduated use tax by weight.....	239	250	.....
Subtotal, Transportation.....	286	319	.....
Veterans' Administration:			
Compensation—eliminate statutory payments for cases of arrested tuberculosis.....	54	54	.....
Burial benefits—eliminate duplication with social security.....	46	46	.....
Pensions—count railroad retirement benefits as part of income in setting amount of veteran's pension.....	7	7	.....
Subtotal, Veterans' Administration.....	107	107	.....
Small Business Administration: Disaster loans—employ more equitable and rigorous criteria.....	50	50	.....
Water resources projects of several agencies—raise the interest rate used for evaluating projects.....	(1,235)	(1,368)	.....
Subtotal, budget program reductions and reforms, 1969.....	2,867	.....	.....

¹ While no immediate savings are realized, the long-term effect could be substantial.

There have been suggestions for a long-range study of Federal programs, evaluating their effectiveness and proposing reforms. Clearly, more study of potential program reforms is needed. My proposals this year represent a first step on which we can and should act now.

Throughout the years, it has been easier to discuss the need to restructure older Government programs, than actually to change them. I urge the Congress to take prompt and favorable action in support of these proposals to cull out lower priority programs.

FEDERAL DEBT

On the basis of all revenues and outlays included in the new unified budget, the Federal debt held by the public will increase to an estimated \$298 billion on June 30, 1969, from \$290 billion at the end of fiscal year 1968. A substantial amount of Federal debt is not held by the public but by Government agencies and trust funds. Federal gross debt—which is the sum of the amount held by the public and within the Government—is estimated at \$387.2 billion at the end of fiscal year 1969.

During the past year the Congress substantially revised the permanent statutory debt limit, which applies to concepts used in previous budgets. It also provided for temporary further increases beginning with the fiscal year 1969, to

take care of seasonal fluctuations. On the basis of the present fiscal outlook, and assuming enactment of the new tax measures which I have proposed, it should not be necessary to seek revision of the limit during this session of the Congress.

If and when it becomes necessary to revise the statutory limit, some modifications in the scope and nature of the limit may be appropriate, in line with the recommendations of the Commission on Budget Concepts.

FEDERAL DEBT AND BUDGET FINANCING

[End of fiscal years. In billions]

Description	1967 actual	1968 estimate	1969 estimate
Federal debt held by the public	\$269.2	\$290.0	\$298.0
Plus debt held by Federal agencies and trust funds	72.2	80.0	89.2
Equals gross Federal debt	341.3	370.0	387.2
Of which:			
Treasury debt	322.9	344.1	356.7
Other agency debt	18.5	25.9	30.5
Budget financing:			
Borrowing from the public	3.6	20.8	8.0
Reduction of cash balances, etc.	5.3	-1.0	(1)
Total budget financing	8.8	19.8	8.0
Total budget deficit	-8.8	-19.8	-8.0

¹ Less than \$50,000,000.

Under the revised concepts presented in this budget, the Federal debt includes a wider range of Federal securities than the direct obligations of the Treasury Department, which have formerly been regarded as the public debt. Under the new concept, the debt includes:

Direct obligations of the Treasury; Securities issued by other Federal agencies; and

Certificates of participation in assets of Federal agencies issued by the Export-Import Bank and by the Federal National Mortgage Association for itself and as trustee for several other agencies.

In total, agency obligations other than Treasury securities will amount to an estimated \$25.9 billion on June 30, 1968, and will increase to \$30.5 billion by June 30, 1969.

Increases in borrowing from the public represent the primary means of financing the budget deficit. Lesser amounts are available from time to time by drawing down the Treasury's cash balances or from a portion of the seigniorage on the Government's minting operations.

PROGRAM HIGHLIGHTS

The budget covers all the expenses which can be reasonably anticipated in the coming year. To assure that the total takes into account the inevitable uncertainties in estimating for a future period, \$2.2 billion in the new obligational authority and \$2.0 billion in expenditures have been included as special allowances for 1969. These allowances provide for: (1) Civilian and military pay increases required by law, and (2) unforeseen contingencies and the possible costs of new programs for which definite estimates cannot be made at the present time.

The Government's program and budg-

et for 1969 are outlined briefly in the table and sections that follow.

BUDGET OUTLAYS

[Fiscal years. In billions]

Function	1967 actual	1968 estimate	1969 estimate
Expenditures:			
National defense	\$70.1	\$76.5	\$79.8
Excluding special Vietnam	(50.0)	(52.0)	(54.0)
International affairs and finance	4.1	4.3	4.5
Excluding special Vietnam	(3.7)	(3.9)	(4.0)
Space research and technology	5.4	4.8	4.6
Agriculture and agricultural resources	3.2	4.4	4.5
Natural resources	2.1	2.4	2.5
Commerce and transportation	7.3	7.7	8.0
Housing and community development	.6	.7	1.4
Health, labor, and welfare	39.5	46.4	51.9
Education	3.6	4.2	4.4
Veterans' benefits and services	6.4	6.8	7.1
Interest	12.5	13.5	14.4
General government	2.5	2.6	2.8
Allowances:			
Civilian and military pay increase			1.6
Contingencies		.1	.4
Undistributed intragovernmental payments:			
Government contribution for employee retirement (—)	-1.7	-1.9	-2.0
Interest received by trust funds (—)	-2.3	-2.7	-3.0
Total expenditures	153.2	169.9	182.8
Total expenditures, excluding special Vietnam	(132.7)	(144.9)	(156.5)
Net lending:			
International affairs and finance	.5	.7	.7
Agriculture and agricultural resources	1.2	.9	1.1
Housing and community development	1.7	3.3	1.4
All other	1.7	.9	.1
Total net lending	5.2	5.8	3.3
Total outlays	158.4	175.6	186.1
Total outlays, excluding special Vietnam	(137.9)	(150.6)	(159.8)

National defense.—In a world of shrinking distances, our own peace and security is bound up with the destiny of other nations. The defense budget for 1969 reflects our resolve to preserve the independence of Vietnam and to provide the forces essential for safeguarding our national security and international obligations.

Since 1961, excluding those forces added because of operations in Vietnam, we have increased our military capability in every essential category. Our accomplishments include:

A 45% increase in the number of combat-assigned Army divisions—from 11 to 16;

A 62% increase in the funds for general ship construction and conversion to modernize the fleet;

A 200% increase in the number of guided-missile surface ships;

A 20% increase in the number of Air Force tactical fighter and attack aircraft, and a 100% increase in the total payload capability of all fighter and attack aircraft—Air Force, Navy, and Marine Corps;

A 400% increase in our fixed-wing aircraft capability—an increase which will reach 1,000% in the 1970's with the introduction of the mammoth C-5A transport; and

A 185% increase in the number of nuclear weapons in the strategic alert forces.

While we stand ready to enter meaningful discussions with the Soviet Union on the limitation of strategic forces, it is necessary to assure that our defense capabilities remain equal to any challenge or threat. I am therefore recommending funds in this budget which will:

Maintain our decisive strategic deterrent by: continuing to convert our strategic missile force to the more effective Minuteman III and Poseidon; equipping those missiles with multiple, independently targeted warheads and aids to help them penetrate enemy defenses; and modernizing our manned bomber force with additional FB-111 aircraft and improved short range attack missiles.

Proceed with procurement of the Sentinel missile defense system to meet the threat posed by the emerging Chinese nuclear capability. In addition, we will begin a revamping of our air defenses.

Augment the firepower, mobility, and readiness of our general purpose forces by improving their air defenses, buying new fixed-wing aircraft and helicopters, and procuring other new weapon systems. We will also replenish munitions, supplies, and equipment consumed in Vietnam.

Improve further our airlift-sealift capability by additional purchases of the giant C-5A aircraft and initial procurement of the fast deployment logistics ship.

Continue the vigorous research and development effort which constitutes the Nation's investment in our future national security.

To accomplish these improvements, to meet all of our requirements in Vietnam, and to meet the full year's cost of the October 1967 civilian and military pay raise will require an increase of \$3.3 billion in outlays for national defense in 1969.

We can and will meet all of our essential defense requirements. But we intend to insure that our defense dollars are spent as efficiently and effectively as possible. At my request, the Department of Defense will continue its searching review to reduce costs and to defer or stretch out all programs in which economies can be effected without reducing overall defense readiness.

International affairs and finance.—Through its international programs, the United States seeks to promote a peaceful world community in which all nations can devote their energies toward improving the lives of their citizens. We share with all governments, particularly those of the developed nations, responsibility for making progress toward these goals.

The task is long, hard, and often frustrating. But we must not shrink from the work of peace. We must continue because we are a Nation founded on the ideals of humanitarian justice and liberty for all men. We must continue because we do not wish our children to inherit a world in which two-thirds of the people are underfed, diseased, and poorly educated.

The \$2.5 billion in new obligational

authority requested for 1969 for the economic assistance program is essential to the success of our efforts. Most of our assistance is provided in concert with other industrialized nations, some of whom devote a larger proportion of their economic resources to this purpose than we do.

Our assistance, even when combined with the growing contribution of other industrial nations, cannot itself guarantee the economic growth of developing nations. But it can provide the crucial margin of difference between success and failure for those countries which are undertaking the arduous task of economic development. Since outside aid cannot substitute for effective self-help, we will continue to direct our economic assistance to those countries willing to help themselves.

The 1969 economic assistance program will continue the trend toward increasing concentration on improved agriculture, education, health, and family planning. The economic aid program I am proposing will:

Accelerate growth in Latin America by modernizing agriculture and expanding education, and help lay the foundations for a Common Market, as agreed at Punta del Este last April.

Support India's recovery from recession and drought, and assist Pakistan's drive toward self-sufficiency in food.

Promote progress in the villages of Southeast Asia by helping them build schools, roads, and farms.

More than 90% of our AID expenditures in 1969 will be for purchases made in the United States, and I have directed intensified efforts to increase this percentage.

Upon completion of negotiations now in progress, I shall recommend legislation to authorize a U.S. contribution to a multilateral replenishment of the resources of the International Development Association, which is managed by the World Bank. I shall also request an increase in our subscription to the callable capital of the Inter-American Development Bank (IDB); this action will enlarge the borrowing and lending capacity of this vital Alliance for Progress institution without requiring expenditure of U.S. Government funds. These resources, together with our proposed contributions to the IDB's Fund for Special Operations and the Asian Development Bank, will permit us to provide effective support for sound development projects while we share the financial burden with other donors. Our contributions will include adequate balance of payments safeguards.

To assure sufficient food supplies for the developing countries, I am proposing extension of the Food for Freedom program beyond its expiration date of December 31, 1968.

The Export-Import Bank will continue to assist the growth of U.S. exports, so essential to our balance of payments. I will propose legislation to establish a new Export Expansion Program to guarantee, insure, and make direct loans for U.S. exports which do not qualify for Bank financing under existing criteria.

Space research and technology.—This

Nation's leadership in advanced technology was challenged 10 years ago by Sputnik and again 7 years ago by the first Soviet manned flight. We responded to these challenges with energy and imagination. We decided to create a national capability to operate in space. We established as a principal goal the development of launch vehicles and spacecraft large enough to transport men to the moon. We joined the strengths of our universities, industry, and government to accomplish this goal, to expand our knowledge of space, and to attain a leading position in aeronautics and space technology.

Our continuing stream of progress has been marked by many dramatic successes and by only a few tragic setbacks. The Mercury and Gemini programs have clearly demonstrated our progress in manned space flight. The recent, highly successful launch of the huge Saturn V rocket emphasizes the great strides we have made in creating a large launch vehicle capability. We will resume manned flight tests of the Apollo spacecraft this year, and proceed toward the manned lunar expedition.

To meet our most urgent national needs in some areas requires us to reduce spending in others. New obligatory authority requested for the National Aeronautics and Space Administration in this budget is about \$220 million below the 1968 amount. Expenditures will be \$230 million below 1968, \$850 million below 1967, and over \$1.3 billion less than in 1966. This reduction reflects our progress beyond the costly research and development phases of the manned lunar mission, as well as the immediate need to postpone spending for new projects wherever possible.

Based on a careful examination of priorities, the 1969 budget provides increases in some areas to prepare for important advances in future years, while deferring other less urgent, new projects. The production of our large Saturn-class space boosters is continued but at a reduced rate. The development of a nuclear rocket engine to increase the capability of our Saturn V launch vehicle is also continued, but at a smaller size and thrust than originally planned, to reduce development cost.

We will not abandon the field of planetary exploration. I am recommending development of a new spacecraft for launch in 1973 to orbit and land on Mars. This new Mars mission will cost much less than half the Voyager program included in last year's budget. Although the scientific result of this new mission will be less than that of the Voyager, it will still provide extremely valuable data and serve as a building block for planetary exploration systems of the future.

Agriculture and agricultural resources.—In recent years, Federal agricultural commodity programs have succeeded in adjusting farm production to domestic and export needs. Wheat acreage was increased in 1967 to permit additional food aid for developing countries faced with low crop production. Cotton acreage will be increased in 1968 since surplus cotton stocks have been eliminated.

The commodity programs have helped

raise incomes for many of our farmers. However, many poorer families living in rural areas benefit little from these programs. The combination of rapidly rising farm productivity and more slowly growing demand for farm products has left many rural people with low incomes. The result has been a massive migration to the cities, limited job opportunities for people remaining in rural areas, and widespread rural poverty.

Rising farm income plays a major role in improving economic conditions in rural areas. But other measures are needed:

The Secretary of Agriculture is working with other Federal agencies and local groups to help more rural people participate in Federal programs that provide increased economic opportunities and improved living conditions.

Legislation now before the Congress should be enacted to aid the establishment of multicounty area development districts. These districts would provide a broad base for planning and coordinating the development of public services and facilities in rural areas.

Capital needs of Rural Electrification Administration borrowers to provide necessary electric power and telephone facilities in rural areas continue to expand. Legislation should be enacted to establish a cooperative bank for the telephone loan program and to permit the use of revolving funds for both the electric and telephone programs.

The Wholesome Meat Act of 1967 provides a new guarantee of safety for the American consumer. Under this act it will be possible to bring the same assurance of wholesomeness for meat sold in intrastate commerce as for meat now inspected under the Federal system.

Natural resources.—Federal programs to protect and develop our natural resources help strengthen our economic base and provide recreational opportunity for an expanding population.

The 1969 budget calls for deferral of some lower priority resource activities. But adequate provision has been made to:

Protect our forests, conserve our fish and wildlife, and develop our mineral resources;

Acquire new recreation areas; Clean up the Nation's water; and Continue water resource development.

Construction costs have been rising sharply in recent years—by 5% in 1966 and 6% in 1967. To reduce the impact of Federal construction activities on the economy, I am recommending that ongoing water resource projects be continued at minimum rates. In many cases this will require a delay in present construction schedules. New water resource development projects of the Corps of Engineers, the Bureau of Reclamation, and the Department of Agriculture, which had been recommended for starting in 1968 or had been added by the Congress, will be started over the 2-year period, 1968 and 1969. A small number of additional projects will be proposed for starting in 1969.

The Water Resources Council is developing a more appropriate interest rate to be applied in formulating and evaluating water projects. The revised rate will

be related to the average estimated current cost to the Treasury of long-term borrowing. It will be higher than the rate now in use for project evaluation. The new rate will be applied to future projects in order to assure the most effective use of Federal funds in the development of the Nation's water resources.

Legislation to establish a National Water Commission is already before the Congress and is essential if we are to deal more effectively with the Nation's critical water problems.

We must also take steps to safeguard our scenic and historic areas and anticipate the resource needs of future generations. Legislation has been proposed and should be enacted promptly to authorize:

The Redwoods National Park in northern California;

The North Cascades National Park and National Recreation Area in the State of Washington;

The Apostle Islands National Lakeshore in Wisconsin;

A National Scenic Rivers System; A Nationwide System of Trails; and The Central Arizona Project.

I also recommend legislation to:

Augment the revenues of the Land and Water Conservation Fund by use of part of the mineral leasing receipts from the Outer Continental Shelf; and

Establish a Federal-State system for regulation of surface mining operations.

Commerce and transportation.—Many of the Nation's most urgent needs can be secured only with the dividends provided by continued economic growth. In addition to its overall fiscal policy, the Federal Government contributes to this growth in a variety of ways. For example, we:

Provide aid to American businesses, and stimulate increased competition;

Assist depressed areas of the Nation to share the fruits of prosperity; and

Encourage safe and efficient systems of transportation and communication.

These are our long-standing goals, which require a slightly different emphasis each year to focus our efforts on the emerging needs of a rapidly changing society. The budget for 1969 is responsive to this need by:

Encouraging private business to create job opportunities for those living in blighted urban areas;

Enhancing the well-being of seriously depressed regions by helping selected communities take better advantage of existing Federal grant programs;

Strengthening centers of potential economic growth within depressed regions to reduce excessive migration to larger urban centers where job opportunities often are not available;

Improving our balance of payments, by increasing assistance to businesses to expand their exports and by attracting more tourists to the United States; and

Providing improved statistics to aid business, labor, and government in sustaining economic growth.

Our economic growth and well-being rely heavily on fast, efficient movement of goods and people. The 1969 budget provides for continuing development of a prototype civil supersonic transport, for further tests of high-speed ground transportation, and for an expanded research program to stimulate innovation

in our congested urban transportation systems.

I have directed the Secretary of Transportation to develop recommendations for providing and financing the facilities and services required to meet the long-term needs of the Nation's rapidly growing air transportation network.

I am also proposing a broad program of transportation user charges to apply the test of the marketplace to these activities, and to relieve the general taxpayer of some of the burdens of financing special benefits for certain individuals and industries.

While we prepare for the future, we cannot overlook the urgent demands of the present. Safety will continue to receive high priority in the 1969 budget program. We must attack the tragic toll of traffic fatalities on the Nation's highways and equip our airways to handle increased air traffic safely and efficiently.

Housing and community development.—Most Americans lead a comfortable life, in comfortable homes and comfortable surroundings. But millions of families are still crowded into housing unfit to live in, located in squalid surroundings, and burdened with wornout facilities and inadequate services. Without some assistance and the development of new techniques, our private economy cannot now provide good housing at costs these families can afford. Our cities cannot afford all the essential facilities and services. The Federal Government must continue and expand its assistance.

I propose to the Congress that we launch a program, in cooperation with private industry and labor, to build 6 million new housing units for low- and middle-income families over the next 10 years.

Under existing legislation and the new measures I will propose, we can begin this program in fiscal year 1969 with 300,000 housing units.

Federal aids for State and local services, especially those for education, health, manpower training, and basic income support are, to a large extent, directed at needy families. In addition, housing and community development programs are aimed more specifically at improving their surroundings. This budget provides:

\$1 billion for the 63 Model Cities now planning their programs to concentrate assistance to some 3.7 million people living in the most blighted areas of these cities, and for approximately 70 cities expected to start their planning in the late spring.

\$1.4 billion of advance funding for the urban renewal program for 1970, allowing the communities to start planning their action programs now.

To provide decent housing for all Americans, the housing industry must be able to compete on equal terms with other sectors for needed resources. However, in the past 2 years, housing has been at a disadvantage in competing for investment funds. The tax increase I have proposed will help solve this problem. In addition, specific steps to overcome the competitive disadvantage are being proposed to the Congress, including:

Authority to lift the ceiling on interest rates for FHA and VA mortgages, which currently discourages savers from investing in mortgages.

An orderly transfer of ownership of the Government's activities in the secondary mortgage market to private hands, so that private capital can be raised and mortgages purchased as required by market conditions.

Despite substantial progress, our urban problems remain complex. Their solutions will be difficult. Our understanding of the basic nature of the problems and of the correct solutions is deficient. To remedy this deficiency, the 1969 budget provides for a doubling of the general research funds available to the Department of Housing and Urban Development.

Detailed recommendations to augment our efforts to solve housing and urban problems will be presented in a separate message to the Congress.

Health, labor, and welfare.—Programs that help develop our most valuable resource—our people—are essential to the long-run growth and vitality of the Nation. No society can flourish unless its people have opportunities for jobs and the skills to perform them, receive adequate health care, and are free from the fear of basic economic insecurity. The 1969 budget will permit us to further these objectives.

Outlays for these programs are estimated at \$51.4 billion, of which over 75% will be provided through trust funds which are largely self-financed.

Health.—Since 1963, Federal outlays for health have increased six-fold—from \$1.7 billion to \$10.7 billion. Medicare has provided insurance coverage against hospital and doctors' bills for nearly all older Americans. Under Medicaid, medical assistance has been extended to 8.5 million needy individuals. The number of medical and dental schools has been significantly increased, new mental retardation clinics and mental health centers are providing services, and infant mortality has been reduced.

But our job is far from complete. This budget will reinforce our partnership with State and local governments in attacking health problems; speed research findings to victims of heart, cancer, stroke, and related diseases; intensify the attack on air pollution; expand health care for mothers and children; and increase voluntary family planning services.

To broaden and supplement these efforts, I will propose legislation to:

Attack the problem of infant mortality by providing, for families which cannot afford it, access to health services from prenatal care for the mother through the child's first year.

Increase the supply of health manpower.

Establish more effective leadership and an improved personnel system for the health activities of the Department of Health, Education, and Welfare.

Labor and manpower.—The opportunity to work in a meaningful job is a fundamental right in our society. This opportunity is denied those who are ill-equipped through lack of education and job skills, and those who are handicapped

by the effects of discrimination and a slum environment.

The 1969 budget provides for a wide range of manpower programs which will enable 1.3 million Americans to start on the road to economic self-sufficiency and individual dignity. Another 230,000 disabled Americans will be restored to productive employment through the vocational rehabilitation program.

The Concentrated Employment Program, which brings together a wide range of manpower and related services in selected geographic areas, will be expanded to an additional 70 areas—35 of them rural. This will bring to 146 the number of the Nation's most severe unemployment areas which will be served by this intensive effort.

Major increases are also planned in programs to enlist private employers in training and employing the hard-core unemployed. State and local manpower planning will be strengthened, and manpower activities in the Department of Labor have been restructured to improve delivery of manpower services.

Legislation will be proposed to:

Update the unemployment insurance program by extending coverage, raising benefit levels for unemployed workers, increasing the length of benefits under certain circumstances, correcting abuses, and providing for services which would increase the workers' employability.

Reduce threats to the health and safety of workers through a comprehensive Federal-State program and assure workers' compensation benefits to uranium miners who contract lung cancer.

Economic opportunity programs.—Poverty in the midst of plenty casts an ugly shadow on our society. We have a commitment to remove that shadow.

We know that poverty cannot be eradicated overnight. But we must persist in our efforts to help those oppressed by poverty—whether they live in blighted urban areas or in impoverished rural counties. Work and training programs are being expanded and increasingly aimed at helping the poor. In addition, this budget will enable the Office of Economic Opportunity to provide:

Improved planning capability of local Community Action Agencies.

Services for a full academic year to 202,000 children through Head Start and a summer program for 450,000 children to remove basic disadvantages suffered by poor children on entering school.

Head Start Follow Through to help 79,000 children retain the gains provided by the Head Start program.

Assistance to make a college education possible for 31,000 deprived but talented youths through the Upward Bound program.

Comprehensive family health services for the poor through nearly 50 neighborhood health centers.

New approaches are being tested through cooperation among Federal agencies in multipurpose neighborhood center demonstration projects in 14 cities. These centers will develop service systems to render assistance more effectively to those in need.

Although the task is great and the problem complex, we have, in recent years, made substantial strides in reducing poverty. Between 1963 and 1967, the

number of people living in poverty fell from over 35 million to less than 29 million, and from 19% of our population to under 15%. But 29 million poor people are still far too many.

In addition to programs of the Office of Economic Opportunity, various other Federal programs provide assistance to help reduce the number of those living in poverty.

FEDERAL AID TO THE POOR¹

[Fiscal years. In billions]

Category	1960 actual	1963 actual	1967 actual	1968 estimate	1969 estimate
Education.....	\$0.1	\$0.1	\$2.0	\$2.3	\$2.5
Work and training	(9)	(9)	1.0	1.2	1.6
Health.....	.6	.9	3.2	4.1	4.7
Cash benefit payments.....	8.3	10.4	12.8	14.6	15.9
Other social welfare and economic services	.5	1.0	2.0	2.4	2.9
Total.....	9.5	12.5	21.1	24.6	27.7

¹ Figures represent new obligational authority for Federal funds and expenditures in the case of trust funds.

² Less than \$50,000,000.

Social security and public assistance.—The 1967 Social Security Amendments represent a major stride toward improving the incomes of 24 million of our people—the aged, the permanently disabled, and survivors or dependents. These beneficiaries are fortunate enough to have been covered by social insurance.

Other, less fortunate members of our society must depend on welfare. To assist those welfare recipients who cannot find work because of a lack of training and responsibility for dependent children at home, this budget provides \$100 million for training and \$35 million for child care services.

The transition from welfare recipient to wage earner will also be eased by the recent amendments which provide an incentive to work by exempting a certain portion of earnings from consideration of continued eligibility for assistance.

Despite periodic revisions, much of the welfare system is outmoded and in need of change. Accordingly, I have appointed a commission to make a comprehensive review of existing welfare and related programs and to recommend whatever measures are necessary to provide a more equitable and effective system of assistance to needy people.

The budget includes funds under proposed legislation to expand the food stamp program of the Department of Agriculture. About three million low-income people will have better diets under this program by the end of fiscal year 1969.

Education.—As a nation we are committed to develop the skills and talents of all our citizens. The Federal Government is playing an increasingly important role in this effort.

The 90th Congress added the Education Professions Development Act of 1967 to the historic laws enacted in 1965 providing Federal aid to education—the Elementary and Secondary Education Act, the Higher Education Act, and the National Foundation on the Arts and Humanities Act. We now have basic legislation to improve education at all levels. Our task is to use these tools wisely and imaginatively, directing them

to the areas of greatest need or potential.

For 1969, I propose that the Federal Government continue in its determination to help make high-quality education available to all of America's young people. The budget includes:

\$1.2 billion in grants for improving the elementary and secondary education of over 9 million children from low-income families;

An expanded Teacher Corps;

Increased grants for schooling of children with physical and mental handicaps which hinder learning for 1 child in 10;

A new program to better the achievement of children whose native language is not English; and

More than two million grants, loans, and part-time work opportunities for college students, including benefits under the GI bill.

America's children must be prepared for the challenges of the future. To help them meet these challenges, we must explore the ways students learn and improve the ways teachers teach through:

Increases in education research, demonstrations, and curriculum development, including an experiment in model schools in the District of Columbia;

A new \$30 million program to prevent dropouts; and

Innovations in training for the education profession through new patterns of operation and new ties among colleges and universities, States, and local schools.

In order to meet these urgent requirements within a stringent overall budget, several programs have been reduced or deferred, including grants for construction of academic facilities and purchase of school equipment.

I intend to propose legislation this year to:

Improve Federal support to higher education by providing greater flexibility in administering student aid, providing counseling and tutoring for disadvantaged students, and encouraging schools to share libraries, computers, and other resources.

Support innovative projects in vocational education, particularly to aid the disadvantaged.

Provide advance financing for the newly authorized Corporation for Public Broadcasting.

Veterans benefits and services.—Historically, this Nation has provided special benefits for the men and women who have served in the Armed Forces in times of national danger.

In 1969, special emphasis will be given to programs designed to help newly discharged veterans find satisfactory employment or to improve their career opportunities through vocational or academic training programs. For men and women still on active military duty, the budget provides for legislation to increase protection under the Service-men's Group Life Insurance program and for expanded counseling and civilian job-training opportunities in the closing months of military service.

In addition to assistance in the development of veterans' career potential, this budget will also permit the con-

tinuation and improvement of the traditional programs of compensation, pensions, and medical care. Veterans hospitals will receive new medical services and improved nursing staffing. Applied medical research and medical education will be expanded.

Legislation should be enacted to relate veterans pension payments more closely to individual needs and provide better protection against loss of income. Studies are now underway to seek improvements in other veteran benefit programs.

General government.—Rising crime rates are a major concern of the American people.

I am determined that the Federal Government do everything properly within its power to assist our States and localities in controlling crime. I have directed Federal agencies to intensify their efforts to destroy organized crime. The budget reflects expansions in both direct Federal action and Federal assistance to State and local governments.

Although the main responsibility for combating crime must rest with our State and local governments, the Federal Government can effectively aid this effort by:

Encouraging modernization of law enforcement, corrections, and court systems;

Assisting law enforcement agencies throughout the country to improve and expand the exchange of information; and

Assisting in recruiting and training law enforcement personnel.

With the Law Enforcement Assistance Act of 1965, a start was made toward more effective Federal-State-local cooperation. Last year I proposed the "Safe Streets and Crime Control Act" to expand on this promising beginning. We will renew our efforts to secure the enactment of this legislation so that an expanded effort against crime can go forward.

The Federal Government's ability to take direct action has been strengthened by the Prisoner Rehabilitation Act of 1965, the Bail Reform Act of 1966, and the Narcotic Addict Rehabilitation Act of 1966. The budget supports these and other measures in an accelerated drive against crime.

Legislation is also needed to provide support for efforts to prevent, treat, and control juvenile delinquency. Such legislation is now pending before the Congress and should be enacted promptly.

The efforts of this Administration to bring home rule to the District of Columbia are well known. I am confident that the Mayor and the Council, by their actions and with community support, will prepare the way toward the goal of local self-government. Voting representation in the Congress is an additional necessity if District citizens are to participate fully in our democratic processes. I am again recommending that the authorized Federal payment to the District of Columbia be established equal to 25% of District revenues, so that the Federal Government will be contributing its fair share toward the needs of the Nation's capital.

NEW BUDGET CONCEPTS

In my budget message last year, I called for a thorough and objective review of budgetary concepts by a bipartisan group of informed individuals with a background in budgetary matters. I stated my hope that this group would recommend an approach to budgetary presentation which would assist both public and congressional understanding of this vital document.

In March of 1967, a Commission on Budget Concepts was established to make such a review and report its recommendations to me. The Commission consisted of 16 distinguished Americans, including the chairmen and ranking minority members of the Appropriations Committees of the Congress, as well as top Government financial officials and eminently qualified private citizens.

This budget puts into effect most of the major recommendations in the Commission's report, which was presented to me on October 10, 1967. These include:

A single unified budget statement to replace the three concepts previously used.

Comprehensive coverage in the budget of all programs of the Federal Government and its agencies, including some \$47 billion of trust funds as well as Federal funds.

Division between an expenditure account and a loan account, using the former as a measure of economic impact for fiscal policy purposes.

Offsetting against related expenditures those receipts of the Government which are market-oriented in character, rather than based on the Government's sovereign power to tax and regulate.

Highlighting action required of the Congress on the budget and relating that action more closely to outlays.

Treating sales of participation certificates, which had previously been considered as an offset to Government expenditures, as a means of financing the deficit.

Several other changes recommended by the Commission for adoption in future years are now under preparation for later application.

It is my hope that the far-reaching proposals made by the Commission, and their adoption for this budget, will serve the desired purposes of improving public understanding of the Federal budget and overcoming many of the inadequacies of the concepts formerly used.

PLANNING-PROGRAMMING-BUDGETING SYSTEM

To improve the process by which Federal programs are planned and the Federal budget prepared, the Government is continuing to develop the Planning-Programming-Budgeting PPB system which has now completed its second year of operation. This system provides information and analysis to relate the programs we undertake to the ends they are to achieve, and to choose the most efficient ways of using our resources to reach our goals.

This year the program budgets developed under the system have been employed as the framework within which program costs and accomplishments were reviewed. As a result, the different programs now stand in a clearer rela-

tionship to each other and to their objectives.

The system is also providing comparisons of the cost and effectiveness of alternative ways to achieve our objectives. For example:

The Department of Health, Education, and Welfare has analyzed the effectiveness of the cooperative Federal-State vocational rehabilitation program. This study indicated that the increase in lifetime incomes of participants is many times the rehabilitation cost, confirming previous judgments that this program merits high priority.

In the area of non-service-connected veterans pensions, a series of studies was done to compare various benefit formulas from the point of view of their cost, the equity with which they treat beneficiaries, and the extent to which they protect beneficiaries against large loss of pensions from small increases in other income. These studies have shown the need for legislation, provided for in this budget, that would relate pension payments more closely to the needs of the beneficiaries.

Through the program evaluation system in the Economic Development Administration of the Department of Commerce, the number of jobs expected to result from proposed development projects in depressed areas has been estimated in relation to the extent of poverty and unemployment prevailing in the areas and to the costs of creating the jobs. This has assisted EDA in judging the most effective distribution of its resources among proposed projects.

We will extend the application of PPB during the next year, and strengthen it where it has already been introduced. In particular, we will continue to improve measures of the effectiveness of programs and to develop better alternatives.

IMPROVING GOVERNMENT MANAGEMENT

In recent years, the Federal Government has undertaken a number of vital new programs to improve America's urban and rural communities and enhance the way of life of all of our people.

To attain the full benefits of these programs, it is essential that they be made workable at the point of impact—whether it be the individual citizen, a State or local government, a university, or any of the other institutions involved in efforts to carry out our national goals. Effective and economical management is also essential to ensure that each tax dollar buys a full dollar's worth of essential services.

Government organization.—In the past 4 years, we have undertaken more fundamental reforms in managing the Government than, perhaps, at any other time in our history. We have witnessed such major advances as the creation of two new cabinet agencies—the Departments of Transportation and of Housing and Urban Development. Significant reorganizations have taken place in other programs, among them the Public Health Service, the Community Relations Service, the Federal Water Pollution Control Administration, and the Bureau of Customs.

New strides were made last year by:

Providing the District of Columbia with a modern governmental organization, replacing the obsolete three-member Board of Commissioners with a single chief executive and a nine-member council to exercise quasi-legislative functions.

Creating the Social and Rehabilitation Service in the Department of Health, Education, and Welfare to unify the administration of related income support and social service and rehabilitation programs.

Reorganizing the Bureau of the Budget to enhance its ability to help coordinate Federal programs and provide additional staff services for the solution of interagency and intergovernmental problems.

A key tool in improving Government organization is the President's authority to transmit reorganization plans to the Congress. That authority is scheduled to expire on December 31, 1968. Legislation is being proposed to extend the authority for an additional 4 years to help ensure the continued ability of the President to reshape programs and organizational structures to meet changing needs and circumstances.

The problems we face in the administration of new, comprehensive attacks on social problems often involve a number of agencies—as in the new Model Cities program. These problems cannot be solved simply by shifting functions between agencies. Heavy emphasis is therefore being given to improving both the formal and informal methods used to ensure that agencies work together effectively on related programs.

An example of the efforts being made in interagency cooperation is the program involving the Office of Economic Opportunity and the Departments of Labor, Housing and Urban Development, and Health, Education, and Welfare to aid 14 cities in the establishment of pilot neighborhood centers to provide comprehensive services to residents in low-income neighborhoods.

Federal-State-local cooperation.—The need for cooperation and coordination between the partners in our federal system has also increased. The problems of managing many of our most important new programs are intensified by their intergovernmental character.

At the Federal level we must do what we can to assist our partners. We must assure that our programs are designed and administered in such a way as to mesh with State and local patterns of organization and operation to the maximum extent possible. We must ensure that Federal programs promote State and local initiative and action. To that end, we have taken a number of actions in the past year alone:

Developed and put into operation a system through which State and local chief executives have the opportunity—often not previously available to them—to have a voice in developing Federal regulations and administrative procedures.

Established procedures to improve Federal-State coordination in the designation of development planning districts.

Provided an opportunity for areawide

planning agencies to comment on proposed applications for specific grants that would affect the orderly development of their metropolitan areas.

Taken initial steps to shorten processing time on applications under many vital grant programs by 50%.

Improvement is a continuous process, as it must be to meet the needs of a dynamic and rapidly changing society. We must prepare now to meet the public service needs of our people in the seventies. One of the prerequisites to satisfying the awesome demands of the future is a corps of competent, well-trained public servants. Enactment of the pending Intergovernmental Manpower Act will provide a significant stride forward in filling the gap of trained manpower at the State and local levels of Government.

Two additional measures are needed to improve the funding and management of intergovernmental programs significantly:

Joint Funding Simplification Act.—This measure, which was sent to the Congress last year, will simplify and streamline the application, processing, and administration of a number of related grants by managing them as a single, unified project.

Funding improvements and consolidation efforts.—To overcome the serious problems of planning education programs at the State and local level caused by grant delays, I am seeking early appropriations for elementary and secondary education. The amounts which will be available must be known in the spring, if local communities are to be able to use them most effectively in the ensuing school year. I am also proposing to consolidate related grants for college student aid and for vocational education. This consolidation, coupled with advance funding action similar to that mentioned above, will facilitate advance planning by both the institutions and students.

Further action is underway to determine whether additional consolidations of grant programs are feasible. As proposals are developed, they will be promptly forwarded to the Congress.

Again, as last year, I must stress that State and local governments must help themselves too. Encouraging steps are being taken, but many serious problems of modernization of executive direction and financial systems remain which can only be remedied by those governments and their citizens.

Cost reduction.—I have continued to insist that the executive branch of the Federal Government be operated as economically and efficiently as possible.

Some examples of the actions agencies took in the past year to cut costs are:

The Department of Defense achieved savings of over \$339 million by value engineering. Under this program unnecessary equipment, facilities, procedures, and supplies are eliminated. A good example is the \$2.1 million saved by the redesign of an aircraft camera. Performance was improved and unit costs were reduced by about 40%.

The Manpower Administration of the Department of Labor, through improved work methods, achieved estimated savings of over \$19 million.

All Government agencies, by sharing automatic data processing resources through an exchange program, avoided costs of over \$28 million. Redistribution of ADP equipment avoided new procurement of \$80 million.

The National Aeronautics and Space Administration, by utilizing idle, excess, and surplus Government property, avoided expenditures of over \$22 million for new equipment or facilities. In addition, NASA saved over \$16 million by improving procurement practices.

A value analysis of the specifications for the computer display channel of the National Airspace System development enabled the Federal Aviation Administration to avoid costs of approximately \$12 million.

The Coast Guard reorganized its search and rescue mission function along the east and gulf coasts, leading to savings estimated at \$14.6 million.

The Post Office has improved its procurement of transportation to the extent that \$107 million was saved in the period from 1965 through 1967.

CONCLUSION

This is a critical and challenging time in our history. It requires sacrifices and hard choices along with the enjoyment of the highest standard of living in the world. No nation has remained great by shedding its resolve or shirking its responsibilities. We have the capacity to meet those responsibilities. The question before us is whether or not our will and determination match that capacity.

In the past 4 years, this Nation has faced formidable challenges. We have confronted them with imagination, courage, and resolution. By acting boldly, we have forced a number of age-old concerns—ignorance, poverty, and disease—to yield stubborn ground.

The rollcall of accomplishments is long. But so is our agenda of unfinished business. Our heritage impels us to steadfast action on those problems of mankind which both gnaw at our conscience and challenge our imagination.

As your President, I have done all in my power to devise a program to meet our responsibilities compassionately and sensibly. The program is embodied in this budget for 1969. I urge active support for its principles and programs.

LYNDON B. JOHNSON.

JANUARY 29, 1968.

EXECUTIVE MESSAGES REFERRED

As in executive session,

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

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

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the Legislative Calendar, under rule VIII, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on the Judiciary and the Committee on Aeronautical and Space Sciences be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

ATTENDANCE OF A SENATOR

Hon. NORRIS COTTON, a Senator from the State of New Hampshire, attended the session of the Senate today.

THE "PUEBLO" AFFAIR

Mr. MANSFIELD. Mr. President, I applaud the position of President Johnson, who recognizes that there are no simple ways out of the grave crisis which has developed in the wake of the *Pueblo* affair. By taking the matter to the United Nations forthwith, the President has done what he can do, at this point, to set in motion machinery for what is to be hoped can be a satisfactory solution.

In the meantime, however, the substance of our national interest ought not to be lost sight of in hot pursuit of its shadow. The problem of safeguarding the interests of this Nation, and in a very real sense, the world's interests is to see to it that the 83 Americans—which I now learn is the accurate number—are returned alive, I repeat, the word is "alive," and that there is avoided, at the same time, another bloodbath in the model of Vietnam which, in Korea, could so much more readily become world war III.

Whatever it takes to bring about that result in full—not half of it but all of it—is to be welcomed. It may be helpful to bear in mind in this connection that the responses in the Barbary Wars, a century and a half away, are not necessarily the answers for a time and place when nuclear war is only seconds away.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point statements I made over the weekend relative to my perspective on the *Pueblo* seizure; also, editorials from the Christian Science Monitor, the Wall Street Journal, and the Baltimore Sun, having to do with that affair.

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

STATEMENT OF SENATOR MIKE MANSFIELD,
DEMOCRAT, OF MONTANA
PERSPECTIVE ON THE "PUEBLO"

On Friday last, I made the following statement:

"I am glad that the matter of the U.S.S. *Pueblo* seizure is being taken up by the

U.N. Security Council. One war is not only enough for the world; it is too much. I am glad that this organization—representing the world—is facing up to its responsibility in this matter because it is a most immediate and pressing danger.

"The last thing we need is another land war in Asia. If we want to save the lives of the 83 we had better move circumspectly—as we are—with patience—as we are—because this is a time of testing. A rash action could well seal their doom. I want to see these men saved—not destroyed."

Those who would advise rash, immediate and precipitant action against North Korea should remind themselves of what happened during the Korean War. When American forces, having won a great victory by the Inchon landing, then advanced across the 38th parallel to the Yalu River, the dividing line between North Korea and China, a figure close to one million Chinese entered North Korea. The result was a direct and bloody confrontation, a new war which prolonged the conflict and produced tens of thousands of additional American casualties.

In the end, the Korean War terminated in a stalemate at the 38th parallel. What has existed since has not been a peace settlement but an uneasy truce arrangement. I would also point out that since that time North Korea has entered into mutual security treaties with both China and the Soviet Union. Therefore, any rash action would not only, in all likelihood, seal the doom of the 83 Americans of the USS *Pueblo*, it could also bring about another bloody and prolonged involvement in Korea and, perhaps, even a direct confrontation between this country on the one hand and China and the Soviet Union on the other.

It is well to remember the matter of geography which is not at the moment a factor in Viet Nam where North Viet Nam and Laos lie between China and ourselves and where Russia is thousands of miles away to the north where it borders China. At North Korea, Russia is right there as is China. If we would save these 83 Americans—and that is the most urgent and important consideration—we would do well to ponder these possibilities and to continue to move, as the President is doing, with caution, coolness, and restraint.

The situation in Viet Nam is difficult and dangerous. The situation developing in North Korea is dangerous and difficult and far more delicate.

[From the Christian Science Monitor, Jan. 29, 1968]

"PERDICARIS ALIVE"

(By Erwin D. Canham)

We are no longer in the era of gunboat diplomacy.

The terms of power have changed. Time was when a great nation like the United States could have sent a small force of marines in to Wonsan Harbor and tidied up the matter of the *Pueblo* in short order. But today, behind every exercise of power by great nations like the United States or the Soviet Union, lies the specter of the thermonuclear cloud. It is a mighty deterrent.

Small nations like North Korea, with minimal physical power, are thus able to act with impunity as they have hardly ever been able to act in the history of the modern world. The role of the great nation is infinitely difficult and dangerous. It is basically inhibited.

These are considerations to keep in mind when it is decided to station surveillance ships like the *Pueblo* off hostile coasts. There isn't much you can do about it when they get into trouble.

HIJACKING PERIL

Certainly American public opinion, and possibly official judgment as well, has not

caught up with the changed terms of power. Possibly the Defense Department authorities should have thought long and hard before they placed craft like the *Pueblo* a few miles off North Korea, or deep in the Tonkin Gulf, or in other such exposed places. The dangers of hijacking are real and present.

Few of us know how valuable the use of spy ships really is. Perhaps the operation is of the essence. Perhaps it is of peripheral importance. The risk is certainly very great. It is to be hoped that the returns are comparable.

Presumably many of the Russian trawlers which hover diligently off Cape Cod, and other parts of the United States coast, both Atlantic and Pacific, have an espionage mission along with their take of fish. But rarely have they pressed the 12-mile limit or anything like it. When they come closer in, they get permission. Realistically, of course, one must assume that submarines are gathering data anywhere there is deep enough water.

DANGEROUS UNCERTAINTY

There is a lot to be said for the value of all this spying. President Eisenhower's open-skies proposal at Geneva was based on the wise assumption that the more each great nation knows about the observable military disposition of the other the safer it will be. For the United States to see any unusual troop movements—or their absence—in Eastern Europe is important. Uncertainty breeds fear. The information now gathered by the reconnaissance satellites may well be a factor for peace.

For the Soviets to know something of the United States capacity for instant retaliation in the event of a nuclear attack, and vice versa, helps preserve the over-all peace. And perhaps similar information about the disposition of the North Korean forces—at a time when assassins and saboteurs were invading the South Korean capital—would be helpful to evaluate the scale of the crisis.

RELATIVE IMPUNITY

But all this information does not provide the United States with the means of invading Wonsan and recapturing the *Pueblo*. Indeed, as American public opinion vividly reflects, the United States is having trouble enough coping with its military problems in Vietnam.

For this reason, it would seem that most Americans are not demanding the kind of action which an American President would have asserted freely in the good old days. "Perdicaris alive or Raisuli dead" is now an empty and unrealistic threat.

The age of the small nation is here. And while this relative immunity from big-nation force has its embarrassments for the United States now, this is the kind of world in which the United States believes. If great war has become too dangerous, too suicidal, for the human race, and if lesser wars have each their share of insupportable risk, then the world has come into a new period.

There are circumstances in which force is used, as in Vietnam and in Korea 18 years ago. Or in the Middle East last summer. But a great power has to be very prudent as it embarks upon the use of force.

It is a strange new world in which we live, but despite present chagrins it has stirring possibilities.

[From the Wall Street Journal, Jan. 29, 1968]

THE MOMENTUM OF BELLIGERENCE

Faced with a possible replay of the Korean war while bogged down in Vietnam, the Administration can hardly be faulted for ordering a limited call-up of air reservists. Yet the danger is great that both sides could progressively harden their "responses" until the second Korean war would become a certainty.

No one pretends to know whether North Korea's capture of the intelligence ship *Pueblo* signals an intent to open a second front. Many doubt it, seeing in the incident

instead an attempt to exploit an inviting opportunity—the vulnerability of a lonely, lightly armed vessel jammed with sophisticated electronic gear.

The harsh fact nonetheless remains that the North Koreans are eminently capable of re-starting that war, which has been a most uneasy state of suspension these 15 years, tying down 50,000 U.S. troops. It's not only North Korea; the Communists can open second fronts in Laos and Thailand and elsewhere along the vast periphery of the Red world.

A further fact is that right now may seem an attractive time for the North Koreans (or others) to do so. Along with all its other woes in Vietnam, the U.S. is confronted with what may be the biggest battle of the war, at Khe Sanh below the demilitarized zone. There, 5,000 Marines are tightly encircled by North Vietnamese and Vietcong forces, and the American position is perilous.

To some, indeed, Khe Sanh looks like another Dienbienphu. To us it appears rather unlikely, the U.S. strength in Vietnam being so much greater than was the French in 1954. At best, though Khe Sanh is a bitter reminder how much power the Communists can still mount after all the punishment they have taken from the U.S. And it could well impress the North Koreans as a good time for major trouble-making precisely for that reason.

For still a further unpleasant fact, the U.S. is in fairly poor shape to wage a new Korean war, let alone any others. As our Washington Bureau puts it, the call-up of reservists emphasizes that very point; for all its enormous power, the Vietnam war has spread the power thin and the nation is short of men and materiel for any sustained struggle with North Korea. Which adds one more chapter to the long lesson about the dangers of getting militarily overextended and overcommitted around the world.

Suppose, however, that the North Koreans have no such intentions, that the Pueblo's capture was an isolated foray. It is still a treacherous situation, because it is one in which each side's successive steps could carry things out of hand. North Korea could react to the call-up by more military moves; the U.S. could then react with tougher steps of its own. In no time the fat could be in the fire.

Caution thus is mandatory. So far we think the Administration probably has been reasonably restrained. Certainly it could not just sit there, saying and doing nothing while the North Koreans keep the ship and crew. Washington therefore is trying to exhaust diplomatic means—taking the issue to the UN Security Council, for example—before resort to force. Fortunately, this approach seems to have the approval of most members of Congress.

There is, finally, one specific reason why the Korean confrontation should not be allowed to escalate, willy-nilly, into war. It would be wholly disproportionate to the ostensible cause, namely the Pueblo and the nature of its mission.

Remember the U-2? If the U.S. Government considers it necessary, and it doubtless is in the world as it is, to send a lone reconnaissance plane high over Russia, it must realize the risk and be prepared to lose the plane. The U.S. never regarded its shooting down by the Soviets as a cause of war.

Exactly the same with the Pueblo. Many questions are unanswered about the handling of its predicament, and the seizure itself is humiliating and infuriating. Still, if the U.S. views that kind of mission as essential, it should be prepared to accept what can happen without over-reacting to the point of risking actual war.

Granted, if the North Koreans do aim to re-open the war, these observations are academic. But for war to come without appropriate cause, merely through the mo-

mentum of mutual belligerence, could be as tragic as the consequences of the shot at Sarajevo.

[From the Baltimore (Md.) Sun, Jan. 28, 1968]

DEGREE OF CRISIS

For thoroughly good reasons, the Administration in Washington is doing its utmost to find a peaceful solution to the problem of the vessel Pueblo and its crew. One reason is that the alternative is military action of unpredictable eventual dimensions, however limited it might be at first; and with our massive commitment in Vietnam we could not easily undertake another large war in Korea.

In Korea we are militarily thin, with some 50,000 troops, among them two divisions not considered combat-ready. Besides that, about 47,000 South Korean troops, presumably the best, are tied down alongside us in Vietnam. Apart from questions of air and sea strengths and of materiel, those figures on ground troops give the picture. And the Vietnam war is so voracious in its requirements that we could not supply swift reinforcement in Korea.

Also grim to contemplate is the effect involvement in another large conflict would have domestically. The cancellations of internal urgencies, the economic disruptions, the impositions of controls, the mounting taxes, come all too readily to the imagination.

Then there is the fact that, as the Administration knows, this is not inherently a major crisis. It could grow into one, but in its nature it is not. It is an incident; a serious one, but an incident.

One simple way of judging its inherent gravity is to note the comparative degrees of concern with which the public followed the proceedings of the United Nations before and during the Arab-Israel war last June, and follows them now. At that time the facts and the issues were stark and plain, as were the dangers, including the danger of a direct American-Russian confrontation.

Dangers of that magnitude exist today only if permitted to develop from a state of general confusion. The North Koreans could encourage a heightening of danger by refusing flatly to release the men of the Pueblo, or by placing them on trial. Others, too, by intent or error, could contribute.

The Administration shows a determination, while preparing for contingencies, to make every effort to obtain the release of the men without using military force—every effort, that is, not to let events take charge and begin to sweep ahead with a momentum of their own, beyond control.

[From the Baltimore (Md.) Sun, Jan. 29, 1968]

PATTERN OF EVENTS

Events over the weekend helped to make clear the need to keep the war in Vietnam under control, so far as the United States can do so. Communist elements in Laos and Cambodia are increasing their pressure on non-Communist governments—Prince Sihanouk's frank discussion of Communist subversion in Cambodia was especially revealing—as forces from North Vietnam are reported to be massing for an attack on Khe San in the northwest corner of South Vietnam. It plainly would serve the purpose of the North Vietnamese-Viet Cong campaign in South Vietnam to have the war extended farther and farther from the borders of South Vietnam, to the extent that such a widening would disperse American forces.

These developments in and around Vietnam may well be part of a Communist pattern which will become evident if a large-scale attack is soon made on Khe San. Possibly the Communist side is hoping

desperately for something like a Dien Bien Phu victory on a smaller scale. Possibly it is hoping primarily to draw American units toward Khe San in order to relieve Viet Cong-North Vietnamese troops in other areas of South Vietnam. In any case this may prove to be a major development in the war, if the Americans can handle it with the right mixture of military power and diplomatic restraint.

Opinions differ as to whether North Korea's seizure of the Navy vessel Pueblo can be said to be part of a Vietnam pattern. It could serve the Communist objective in Vietnam, of course, if it diverted American forces to North Korea, and if it involved the United States in a new war. President Johnson has done well thus far in stressing diplomatic means of obtaining the release of the ship and its crew. Let us hope that a day of reflection and diplomatic conversation has taken some of the fire out of this incident, and suggested to North Korea that it should be settled promptly.

President Johnson, in the meantime, has sought to clarify the willingness of the United States to engage in peace negotiations with North Vietnam. The President and Clark Clifford, who will be our new Secretary of Defense, have made the point that North Vietnam (as well as the United States) would not be precluded from continuing to send "normal" amounts of men and supplies to South Vietnam while talks looking toward a cease-fire were initiated. As Philip Potter reported Friday in a Washington dispatch, the stress is on the point that while the United States would want assurances that the flow of supplies from north to south would not be increased during a halt in the bombing, it would feel that the normal maintenance of forces already on the ground would be fair. This is a reasonable position, and North Vietnam should realize this at some point.

REMARKS OF SENATOR MANSFIELD AT THE 50TH ANNIVERSARY DINNER OF THE FOREIGN POLICY ASSOCIATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a speech entitled "Foreign Policy in the Coming Campaign," which I delivered at the 50th anniversary of the Foreign Policy Association, at the Mayflower Hotel, Washington, D.C., on January 25.

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

FOREIGN POLICY IN THE COMING CAMPAIGN
(Remarks of Senator MIKE MANSFIELD, Democrat, of Montana, at the 50th anniversary dinner of the Foreign Policy Association, Washington, D.C., January 25, 1968)

Foreign policy will be the predominant issue in the coming election. Its pre-eminence should be more complete than during any election since the Korean conflict. The campaign could well develop into a probing discussion of many basic national attitudes—some of which have gone unchallenged for years. From the discussion, if it is responsibly pursued, may come lasting benefits to the nation.

Each campaign issue, as it unfolds, will inevitably arrive at the doorstep of foreign policy. In the light of the urban problem, for example, the diversion of the public initiative which is imposed by our overseas commitments will make foreign policy an ingredient of any discussion of this chief domestic issue. Any consideration of economic issues sooner or later must involve the state of our balance of payments. That, in turn, will bring on a consideration of the costs of

our worldwide military and other commitments—not only in Viet Nam but in Europe and elsewhere around the world.

If the level of discussion rises above personalities, and I hope devoutly it will, I think this election year may be remembered for its great contribution to changing attitudes on foreign policy. At the least, there should be a greater understanding both at home and abroad of our nation's role in world politics.

In many ways, 1968 will be a watershed year for American elections. It is the first Presidential election in which those who were babies at the end of World War II will be eligible to vote. The attitudes of these young adults may well reflect a perspective of the contemporary world which is much sharper than that of those of us who have borne witness to the victories and defeats of the past and, in that sense, are its sometime prisoner.

With a fresh generation of Presidential voters, a *questioning* election is likely. The questions asked will strike at premises many of us have accepted and built upon for years. The new generation was born too late to be influenced by post World War II furies, fixations, and fears. Its members frankly question policies which were designed two decades ago and largely for jousting with what was then assumed to be the indivisible monolith of Communism. For this new generation, the divergent experience of Yugoslavia and Albania, not to speak of China, are highly relevant challenges to the basic assumption. The new generation of voters may well insist upon more than patent-medicine policies in response. This generation may insist, too, that government's direct responsibilities in the face of the unrest and rebelliousness at home is at least as great as its indirect responsibilities in dealing with violence elsewhere in the world and they will not be put off by scornful references to isolationism—neo- or any other kind.

The question that this new generation of voters asks may at times be naive, but such a characteristic often accompanies a fresh appraisal of basic concepts. To them it may appear incongruous that we find ourselves all too often striving abroad against the tide of change and tugging on behalf of the *Status Quo*.

The recent announcement of the United Kingdom of the abandonment of long held overseas bases east of Suez shall make this question very pertinent. While an older generation might say, let's fill the "vacuum," left by the withdrawal of the British, young Americans may see the departure as a chance to test regional and international responsibility in lieu of a 19th century unilateralism.

I think that voters of all ages may be interested in listening to the questions of young people and that they will insist upon thoughtful answers to the questions. Indeed, the education may do us all some good. At the least, this new and enlightened generation shall contribute greatly to the style of the coming political campaign, not because it has become a significant voting bloc, but because its clear eyes and clear voice can do much to direct the nature and the depth of the discussion.

Complementing this new focus is the influence that television will have on the probing of foreign policy by the younger voters in the coming campaign. Television is recognized to have contributed, perhaps decisively, to the outcome of the tight 1960 Presidential election. In a very different way, it may play an equally significant role in 1968.

Without venturing into Mr. Harris' profession, I suspect that a substantial portion of this country now receives much of its information on national and international affairs primarily from television. Americans who in the past would be content to read no further than a headline and leave the conduct

of international affairs to Washington have gained from television a new interest and understanding of world happenings. The growth of the middle class, as Mr. Harris has so ably documented, has changed the emphasis from the old economic issues of the thirties. Even as the deep interest of the electorate in foreign relations will be manifested in the elections of 1968, television will give to the issues which arise (and notably the issues of war) a new dimension. Never before, for example, have so many millions of Americans been exposed, day after day, to a life and death struggle waged 10,000 miles away—but observed each evening at home in living color. Never before have American parents borne witness to the battles in which their own sons may be involved.

And as the nation's concern has centered ever more deeply on Viet Nam, the issues of that struggle have become more closely entwined with fundamental domestic issues. Inextricably woven within the structure of the war, for example, is the issue of what has been called the crisis in the cities—a problem as grave and complex as the war—and as costly, if one were to put the full price tag on the disintegration of the urban environment and what it may portend. With only a fraction of what it is costing to fight the war, much could be done to alleviate inadequate housing, to improve health and welfare programs, to provide better education and jobs—to reduce poverty and discrimination and tensions.

The past seven years will be recorded as years of great domestic achievement for the people of America. In the fields of medical care, education, health, human rights, housing and economic growth, the legislative base for improvements has been strengthened more, far more, than in any comparable period in our history. But there is so much to do. And the strain of domestic needs versus overseas commitment shall reveal itself in the form of a more searching examination of any outworn or dubious premises of foreign policy and their costs.

The discussion of foreign affairs in the coming election are to be welcomed. They should strengthen greatly the national awareness of the significance of this dimension of our national life and may well contribute to the development of more adequate policies for this nation in world affairs.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, I ask unanimous consent to proceed for 5 minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

THE "PUEBLO" AFFAIR

Mr. DIRKSEN. Mr. President, if the *Pueblo* incident does nothing else, it should jolt our American sense of mission and our interest in the history of this Republic. We had better start re-thinking our history at a time when the clammy spirit of fear and timidity seems to be upon us. If we fail to call for an immediate accounting for the 83 men, including the skipper, who were aboard the *Pueblo*, what will be the impact upon the morale of the half-million we have in Vietnam and upon their families here at home?

Only twice before in our entire history have we been outraged by the seizure of a U.S. vessel on the high seas. In 1812, the British marines captured the U.S. frigate, *Chesapeake*. In 1805, we were paying tribute to the Dey of Algiers and

suffering all manner of indignity. That is when Capt. Stephen Decatur came along and made history and became a legend. The tribute stopped, the harassment of our shipping stopped, our enslaved seamen were released, and we made the Dey pay high damages.

Today, we permit a fifth-rate power to seize a U.S. vessel and crew on the high seas and then find them with the effrontery to tell us they intend to keep property.

If this were some detached incident, it might be enshrouded with some doubts. In July, it will be 15 years since the armistice agreement ending hostilities in Korea was signed at Panmunjom. Yet there has not been a single year when that agreement was not breached. A report quoted by the New York Daily News reveals that during the first 10 months of 1967, the North Koreans have breached that agreement 543 times.

Mr. President, this is a critical and dangerous situation. It involves our men, who, like good sailors, act under orders. It involves Commander Bucher of our Navy. It involves our property. It involves the freedom of the seas. It involves our prestige. It involves the future of South Korea, whose freedom and independence cost us 54,000 lives—35,000 of which were battle casualties—plus 103,000 wounded.

In 1967 alone we committed \$155 million of our people's money in aid of all forms to South Korea. Exclusive of the cost of the Korean war, we have in the last 15 years committed billions for her rehabilitation. All this is involved in this unjustifiable, criminal North Korean action.

I support the President in his efforts to bring this matter to a proper and honorable conclusion, but, already, we have been treated to a king-sized dose of caution from some quarters. Let us not be impatient, they say. Do not be rash. Enlist the offices of the United Nations. Enlist the cooperation of the Soviet Union.

But our Ambassador to the United Nations, as well as the State Department, have stated unequivocally that the *Pueblo* was in international waters. What, then, is the issue? Simply that a U.S. vessel, its skipper, and crew have been hijacked on the high seas and imprisoned in an enemy land.

Shall we permit the passage of time, or fearful counsels of watchful waiting, or thin apologies, or lame excuses to tranquilize us into a state of humiliation in the eyes of the world and perhaps imperil our Nation further? Our country and our people have a sense of mission, the stamina, the will, and the guts for something more than this.

Appeasement has never paid. Those who do appease have always paid a fearful price. I remember that little poem:

No man escapes
When freedom fails.
The best men rot
In filthy jails.
And those who cry
"Appease, appease",
Are hanged by those
They sought to please.

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

Mr. DIRKSEN. I yield.

Mr. MANSFIELD. Mr. President, I have listened with a great deal of interest to the remarks of the distinguished minority leader. I can understand his great concern about the situation which has developed incident to the seizure of the U.S.S. *Pueblo* and the imprisonment of its crew.

There is no question in my mind—none whatsoever—that the ship was illegally seized outside the 12-mile limit, which is the limit set by the North Korean Government itself. But I think the President is operating on the right wavelength, and in his capacity as the President of the United States and Commander in Chief is using every available means at his diplomatic disposal to see if it is at all possible to bring about the return of the 83 men, including the two civilians, which comprise the crew of the U.S.S. *Pueblo*.

What I am interested in, Mr. President, is the return of those 83 men alive—and I think that is something we ought to keep in mind at all times because it would do no good to go in and say, "sink the *Pueblo*," or "bomb a city," as has been suggested, and in that manner seal the doom of the 83 men who were there, not by choice but under orders. We must see what we can do to save them.

Mr. President, that, I think, is the paramount factor in this whole affair at this time. I am quite certain that the distinguished minority leader would agree with me in that respect.

Mr. DIRKSEN. Mr. President, I do agree with the distinguished minority leader.

I mentioned in my statement that I do support the President.

I want to be certain, however, that the people of this country and the men in uniform abroad do not get the idea that we are supine, or that there is a quiescence here that is going to take this thing lying down. I am confident the President will not, and that is the reason I support him.

I think I am at liberty to say that I talked to the President about this, and I talked to him about the statement I proposed to make. I read him a portion of the statement over the telephone the other day. To some extent I have modified it a little.

I said at that time that I do not disdain for a moment whatever we do through the United Nations or through any diplomatic channels, but I want to be sure that the North Koreans do not get the idea that they are going to get away with this.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may proceed for an additional 5 minutes.

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

Mr. DIRKSEN. Because that would be nothing more than encouragement to continue breaches of the armistice agreement that was signed at Panmunjom, and, who knows, could probably result in an invasion of South Korea, where we have sunk not hundreds of mil-

lions of dollars but billions of dollars in the last 15 years to rehabilitate that little country.

I trust our people will get the idea that this Government means business and is not going to be kicked around.

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

Mr. DIRKSEN. I yield.

Mr. MANSFIELD. The Senator made the statement, and it is a true statement, that there have been 543 incidents and incursions during the year 1967. It might be well to point out that the total number of incursions and incidents on the DMZ in 1966, the year before, was only 50 all told, 13 incursions and 37 incidents. That figure indicates, of course, the increase in the past year, the tenseness, and the seriousness of the situation to which the distinguished minority leader has brought the attention of the Senate today.

Mr. DIRKSEN. I might point out that the figure of 543 breaches is for only a 10-month period and not for the entire year. When we put it all together, this becomes very serious business.

Mr. LONG of Louisiana. Mr. President, I wish to commend the statement of the distinguished minority leader. I, too, feel that the attack upon the U.S. ship, the U.S.S. *Pueblo*, on the high seas was an act of war against the United States. It is not justified by any standard whatever, and this country must respond to it.

Precisely what that response may be is a matter that the President of the United States will have to decide. He is our Commander in Chief and he must consult with the advisers to him who have something to contribute. He cannot consult with everybody, of course, but he should consult with those in whom he has the greatest confidence and decide what the appropriate response should be.

It is clear that the powers in North Korea do not propose to negotiate about this matter and that the Soviet Union at this moment is supporting North Korea in the position which that nation has taken.

There are many things we could do. One of the most obvious courses would be to capture an equal number of seamen of North Korea. They have ships of their own on the high seas, and it would be quite a simple matter for the U.S. Navy to capture or sink as many of them as we felt like capturing or sinking.

If the Soviet Union wants to deal itself in on it, they can get in on it, too. We do not intend to be pushed around, bullied, or bluffed by small or great powers.

Mr. President, in my judgment, a show of weakness on the part of this country would not be interpreted as anything other than that this country is lacking the power, the strength, or the will to maintain its position in international affairs. This whole matter, of course, should be viewed as a part of a much larger problem: the confrontation that exists from day to day between the United States and the entire Communist bloc, and particularly the Communist countries of Asia and the Soviet Union.

The more I look at it, the more I am

firm in this view: we must start doing something that the United Nations has proved incapable of doing.

In my judgment, as one who once served as a delegate to that organization, that organization is actually a failure so far as its real and initial purpose is concerned.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

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

Mr. LONG of Louisiana. Mr. President, I discussed this matter with former Secretary of State Jimmy Byrnes, who served under President Roosevelt, and who was consulted and advised with regard to the creation of the United Nations. He pointed out to me on occasion that the complete frustration of this organization is demonstrated by looking at article I, the description of members of the United Nations as peaceloving nations, bent upon saving humanity from the scourge of war.

It is very clear that the Communist powers do not have that purpose in mind at all. Furthermore, when that organization was created in 1945, Senators will recall that there was much discussion of the veto and what it would mean. We were asked what would be the situation if the five big powers could not cooperate. The answer to the \$64 question at that time was stated as being that if the five big powers could not work together, nothing could be achieved at all.

The last time I counted, there were more than 100 Russian vetoes against effective action by the United Nations, and it is so much so that efforts are often times dispensed with or not made because everyone knows that in the event a resolution for action on collective security through the Security Council were voted, the Soviet Union would veto it. Based upon past performance, many times members do not even try to get a resolution through, knowing that it would be vetoed if they did. Vetoes are unlimited. The Soviet Union can veto action by the Security Council forever. Nothing much can be accomplished one way or the other in that regard. The United Nations stands today as an impediment to effective world action for mutual security and peace, every time an incident such as a *Pueblo* arises, and someone says, "Let us go to the United Nations."

They should take the United Nations off TV because it is frustrating and a waste of time in most instances. People would do better to look at the comics rather than seeing the United Nations on television. Much sound and fury, meaning nothing.

I am reminded of a story I heard recently, concerning the first time an Indian saw a candidate for public office. The candidate was making a great oratorical effort, and after he was finished, someone asked the Indian, "What happened?"

The Indian said, "Well, white man make much thunder, much wind, no rain."

That is about what the United Nations

has been able to achieve with respect to meeting the real crises which have developed here and in other instances, when a truly effective organization for world peace might have achieved something.

We have tried to help people develop themselves with signed treaties. We have undertaken to carry out an international commitment under United Nations treaties in accordance with our conscience and our duty. We have found that other nations, when looking upon the assurance of the United States that it would defend them, instead of arming, so that they could better do their part, and notwithstanding all our entreaties, have looked upon the U.S. commitment as meaning that they really would not have much to do to develop themselves as they had planned to do before, and therefore had actually moved toward disarmament rather than armament.

We know how much gratitude we can expect from some people who sign a mutual commitment with us, that they would do their part if we did ours. Some of them have even announced unilaterally that they were reducing their armed strength, and would do even less, and some people in our State Department have advised us that we should do more because those countries would be doing less.

It will not work that way. In my judgment, we will have to declare that we are not going to defend people who will not join us in mutual defense, or adequately provide for their own defense by agreeing to perform and to do their share toward helping defend their neighbors.

This Nation of over 200 million persons is confronted with a Communist bloc of approximately 1 billion persons, and not all the nations are less developed or backward. We cannot carry the whole load by ourselves. We must have help.

Many times the Senator from Virginia [Mr. BYRD], whom I see in the Chamber at this time, has stood in this Chamber and asked, "Where are our allies? We have undertaken to defend them. Where are they?" Some of them cannot muster the effort even to vote with us.

I would say that we should be thinking in terms of meeting future crises, and meeting present crises, with something more effective than what we have now in the United Nations. We should be thinking of organizing something which the United Nations has proved totally incapable of achieving; namely, organizing an effective instrument for world peace, organizing something that would achieve what article I of the United Nations Charter purports to mean, and excluding those who do not propose to abide by its principles.

What should we do, then, with the United Nations? In my judgment, the best thing we could do would be to send those people home. Otherwise, I would think we should recognize it for what it is, an impotent debating society. It would help our security if we would move the United Nations away from Manhattan Island and put it on some less populated island in the Pacific, if we must have it on American territory, where Communist spies could not operate so

effectively against our defense and security establishment.

We should proceed to take the United Nations off television. Once in awhile, if something is said that might be worthwhile, it could be put on the news wire. We should proceed to organize an effective group of nations willing to do their part, to stand together in defense of their own boundaries, their own people, their freedoms, and their institutions, and insist that everyone do his share.

Until we do something of that sort, this Nation will not know what it is to enjoy real security.

Until we do that, our freedom will more and more be threatened with greater and greater possibilities of war with 1 billion people in the Iron Curtain countries, with no one but the United States carrying the burden so far as the free world is concerned.

RECOGNITION OF SENATOR BYRD OF VIRGINIA AT CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of morning business, notwithstanding the Pastore rule of germaneness, the distinguished Senator from Virginia [Mr. BYRD] be recognized for 20 minutes.

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

THE U.S.S. "PUEBLO" INCIDENT

Mr. MUNDT. Mr. President, I hope and I believe we will emerge from the *Pueblo* incident without its deteriorating into a shooting conflict, but I think the episode remains before us as one of the most important problems which should be discussed in this session of the Congress.

It seems to me that the United States engaged in a shocking, reckless, and needless adventure in this area, imperiling both the peace and prestige of the United States. It also seems to me crystal clear that we either should not have knowingly and deliberately sent the *Pueblo* on this sensitive spying mission in these well-known troubled waters, or, if in fact it is essential to our national security to send a ship like the *Pueblo* into an area which we know to be in semihostile waters, then we should certainly have protected it with adequate skypower and seapower.

It seems to me that, whatever solution is developed, the United States will emerge from this experience a sadder and weaker nation. I read that the Communists are already using it to decrease the prestige and stature of our country by making insolent Communist propaganda use out of it and causing it to develop at least into a humiliating experience for this country.

I rise, Mr. President, not to attack the judgment of those in power who developed this episode, but I do rise to point out that in times like these we should learn from this kind of experience, and that we should learn those lessons now, because, in fact, if those in charge of our military policy and foreign policy are going to jeopardize peace and risk the prestige of this country by needlessly

moving into areas which are controversial, then it seems to me the time for us to try to avert a war is now, before it starts, instead of having to face another fait accompli without congressional action.

For that reason, I seriously recommend that there be an investigation of who is responsible for this episode, and the reasons for it, to determine at what high level the decision was made, and what kind of procedures might be established to avert another such decision developing, at least without its being a decision made at the highest Presidentialidential level.

I do not feel that, with one great war on our hands now, we should take any action which is not totally necessary that will further imperil either our prestige, our peaceful relations with other nations, and our position as a world power.

I was surprised to read on the front page of the New York Times, after the Foreign Relations Committee had had an executive session with Secretary Rusk on this matter, a rather accurate and comprehensive report which attributed to me some statements which I actually made in the committee room. I must commend Mr. John W. Finney on whatever tactics he employed to get those facts. He did not talk to me or to my office. I am not sure I have the pleasure of even knowing Mr. Finney. But because it is surprisingly accurate, I ask unanimous consent that it be printed at this point in the RECORD.

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

[From the New York Times, Jan. 27, 1968]
SENATORS ASSAIL POLICY OF "PUEBLO"—
MUNDT CHARGES "BUNGLING"—RUSK IS
SAID TO PROMISE REVIEW OF SPY SHIP USE

(By John W. Finney)

WASHINGTON, January 26.—The Administration ran into criticism and charges of "bungling" today in the Senate Foreign Relations Committee for permitting the intelligence ship *Pueblo* to operate off the North Korean coast at a time of political tension in the Far East.

As a result of the criticism, Secretary of State Dean Rusk was reported to have given assurances that the Administration would reconsider its policies governing the operation of electronic spy ships off the shores of Communist nations.

Meanwhile, in New York, Senator Jacob K. Javits called for Congress to conduct an inquiry into the *Pueblo* incident and other foreign policy issues.

Mr. Rusk, who appeared before the committee in executive session for a secret briefing on the *Pueblo* incident, obtained the unanimous support of the committee members for the Administration's diplomatic efforts to obtain from North Korea release of the *Pueblo* and her crew.

The committee members were reported to have stressed that the Administration should not rush into any military action.

COMMITTEE IS CRITICAL

But when Mr. Rusk asked for committee advice on how to handle the incident, he was reported to have received instead criticism of the Administration for permitting the incident to develop.

The sharpest criticism was reported to have come from Senator Karl E. Mundt, Republican of South Dakota, who is normally one of the more militant conservatives on the committee.

In response to the Rusk request for advice, Senator Mundt was understood to have complained that the Administration had "bungled very badly" in permitting the Pueblo to operate off the North Korean coast.

Senator Mundt was reliably reported to have told Mr. Rusk that "we should not be running spy ships into controversial areas in a provocative manner unless it is highly important that we get information that is not otherwise available."

If such missions are absolutely necessary, Senator Mundt was understood to have suggested, the ships should not be sent into such sensitive areas unless protected by air cover or by "naval power over the horizon."

Similar criticism, in somewhat less blunt terms, was understood to have come from other committee members, such as Senator Frank J. Lausche, Democrat of Ohio, and Senator Stuart Symington, Democrat of Missouri.

In response to the criticism, Mr. Rusk was reported to have told the committee members that the Administration "might have to rethink" its past policies on the operations of intelligence ships and take steps to see that such incidents as the seizure of the Pueblo did not recur.

From the criticism, it was apparent the Pueblo incident was having the significant political effect of producing a coalescing of views between liberals and conservatives on the committee, between critics and supporters of the Administration's Vietnam policy.

Their new common ground is a desire for a Congressional restraint on the foreign policy commitments undertaken by the Administration and a concern that as a result of Vietnam the nation is in danger of becoming militarily and politically overextended.

UNEASY TRUCE

The latter concern was reflected in the comments of Senator Mundt, who in the past has been a supporter of the Administration's Vietnam policy. Mr. Mundt was understood to have advised Mr. Rusk that the Administration should not undertake such intelligence patrols "in a period of uneasy truce, when you already have more war on your hands than you can handle and when you shouldn't be looking for more."

The common ground of criticism being assumed by liberals and conservatives was underscored by the similar comments of two individuals who are on opposite poles—Senator Strom Thurmond, Republican of South Carolina, and John Kenneth Galbraith, national chairman of the Americans for Democratic Action.

"To send poorly armed surface reconnaissance ships into dangerous waters without air cover, naval escort or emergency plans for adequate support was a serious error in judgment," Senator Thurmond said in a statement.

RISKY BUSINESS

"Responsible liberals will all wish to remind the Administration that sending intelligence gunboats into the immediate neighborhood of a presumptively hostile country is an inherently risky business," Mr. Galbraith said in a statement.

After the Rusk briefing, some committee members privately expressed some doubts that high authorities in the executive branch and the military were aware of the mission of the Pueblo.

The effect of the Pueblo incident, in the opinion of some committee members, will therefore be to reinforce a move within the committee to investigate the Administration's handling of the 1964 Gulf of Tonkin incidents, in which two American destroyers were reported to have come under attack by North Vietnamese PT boats.

The Rusk briefing was understood to have put to rest the suspicions of some committee members that before the seizure, Pueblo might have intruded into North Korean ter-

ritorial waters, as has been charged by North Korea.

TERRITORIAL WATERS

Asked by reporters after the hearing whether the Pueblo had at any time entered North Korean territorial waters before her seizure, Mr. Rusk replied:

"We have no information whatever pointing in that direction. The ship was in international waters at all stages, according to every indication we have. And there are indications that the other side also knew that."

When pressed on this point within the committee, Mr. Rusk was said to have explained that he could not be categorical because the Pueblo, until the time of her seizure, was maintaining radio silence and was not reporting her position. But he was said to have emphasized that the ship was under strict orders not to come any closer than 13 miles from the North Korean shore. North Korea claims a 12-mile territorial sea.

Mr. MUNDT. I also ask unanimous consent to have two editorials printed at this point in the RECORD, commenting on the nature and character of the entire episode.

One is entitled, "Appeal to the Council," which appeared in the Washington Evening Star. The other is entitled, "The Pueblo Warnings," from the New York Times. They are very knowledgeable American newspapers. The New York Times and the Washington Star are poles apart in their attitude toward the conflict in Vietnam. They disagree and have diametrically opposite viewpoints on the conduct and purpose of war there. But on this particular episode they see eye to eye. If one takes the time to read the editorials, he will see that they point out exactly the point and conclusions I have made. Both of them support my basic theme in this field—that is, that we either should not have gone into what we know is a troubled area, where there have been over 500 controversial incidents across the truce line in the past 10 months, or if the need to know or our capacity to learn and get the information required specifically this method, then it was reprehensible and indefensible to send that kind of ship on that kind of mission without protecting it with seapower and airpower in order to make sure that its crew and the ship with its highly sensitive equipment did not fall into the hands of the enemy. On this point these two great American papers agree entirely.

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

[From the Washington (D.C.) Star, Jan. 26, 1968]

APPEAL TO THE COUNCIL

President Johnson's decision to seek the aid of the U.N. Security Council in obtaining the release of the USS Pueblo is a logical extension of his diplomatic efforts to free the ship and its crew.

It does not follow, however, that the council can or will be of any assistance, and no false hopes should be raised in this respect. The most to be expected is that a council hearing would provide opportunity to air the charges against the North Koreans and, one may hope, to mobilize world opinion against what some of our officials have called an act of piracy. But any attempt by the council to take effective action, even if it were to survive a Russian veto, would in all probability be ignored by North Korea.

Nor does the call-up of nearly 15,000 air reservists promise to be of any help in getting back the Pueblo. Official statements have indicated that the call-up was related to the seizure incident. And that may be, especially in the sense it gave the President a plausible basis for taking a step which he had feared would be unpopular. But it is difficult for us to see how the summoning of these men to active duty can help resolve this immediate crisis. What it can do, however, is to ease the strain imposed on our air power by the demands of the war in Vietnam.

As for the Pueblo, all of us might as well face the fact that the North Koreans have this country over a barrel.

There have been plenty of demands that the President "do something," but we haven't seen any helpful suggestion as to just what it is that he might do which he isn't doing. A White House statement speaks of the President's "earnest desire to settle this matter promptly and if at all possible by diplomatic means." This suggests a resort to other means if diplomacy fails. We doubt very much, however, that Mr. Johnson contemplates the use of military force, or that the use of such force would achieve the basic objective of freeing the ship and the members of its crew.

One lesson should be taken to heart. We do not know whether the Pueblo at any time intruded into North Korean territorial waters, and it is doubtful that the dispute over this point can be satisfactorily resolved. There can be no doubt, however, that the commander of the ship was authorized to take a serious risk.

According to the Defense Department, "the Pueblo was under orders from the beginning of its mission to stay at least 13 miles from North Korean territory"—one mile outside the territorial waters claimed by the North Koreans.

That, in our opinion, was too close. And if an approach to within 13 miles was necessary to the accomplishment of the Pueblo's mission, then the ship should have been furnished an effective armed escort.

Hindsight? Perhaps so. But even a little bit of foresight a few days ago would have saved this country from a frustrating and agonizing experience.

[From the New York Times]

THE "PUEBLO" WARNINGS

The evidence that at least twice this month, after seizing South Korean vessels, North Korea had warned that it might also take countermeasures against nearby American "spy boats," raises serious questions about the American command and control system that permitted the Pueblo to be captured.

Secretary of Defense-designate Clark Clifford has promised the Senate Armed Services Committee that after taking office he would review "the decision-making process and the authorities granted that would permit a lightly armed U.S. ship, without protection, to sail close to hostile shores even though in international waters." That is all to the good. But the Congress and the country also have a right to know who was responsible for this humiliating misadventure, and how it could have happened.

The Asia analysts in Washington knew of the North Korean warnings from the U.S. Government's Foreign Broadcast Information Service. Were their superiors in the Pentagon and State Department informed? Did anyone alert the Pacific Command and the captain of the Pueblo? If they were alerted, why were precautions not taken to provide the Pueblo with surface or air protection or, at least, with a more effective contingency plan for action if threatened with capture? The affair is reminiscent of the manner in which American officials disregarded warnings of an imminent Chinese

invasion of Korea in 1950 and the failure adequately to alert Pearl Harbor in 1941.

The North Korean warnings were unmistakable. On Jan. 6, according to South Korean sources, seventy South Korean fishing craft were attacked and five captured by three North Korean ships. On Jan. 11 the South Korean radio announced an incursion by two fast North Korean ships into a group of 200 South Korean fishing boats, one of which was sunk by collision and three forced to go north.

The North Korean communiqués, carried on the English language service of the (North) Korean Central News Agency, were almost identical on both occasions. That of Jan. 11 stated: "The United States imperialist aggressor troops again dispatched from early this morning hundreds of fishing boats and spy boats into the coastal waters of our side off the Eastern coast to perpetrate hostile acts. This noon our naval ships on patrol duty on the spot detained the vessels involved in the hostile acts. As long as the U.S. imperialist aggressors conduct reconnaissance by sending spy boats, our naval ships will continue to take determined countermeasures."

On Jan. 21, North Korea's delegate at Panmunjom, Gen. Pak Chung Kook, protested formally against the United States "having infiltrated into our coastal waters a number of armed spy boats, espionage bandits together with a group of South Korean fishing boats." According to his account on Jan. 25, he "repeatedly demanded that you immediately stop such criminal acts."

Whether or not the accusations were true, why were not the warnings taken more seriously?

Mr. HART. Mr. President, comment has been made that we should learn some lessons from the *Pueblo* incident. The lessons will involve, I assume, being firm in our response, precise in our naval navigation—the usual list which is put together after such dangerous incidents, just as after the U-2 spy plane a few years ago. I would suggest one other item be put on the list. We should promise to remember the *Pueblo*—and the U-2 incident—when we consider extending nuclear treaties, disarmament, and arms control agreements, consular treaties, East-West trade agreements, peaceful use of outer space arrangements, revisions of military alliances, and the United Nations Charter. What is my point? Just this: there seems in automatic opposition to these proposals because "they are dangerous." We are warned we should not look to such international arrangements and we should avoid treaty arrangements in these "peace" areas because you cannot trust other nations; they will cut corners. Once some benefit is seen to flow to the Soviet Union in the consular treaty, for example, we are told the agreement would be bad for the United States, and would be dangerous. Yet, in our own business experiences, we know that a contract is a good contract, one most likely to be respected, when there are benefits to both parties.

One lesson we should take from the *Pueblo* and everything like it is that there are incredible dangers with which we live every day of our lives, simply because we do not have the will fully to seek to develop the kind of change in basic international relations that will make unnecessary a U-2 or a spy ship. Certainly, arms control agreements have

risks; so do peace treaties and grant of additional powers to the U.N. and test bans and the whole list of peace efforts. But hereafter when we debate such proposals, remember the *Pueblo*, the U-2, and the other enormous dangers which we do live with but which might be eliminated, in part, by extending the peace efforts. Conceding dangers in the peace efforts, remember the *Pueblo* which dramatically shows the dangers we run until peace effort agreements are developed.

Mr. GRIFFIN. Mr. President, I ask unanimous consent to proceed for 5 minutes.

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

Mr. GRIFFIN. Mr. President, it is with some reluctance that I speak out today on the matter that is uppermost in the thoughts of all of us. However, I do so because the *Pueblo* incident has produced a vast uneasiness throughout our Nation, and because questions are being asked of those of us who represent the people here in Congress—questions that deserve to be answered fully and frankly.

At this critical hour, Mr. President, let me emphasize that I do not intend to comment upon—and certainly I shall not criticize—efforts now underway to obtain release of the *Pueblo* and its crew. Of course, this is the urgent first order of business, and in his efforts, the President of the United States has my full support.

But what happened, and, more importantly, what did not happen, during a 3- or 4-hour period before the *Pueblo* finally docked at the North Korean port of Wonsan, raises broad and serious questions. Those questions involve our national security. It is hoped that one may discuss them without being accused of the cant of criticism.

Mr. President, I am not an expert, but if the *Pueblo* and other recent incidents are tests of our credibility and our readiness to act, it would be well to recall and heed the advice of Abraham Lincoln on the eve of another crisis:

I think the necessity of being ready increases—look to it.

Now, Mr. President, I come to a matter in connection with the *Pueblo* incident which is most disturbing to me and, judging from the telegrams and mail I am receiving, I know it is disturbing to many Americans.

Mr. President, if our defense system is structured on the basic premise that we are organized and ready to respond almost instantly, it is assumed that a missile attack will be met within minutes by a massive response on our part.

The American people believe—and we expect the Communists to believe—that our civilian-military command is so organized and structured that critical policy questions will reach the Pentagon in a matter of seconds, and that, if necessary, appropriate orders will be dispatched. An open line to the White House is always available if needed.

However, Mr. President, the question is raised: In a matter of such grave consequence as the seizure of the *Pueblo*, why were these procedures not utilized—if, in fact, they were not?

Mr. President, I believe it would be helpful to review what happened—and did not happen—based upon what the people of the United States and the people of the world have been told.

According to Ambassador Goldberg's statement before the United Nations Security Council on Friday, the *Pueblo* reported that at noon, Korean time, which would be 10 p.m. Washington time, it had "encountered one SO-1 class North Korean patrol craft."

In his statement, Mr. Goldberg said:

The North Korean patrol boat . . . used international flag signals to request the *Pueblo*'s nationality. The *Pueblo* . . . identified herself as a U.S. vessel. The North Korean vessel then signaled: "Heave to or I will open fire on you."

According to Mr. Goldberg, the *Pueblo* replied:

I am in international waters.

And Mr. Goldberg added that—

(The Korean) vessel then proceeded for approximately an hour to circle the *Pueblo*.

From what we have been told by Ambassador Goldberg, the *Pueblo* was boarded shortly after 1:50 p.m. Korean time—11:50 p.m. Washington time. According to Mr. Goldberg's statement, the *Pueblo* then was 25 nautical miles from the Port of Wonsan, and 16.3 nautical miles from the nearest point on the North Korean mainland. Reports have indicated that it would have taken the North Koreans at least 2 hours to get the slow *Pueblo* craft into the port, if she were 25 miles away, as reported.

Thus, it appears that at least 3 hours—and closer to 4 hours—elapsed, in all, from the time the *Pueblo* was accosted until it docked in port.

But approximately an hour and 50 minutes elapsed between the demand "Heave to, or I will open fire on you," and the actual boarding. After the North Korean patrol boat issued such an order—knowing the *Pueblo* to be a U.S. vessel—and after it then proceeded to circle the *Pueblo*, how could such a challenge be taken as anything but an act of war on the high seas?

Are the American people to believe that word of such a threat to "open fire" did not reach the Pentagon within an hour and 50 minutes? Are we to believe that notification did not reach the Pentagon within minutes?

Let us turn for a moment to Washington and reports here as to what happened—or, more realistically, what did not happen.

According to a story in last Friday's Washington Star by Associated Press writer Fred S. Hoffman:

Defense officials said Wednesday they did not know when Washington was first notified.

Mr. President, that is incredible—absolutely incredible.

According to the same story:

Civilian officials said commander sent no request to Washington for authority to take any steps, and that no instructions were sent from Washington to the ship.

There seems to be no reason to dispute that statement. Assuming that the commander in the field did not actually re-

quest authority to take action, the important question remains: Was the Pentagon aware of what was going on? If the Pentagon was aware, should it not have issued instructions, under such circumstances?

It is understandable that caution would be exercised before actually ordering the use of military force, but why, for example, were not planes dispatched immediately to the area, to stand by, as soon as the North Korean threat "I will open fire" was made?

As a matter of hindsight, of course, it would not be difficult to decide now that particular instructions might have been wrong, but it would be reassuring, at least, if we could know that some decision was made and that an order from Washington was dispatched. But there is no reassurance whatsoever in the revelation that Washington apparently issued no instructions and gave no orders.

Mr. President, we are told that the *Pueblo* commander called for help about 11:45 p.m., when the boarding began. The last message from the *Pueblo*, we are told, was sent at 12:12 a.m. Press reports indicate that Secretary McNamara was not notified until 12:30 a.m., and, apparently, it was 1½ hours later when the President was notified.

There are a number of questions, Mr. President, and not the least of these is the question which has been raised a number of times here on the Senate floor: Why was the *Pueblo* sent into such an exposed position without adequate protection?

What about our command structure and our communications?

Mr. President, to fulfill my responsibility as a U.S. Senator, I believe I have no choice but to join in the request already made by the distinguished Senator from South Dakota [Mr. MUNDT] in calling for an investigation of this incident, particularly what happened—and what did not happen—during the period before the *Pueblo* was actually docked at the port of Wonsan.

I was pleased to note that the distinguished chairman of the Senate Armed Services Preparedness Investigating Subcommittee [Mr. STENNIS], on a nationwide television program yesterday, stated, in effect, that we expect to get all the facts.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRIFFIN. I ask unanimous consent that I may have 1 additional minute, Mr. President.

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

Mr. GRIFFIN. I commend the Senator from Mississippi for that statement, and I urge him and the members of his committee to go forward with a full investigation in order to get all of the facts. The American people demand them and they are entitled to them.

Mr. President, I ask unanimous consent that the full text of the several articles to which I have referred be printed at this point in the RECORD.

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

[From the Washington (D.C.) Star, Jan. 26, 1968]

NAVY SEETHES IN SHIP AND ROW

(By Fred S. Hoffman)

Navy officers are seething at what they consider an attempt by civilian Pentagon officials to point the finger at military commanders for not dispatching help to the Navy intelligence ship *Pueblo*.

These officers are not disputing an assertion by civilian officials at the Pentagon that the decision against sending jets to the aid of the *Pueblo*, as it faced capture off North Korea, was made by field commanders without asking Washington.

But the Navy officers feel civilian authorities are going out of their way to shuck any blame and load it on the Navy, in case the lack of help to the small, lightly armed ship blows up into a national controversy.

Talking with newsmen, the civilian officials said commanders sent no request to Washington for authority to take any steps that no instructions were sent from Washington to the ship and that Secretary of Defense Robert S. McNamara wasn't called about the situation until nearly 2½ hours after the *Pueblo* had been challenged by a North Korean patrol boat.

Days of prodding for details have resulted in partial explanations while leaving a number of key facets either vague or blank.

Defense officials said Wednesday that they do not know when Washington was first notified that the *Pueblo* had been accosted. A day earlier Pentagon spokesmen said word was received before midnight Monday but that the precise time was classified.

Before midnight could cover a two-hour stretch during which the *Pueblo* was under pressure.

It is not clear why McNamara was not called earlier, or why President Johnson was not informed until at least an hour and a half after McNamara.

A White House spokesman has said that Johnson was not called earlier than 2 a.m. EST Tuesday because presidential aide Walt W. Rostow was pulling together information with which to brief the President.

There is no explanation as to why commanders in the Pacific did not send help. Nor are reporters able to pin down at what command level decisions were made.

Also unanswered is the nature of the standing instructions the *Pueblo*'s skipper, Cmdr. Lloyd M. Bucher, had to deal with such a situation.

The Pentagon has said the *Pueblo*'s skipper reported "periodically to higher authority," without specifying how often and at what times.

Why didn't the *Pueblo* resist? Why didn't the crew scuttle her rather than surrender?

How were the four wounded crewmen hurt? Defense officials say the messages provided no details, beyond saying that one man's leg was blown off.

This has given rise to speculation that the men suffered their wounds while destroying secret intelligence gathering and analyzing equipment. The *Pueblo* did message that the crew was trying to destroy this secret gear, but defense officials say they do not know how much was kept out of enemy hands.

Navy sources say that the *Pueblo* was under orders to duck a fight and to keep her three machine guns sheathed.

The Pentagon refuses to discuss the *Pueblo*'s standing instructions on grounds they constitute "rules of engagement."

Navy sources said that Bucher had gone on patrol off North Korea with orders to move out of an area if he was harassed and to avoid using his guns.

The Navy sources said the *Pueblo*'s crew did not have time to scuttle her. They said scuttling would have required the rigging of explosive charges below decks, and that opening her valves would not have been enough.

[From the Washington Post, Jan. 27, 1968]

U.S. STATEMENT ON THE GRAVE THREAT TO PEACE IN KOREA

(Text of statement by U.S. Ambassador Arthur J. Goldberg to the United Nations Security Council)

The United States has requested this meeting, as I stated in my letter to you, to consider the grave threat to peace which the authorities of North Korea have brought about by their increasingly dangerous and aggressive military actions in violation of the Korean armistice agreement of 1953, of the United Nations Charter, and of international law.

We have asked that the Council be convened at an hour when peace is in serious and imminent danger—when firm and forthwith action is required to avert that danger and preserve peace.

A virtually unarmed vessel of the United States Navy, sailing on the high seas, has been wantonly and lawlessly seized by armed North Korean patrol boats, and her crew forcibly detained. This warlike action carries a danger to peace which should be obvious to all.

A party of armed raiders, infiltrated from North Korea, has been intercepted in the act of invading the South Korean capital city of Seoul with the admitted assignment of assassinating the president of the Republic of Korea. This event marks the climax of a campaign by the North Korean authorities, over the past 18 months, of steadily growing infiltration, sabotage and terrorism in flagrant violation of the Korean armistice agreement.

PARALLEL ACTIONS

Mr. President, these two lines of action are manifestly parallel. Both stem from North Korea. Both are completely unwarranted and unjustified. Both are aimed against peace and security in Korea. Both violate the United Nations Charter, solemn international agreements, and time-honored international law. And both pose a grave threat to peace in a country whose long search for peace and reunification in freedom has been an historic concern to the United Nations and of my country.

We bring these grave developments to the attention of the Security Council in the sincere hope that the Council will act promptly to remove the danger to international peace and security. For Mr. President, it must be removed and without delay. And it will be removed only if action is taken forthwith to secure the release of the USS *Pueblo* and its 83-man crew and to bring to an end the pattern of armed transgressions by North Korea against the Republic of Korea. My government has stated at the highest level our earnest desire to settle this matter promptly and peacefully and, if at all possible, by diplomatic means.

It is testimony to this desire that infidelity to the charter my government has brought this matter to the Security Council which has the primary responsibility for the maintenance of international peace and security, and which, together with other organs of the United Nations, has a special, an historic concern for peace and security in Korea.

RESPONSIBILITY

It is imperative, therefore, that the Security Council act with the greatest urgency and decisiveness. The existing situation cannot be allowed to stand. It must be corrected and the Council must face up to its responsibility to see it corrected. This course is far more preferable to other remedies which the charter reserves to member states.

Let me now turn to the facts concerning these two aspects of North Korean aggressive conduct on which the Council's action is urgently required.

At 12 noon on January 23, Korean time, the United States Ship *Pueblo* manned, by

a crew of six officers, 75 enlisted men and two civilians, and sailing in international waters off the North Korean coast, was confronted by a heavily armed North Korean patrol boat identified as submarine chaser Number 35.

The strict instructions under which the Pueblo was operating required it to stay at least 13 nautical miles from the North Korean coast. While my country adheres to the three-mile rule of international law concerning territorial waters, nevertheless the ship was under orders whose effect was to stay well clear of the 12-mile limit which the North Korean authorities have by long practice followed.

The USS Pueblo reported this encounter and its location at the time in the following words—and I wish to quote exactly what was reported by radio at the time of the encounter—"USS Pueblo encountered one SO-1 class North Korean patrol craft at 0300"—that is at 12 noon Korean time—and then, I am repeating its broadcast—"position 39-25.2 NL 127-55.0 EL DIW." I might explain that DIW means "dead in water," the standard terminology meaning that all engines are stopped and the vessel was stationary.

THE MAP

Now, with your permission, Mr. President, I should like to refer to this map provided for the convenience of the Council and show the exact location of the Pueblo as given in these coordinates. If the members of the Council will look at the map, you will see a Number 3 blue. Number 3 blue is approximately 25 nautical miles from the port of Wonsan. It is 16.3 nautical miles from the nearest point of the North Korean mainland on the peninsula of Hodo-Pando, and 15.3 nautical miles from the island of Umgodo.

Now, at exactly the same time, the North Korean submarine chaser Number 35 which intercepted the Pueblo reported its own location in the Number 3 red—and this is a report now from the North Korean submarine chaser Number 35 monitored by us—and that location was 39 degrees 25 minutes north latitude and 127 degrees 56 minutes east longitude. You will note the positions. In other words, these two reported positions are within a mile of one another and show conclusively that according to the North Korean report, as well as our own, that the Pueblo was in international waters.

ORAL MESSAGE

The report of its location by the North Korean craft, made international Morse code, was followed ten minutes later by the following oral message from the North Korean craft to its base, and I quote it: "We have approached the target here, the name of the target is GER 1-2."

Now, we talk about the Pueblo and that is the name by which the ship is, of course, known. But the technical name for this ship is GER 2 and this name was painted on the side of the ship.

The message continued, and I again quote the Korean radio message in Korean words: "Get it? GER 1-2: did you get it? So our control target is GER 1-2. I will send it again. Our control target is GER 1-2."

Inasmuch as the location of the Pueblo is of course a matter of vital importance, it is important to the Council to know that the information available to the United States as reported by our vessel to our authorities and to the North Korean authorities as reported by its vessel and transmitted by its own ship was virtually identical, with only this small margin of difference. And, interestingly enough, the North Korean ship reported the Pueblo to be about a mile farther away from the shoreline than the United States fix of its position. So you see, the North Korean broadcast, monitored, was reporting what I have stated to this Council.

Mr. President, we have numerous other reports during this encounter consistent

with the location I have described. And information other than coordinates corroborative of what I have said is by voice monitor. Information on coordinates, as I said, was by international Morse code.

"HEAVE TO"

The North Korean patrol boat, having made its approach, used international flag signals to request the Pueblo's nationality. The Pueblo, replying with the same signal system, identified herself as a United States vessel. The North Korean vessel then signalled: "Heave to or I will open fire on you." The Pueblo replied: "I am in international waters."

The reply was not challenged by the North Korean vessel, which under international law, if there had been an intrusion—which there was not—should have escorted the vessel from the area in which it was. However, that vessel then proceeded for approximately an hour to circle the Pueblo, which maintained its course and kept its distance from the shore. At that point three additional North Korean armed vessels appeared, one of which ordered the Pueblo: "Follow in my wake." As this order was issued, the four North Korean vessels closed in on the Pueblo and surrounded it. At the same time two Mig aircraft appeared overhead and circled the Pueblo. The Pueblo attempted peacefully to withdraw from this encirclement but was forcibly prevented from doing so and brought to a dead stop. It was then seized by an armed boarding party and forced into the North Korean port of Wonsan.

Now, reports from the North Korean naval vessels on their location and on their seizure of the Pueblo at this point show that the Pueblo was constantly in international waters.

At 1:50 p.m. Korean time, within a few minutes of the reported boarding of the Pueblo, North Korean vessels reported their position at 39-26 NL 128-02 EL or about 21.3 miles from the nearest North Korean land. This is the point on the map here. And we would be very glad, Mr. President, to make this map available for the records of the Security Council.

DENIES INTRUSION

Now, Mr. President, I want to lay to rest—completely to rest—some intimations that the Pueblo had intruded upon the territorial waters and was sailing away from territorial waters and that the North Korean ships were in hot pursuit: This is not the case at all and I shall demonstrate it by this map.

Now, we will show by times and the course of the vessel exactly what occurred and you will see from this that the location of the Pueblo was constantly far away from Korean shores, always away from the 12-mile limit until it was taken into Wonsan by the North Korean vessels. The locations of the Pueblo are shown on the blue line and the location of the SO-1 035, the first North Korean vessel, on the red line.

Now, the Pueblo, far from having sailed from inside territorial waters to outside territorial waters, was cruising in an area—in this area—and this will be demonstrated by the time sequence—and when I say, "this area," I mean the area that is east and south of any approach to the 12-mile limit.

At 0830 Korean local time, the Pueblo was at the location I now point to on the map. It had come to that point from the southeast, not from anywhere in this vicinity. And that is point one on the map so that our record will be complete. Point two on the map shows the position of the North Korean submarine chaser number 35 as reported by her at 10:55, and you will see that she is close to—the North Korean vessel, not the Pueblo—the 12-mile limit.

Point number three is the position reported by the Pueblo at 12 o'clock noon and you will see that she is a considerable distance from the 12-mile limit, which is the dotted line.

Red point number three is the position reported by the North Korean submarine chaser number 35 at 12 o'clock noon, when it signalled the Pueblo to stop. In other words, this is the position of the North Korean vessel, this is the position of the Pueblo; and the position of the North Korean vessel that I point to, the red line, the position audibly by the North Korean vessel. There is very little difference in these two reports.

Point number four is the position reported by the North Korean vessel at 13:50, 1:50 p.m., when she reported boarding the Pueblo. And you will recall that I just told the Council that the Pueblo, seeking to escape the encirclement, did not move in the direction which would have transgressed the 12-mile limit.

Now, all of this is verified not by reports solely from the Pueblo; all of this is verified by reports from the North Korean vessels which were monitored and I think it is a very clear picture of exactly what transpired.

Here, too, Mr. President, with your permission we will make this available.

NORTH KOREANS' INTENT

Mr. President, it is incontrovertible from this type of evidence, which is physical evidence of International Morse Code signals and voice reports, that the Pueblo when first approached and when seized, was in international waters, well beyond the 12-mile limit; and that the North Koreans knew this.

Further compounding this offense against international law, and the gravity of this warlike act, is the fact that the North Koreans clearly intended to capture the Pueblo knowing that it was in international waters, and force it to sail into the port of Wonsan. This aim is made clear by messages exchanged among the North Korean vessels themselves which we monitored, including the following: "By talking this way, it will be enough to understand according to present instructions we will close down the radio, tie up the personnel, tow it and enter port at Wonsan. At present we are on our way to boarding. We are coming in." This is an EACT voice broadcast from the ship which acknowledges the instructions that it was following.

Now, Mr. President, in light of this, this was no mere incident, no case of mistaken identity, no case of mistaken location. It was nothing less than a deliberate, premeditated, armed attack on a United States naval vessel on the high seas, an attack whose gravity is underlined by these simple facts which I should now like to sum up.

The location of the Pueblo in international waters was fully known to the North Korean authorities since the broadcasts were not only between its own ships but were directed to its shore installations.

The Pueblo was so lightly armed that the North Koreans in one of the conversations which we have monitored even reported it as unarmed.

The Pueblo was therefore in no position to engage in a hostile, warlike act towards the territory or vessels of North Korea; and the North Koreans knew this.

Nevertheless, the Pueblo, clearly on the high seas, was forcibly stopped, boarded and seized by North Korean armed vessels. This is a knowing and willful aggressive act—part of a deliberate series of actions in contravention of international law and of solemn international arrangements designed to keep peace in the area, which apply not only to land forces but to naval forces as well. It is an action which no member of the United Nations could tolerate.

I might add, in light of the comments of the distinguished Soviet representative on the adoption of the agenda, that Soviet ships engaged in exactly the same activities as the Pueblo sail much closer to the shores of other states. And one such Soviet ship right now is to be found in the Sea of Japan, and currently is not far from South Korean shores.

TURNS TO INFILTRATION

I turn now to the other grave category of aggressive actions taken by the North Korean authorities: Their systematic campaign of infiltration, sabotage and terrorism across the armistice demarcation line, in gross violation of the armistice agreement—not only in the vicinity of the Demilitarized Zone but also in many cases deep in the territory of the Republic of Korea—culminating in the recent raid against the capital city of Seoul, the Presidential Palace and the person of the President of the Republic.

The gravity of this campaign has already been made known to the Security Council. Last Nov. 2 I conveyed to the Council a report from the United Nations Command in Korea, summing up the evidence of a drastic increase in violations by North Korea of the Korean armistice agreement and subsequent agreement pertaining thereto. This report Security Council Document S/8217 noted that the number of incidents involving armed infiltrators from North Korea had increased from 50 in 1966 to 543 in the first ten months of 1967; and that the number of soldiers and civilians killed by these infiltrators had increased from 35 in 1966 to 144 in the same period of 1967. The further report of the United Nations Command for the whole year 1967, filed today, shows a total of 566 incidents for 1967 and a total of 153 individuals killed by the North Korean infiltrators. The United Nations Command in its report has further pointed out that, although North Korea had refused all requests by the United Nations Command for investigation of these incidents by joint observer teams pursuant to the armistice agreement, the evidence that the attacks had been mounted from North Korea is incontestable. This evidence is subject to verification by these reports, which are on file with the Security Council.

The terrorist campaign, Mr. President, has now reached a new level of outrage. Last Sunday, Jan. 21, security forces of the Republic of Korea made contact with a group of some 30 armed North Koreans near the Presidential Palace in Seoul. In a series of engagements, both in Seoul and between Seoul and the Demilitarized Zone, lasting through Jan. 24, about half of this group were killed and two captured. It has now been ascertained that the infiltration team totaled 31 agents, all with the rank of lieutenant or higher, dispatched from the 124th North Korean Army unit; that these agents had received two years' training including two weeks of training for the present mission, in special camps established in North Korea for this purpose; and that their assigned mission included the assassination of the president of the Republic of Korea.

I might add, Mr. President, that the North Korean authorities make no secret of the political strategy and motivation behind these attacks. Their daily propaganda vilifies the government of the Republic of Korea and denies its very right to exist. Yet, Mr. President, this same government of the Republic of Korea is recognized by 77 governments, is a member of numerous specialized agencies of the United Nations and enjoys observer status at the United Nations Headquarters.

INCREASE IN TEMPO SEEN

Mr. President, it is obvious that this long series of attacks by North Korean infiltrators across the Demilitarized Zone—and by other groups of North Korean armed personnel which, traveled by sea, have penetrated into even the southern portions of South Korea—has steadily increased in its tempo and its scope—until it threatens to undermine the whole structure of the armistice regime, under which peace has been preserved in a divided Korea for 14 years.

In the interest of international peace and security, this deterioration cannot be allowed to continue. It must be reversed promptly. The armistice agreements must be restored to

their full vigor, and the weight of the influence of the Security Council must be exerted to this vitally important end.

Mr. President, these are the facts of the threat to peace created by North Korea's aggressive actions on sea and land. With all earnestness I ask the Security Council to act firmly and swiftly to rectify this dangerous situation and eliminate this threat to peace. Despite the most serious provocation—a provocation which every nation would recognize as serious and dangerous—my government is exercising great restraint in this matter. We seek to give the processes of peaceful action all possible scope. We believe those processes can work swiftly and effectively, if the international community—including the members of this Council individually and collectively, so will it.

But, Mr. President, these peaceful processes must work. The present situation is not acceptable and it cannot be left to drift. This great and potent organization of peace must not let the cause of peace in Korea be lost by default to the high-handed tactics of a lawless regime. Such a course would be an invitation to catastrophe.

Therefore, let the Security Council, with its great influence, promptly and effectively help to secure forthwith the safe return of the Pueblo and her crew, and to restore to full vigor and effectiveness the Korean armistice agreement.

Fellow members of the Security Council, we have a clear and urgent responsibility under the Charter to help keep the peace. I trust the Council will discharge this responsibility.

HOUSE BILL PLACED ON CALENDAR

The bill (H.R. 14563) to amend the Railroad Retirement Act of 1937 and the Railroad Unemployment Insurance Act to provide for increase in benefits, and for other purposes, received in a message from the House of Representatives on Friday, January 26, 1968, was read twice by its title and placed on the calendar.

EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED REDUCTION OF APPROPRIATIONS FOR MILITARY EQUIPMENT, RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, FISCAL YEAR 1968

A letter from the Deputy Secretary, Department of Defense, transmitting a draft of proposed legislation to reduce and repeal authorizations in the amount of \$1,846,818,000 for appropriations during the fiscal year 1968 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces and to increase authorizations in the amount of \$177,086,000 and for other purposes (with an accompanying paper); to the Committee on Armed Services.

PROPOSED APPROPRIATIONS FOR MILITARY EQUIPMENT, RESEARCH, DEVELOPMENT, TEST AND EVALUATION, FISCAL YEAR 1969

A letter from the Deputy Secretary, Department of Defense, transmitting a draft of proposed legislation to authorize appropriations during the fiscal year 1969 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

REPORT OF FEDERAL MARITIME COMMISSION

A letter from the Chairman, Federal Maritime Commission, transmitting, pursuant to

law, the Sixth Annual Report of the Federal Maritime Commission for the fiscal year ended June 30, 1967 (with an accompanying report); to the Committee on Commerce.

PROPOSED 4-YEAR EXTENSION PERIOD FOR TRANSMISSION OF REORGANIZATION PLANS TO THE CONGRESS

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation to amend chapter 9 of title 5 of the United States Code, relating to executive reorganization (with an accompanying paper); to the Committee on Government Operations.

REPORT OF NEW ENGLAND REGIONAL COMMISSION

A letter from the Federal Cochairman and the State Cochairman, New England Regional Commission, Washington, D.C., transmitting, pursuant to law, a report on the activities of the New England Regional Commission for the fiscal year 1967, including actions taken at its July 6, 1967 meeting (with an accompanying report); to the Committee on Public Works.

PETITIONS AND MEMORIALS

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

By the PRESIDING OFFICER:

A resolution adopted by the Beltrami County Welfare Board, Bemidji, Minn., praying for the enactment of legislation for the relief of certain distressed areas of Minnesota; to the Committee on Finance.

A resolution adopted by the citywide committee to support the war on poverty, Philadelphia, Pa., praying for the enactment of legislation relating to the Office of Economic Opportunity budget; ordered to lie on the table.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. CLARK, from the Committee on Labor and Public Welfare, with amendment:

S. Res. 220. Resolution to provide additional professional and clerical staff for the Committee on Labor and Public Welfare; referred to the Committee on Rules and Administration.

EXECUTIVE REPORT OF COMMITTEE ON ARMED SERVICES

Mr. BREWSTER. Mr. President, as in executive session, I submit a report from the Committee on Armed Services on the nomination of Clark M. Clifford, of Maryland, to be Secretary of Defense, with the recommendation that the nomination be confirmed.

The PRESIDING OFFICER. The nomination will be received and placed on the Executive Calendar.

BILLS INTRODUCED

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

By Mr. PROXMIKE (for himself, Mr. NELSON, Mr. BAYH, Mr. DIRKSEN, Mr. GRIFFIN, Mr. HART, Mr. HARTKE, and Mr. PERCY):

S. 2877. A bill to allow American fishermen to use Canadian-built vessels for 3 years to fish for alewife in Lake Michigan; to the Committee on Commerce.

(See the remarks of Mr. PROXMIKE when

he introduced the above bill, which appear under a separate heading).

By Mr. KENNEDY of Massachusetts:

S. 2878. A bill for the relief of Shick On Moy and his wife, Tui Ha Chin; to the Committee on the Judiciary.

By Mr. ELLENDER (by request):

S. 2879. A bill to amend the Packers and Stockyards Act, 1921, as amended, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. ANDERSON (for himself and Mr. PASTORE) (by request):

S. 2880. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. SPARKMAN:

S. 2881. A bill for the relief of Chung Hang Kwan; to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 2882. A bill to amend the Public Health Service Act to provide for a comprehensive review of the medical, technical, social and legal problems and opportunities which the Nation faces as a result of medical progress toward making transplantation of organs, and the use of artificial organs a practical alternative in the treatment of disease; to amend the Public Health Service Act to provide assistance to certain non-Federal institutions, to agencies, and organizations for the establishment and operation of regional and community programs for patients with kidney disease and for the conduct of training related to such programs; and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. CLARK:

S. 2883. A bill for the relief of Lourdes Santiago Aquino; to the Committee on the Judiciary.

By Mr. CANNON:

S. 2884. A bill to amend the Federal Voting Assistance Act of 1955 so as to recommend to the several States that its absentee registration and voting procedures be extended to all citizens temporarily residing abroad; to the Committee on Rules and Administration.

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

RESOLUTIONS

TO PRINT ADDITIONAL COPIES OF HEARINGS, PART 2, ENTITLED "RIOTS, CIVIL AND CRIMINAL DISORDERS"

Mr. McCLELLAN submitted the following resolution (S. Res. 231); which was referred to the Committee on Rules and Administration:

S. RES. 231

Resolved, That there be printed for the use of the Committee on Government Operations one thousand additional copies of part II of the hearings before its Permanent Subcommittee on Investigations during the Ninetieth Congress, first session, entitled "Riots, Civil and Criminal Disorders."

STUDY OF ADMINISTRATIVE PRACTICE AND PROCEDURE—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 232); which

was referred to the Committee on Rules and Administration:

S. RES. 232

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to make a full and complete study and investigation of administrative practices and procedures within the departments and agencies of the United States in the exercise of their rulemaking, licensing, investigatory, law enforcement, and adjudicatory functions, including a study of the effectiveness of the Administrative Procedure Act, with a view to determining whether additional legislation is required to provide for the fair, impartial, and effective performance of such functions.

Sec. 2. For the purpose of this resolution the committee, from February 1, 1968, to January 31, 1969, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,300 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1969.

Sec. 4. Expenses of the committee under this resolution, which shall not exceed \$200,000 shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF ANTITRUST AND MONOPOLY LAWS OF THE UNITED STATES—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 233); which was referred to the Committee on Rules and Administration:

S. RES. 233

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to make a complete, comprehensive, and continuing study and investigation of unlawful restraints and monopolies, and of the antitrust and monopoly laws of the United States, their administration, interpretation, operation, enforcement, and effect, and to determine and from time to time redetermine the nature and extent of any legislation which may be necessary or desirable for—

(1) clarification of existing law to eliminate conflicts and uncertainties where necessary;

(2) improvement of the administration and enforcement of existing laws; and

(3) supplementation of existing law to provide any additional substantive, procedural, or organizational legislation which

may be needed for the attainment of the fundamental objectives of the laws and the efficient administration and enforcement thereof.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1968, to January 31, 1969, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,300 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1969.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed \$587,500 shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

CONSIDERATION OF MATTERS PERTAINING TO FEDERAL CHARTERS, HOLIDAYS, AND CELEBRATIONS—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 234); which was referred to the Committee on Rules and Administration:

S. RES. 234

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate to consider all matters pertaining to Federal charters, holidays, and celebrations.

Sec. 2. For the purposes of this resolution, the committee, from February 1, 1968, to January 31, 1969, inclusive, is authorized to (1) make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants; and (3) with the prior consent of the heads of the departments or agencies concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. Expenses of the committee, under this resolution, which shall not exceed \$8,500, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY OF MATTERS PERTAINING TO CONSTITUTIONAL AMENDMENTS—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 235); which was referred to the Committee on Rules and Administration:

S. RES. 235

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee

thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to constitutional amendments.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1968, to January 31, 1969, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,300 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its activities and findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1969.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed \$110,000.00, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF MATTERS PERTAINING TO CONSTITUTIONAL RIGHTS—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 236); which was referred to the Committee on Rules and Administration:

S. RES. 236

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

Sec. 2. For the purposes of this resolution the committee, from February 1, 1968, to January 31, 1969, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,300 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1969.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed \$228,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF CRIMINAL LAWS AND PROCEDURES—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 237); which was referred to the Committee on Rules and Administration:

S. RES. 237

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of criminal laws and procedures.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1968, to January 31, 1969, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ on a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,300 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the department or agency concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1969.

Sec. 4. The expenses of the committee under this resolution, which shall not exceed \$180,000, shall be paid from the contingent fund of the Senate by vouchers approved by the chairman of the committee.

STUDY OF MATTERS PERTAINING TO IMMIGRATION AND NATURALIZATION—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 238); which was referred to the Committee on Rules and Administration:

S. RES. 238

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

Sec. 2. For the purposes of this resolution, the committee, from February 1, 1968, to January 31, 1969, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,300 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies, to examine, investigate, and make a complete

and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1969.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed \$185,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY AND EXAMINATION OF THE FEDERAL JUDICIAL SYSTEM—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 239); which was referred to the Committee on Rules and Administration:

S. RES. 239

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to conduct a study and examination of the administration, practice, and procedures of the Federal judicial system with a view to determining the legislation, if any, which may be necessary or desirable in order to improve the operations of the Federal courts in the just and expeditious adjudication of the cases, controversies, and other matters which may be brought before them.

Sec. 2. For the purpose of this resolution, the committee, from February 1, 1968, to January 31, 1969, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis professional, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,300 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of dependents and agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1969.

Sec. 4. Expenses of the committee under this resolution, which shall not exceed \$203,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF JUVENILE DELINQUENCY—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 240); which was referred to the Committee on Rules and Administration:

S. RES. 240

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

study of any and all matters pertaining to juvenile delinquency in the United States, including (a) the extent and character of juvenile delinquency in the United States and its causes and contributing factors; (b) the adequacy of existing provisions of law, including chapters 402 and 403 of title 18 of the United States Code, in dealing with youthful offenders of Federal laws; (c) sentences imposed on, or other correctional action taken with respect to, youthful offenders by Federal courts, and (d) the extent to which juveniles are violating Federal laws relating to the sale or use of narcotics.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1968 to January 31, 1969, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,300 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable service, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation, as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1969.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed \$235,000.00 shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee.

EXAMINATION AND REVIEW OF STATUTES RELATING TO PATENTS, TRADEMARKS, AND COPYRIGHTS—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 241); which was referred to the Committee on Rules and Administration:

S. RES. 241

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized, under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to conduct a full and complete examination and review of the administration of the Patent Office and a complete examination and review of the statutes relating to patents, trademarks, and copyrights.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1968, to January 31, 1969, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,300 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for

legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1969.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed \$110,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee.

INVESTIGATION OF NATIONAL PENITENTIARIES—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 242); which was referred to the Committee on Rules and Administration:

S. RES. 242

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and inspect national penitentiaries.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1968, to January 31, 1969, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1969.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed \$5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF PROBLEMS CREATED BY THE FLOW OF REFUGEES AND ESCAPEES FROM COMMUNISTIC TYRANNY—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 243); which was referred to the Committee on Rules and Administration:

S. RES. 243

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

SEC. 2. For the purposes of this resolution, the committee from February 1, 1968 to January 31, 1969, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ on a temporary basis technical, clerical and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,300 than the highest gross rate paid to any other employee; and (3) to make a full and complete study of the separation of powers between the executive,

with the prior consent of the heads of the department or agency concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1969.

SEC. 4. The expenses of the committee under this resolution, which shall not exceed \$108,215, shall be paid from the contingent fund of the Senate by vouchers approved by the chairman of the committee.

STUDY OF REVISION AND CODIFICATION OF THE STATUTES OF THE UNITED STATES—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 244); which was referred to the Committee on Rules and Administration:

S. RES. 244

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

SEC. 2. For the purpose of this resolution the committee from February 1, 1968, to January 31, 1969, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That if more than one counsel is employed, the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,300 than the highest rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations, to the Senate at the earliest practicable date, but not later than January 31, 1969.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed \$46,500, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY OF THE SEPARATION OF POWERS UNDER THE CONSTITUTION—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 245); which was referred to the Committee on Rules and Administration:

S. RES. 245

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to make a full and complete study of the separation of powers between the executive,

judicial, and legislative branches of Government provided by the Constitution, the manner in which power has been exercised by each branch and the extent, if any, to which any branch or branches of the Government may have encroached upon the powers, functions, and duties vested in any other branch by the Constitution of the United States.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1968, to January 31, 1969, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,300 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings to the Senate at the earliest practicable date, but not later than January 31, 1969.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed \$125,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

TO PRINT REPORT ENTITLED "THE NATIONAL AIRPORT SYSTEM" AS A SENATE DOCUMENT

Mr. MONRONEY submitted the following resolution (S. Res. 246); which was referred to the Committee on Rules and Administration:

S. RES. 246

Resolved, That there be printed, for the use of the Committee on Commerce, eighteen thousand additional copies of its committee print of the 90th Congress, second session, entitled "The National Airport System". Interim Report of the Aviation Subcommittee of the Committee on Commerce, January 23, 1968.

INTRODUCTION OF BILL TO ALLOW AMERICAN FISHERMEN TO USE CANADIAN-BUILT VESSELS TO FISH FOR ALEWIFE IN LAKE MICHIGAN FOR 3 YEARS

Mr. PROXMIRE. Mr. President, I am introducing today legislation on behalf of myself and Senators BAYH, DIRKSEN, GRIFFIN, HART, HARTKE, NELSON, and PERCY to permit American fishermen to use Canadian-built vessels for the next 3 years to fish for alewife in Lake Michigan. This measure, which will not cost the American taxpayers one red cent, will help prevent another alewife die-off disaster like that experienced on Lake Michigan last year. The proposal is narrowly and carefully drafted to permit only American fishermen to use these vessels, only for 3 years, only on Lake Michigan, and only to catch alewife.

I need not dwell on the problems created by the alewife die off last year. But, permit me to list just two examples to reemphasise the gravity of the situation: The die off last year cost the States bordering Lake Michigan well over \$55,000,000 and cost one steel plant alone about \$5,000,000 for the 10 days the plant was incapacitated by masses of dead

alewife, not to mention the effect on swimming, sailing, and fishing on that beautiful lake. This year the prospects are just as bleak—the Bureau of Commercial Fisheries indicates that we can expect at least as heavy a die off as last year.

The best way to alleviate the problem for at least the next 3 years is by large scale, commercial fishing of the alewife to reduce their numbers. This can be done by trawlers and by gill net boats. Unfortunately, most of the American fishing vessels on Lake Michigan are gill net boats which have a small hold capacity and only a 60- to 90-day fishing season. In order to make a significant dent in the number of alewife, trawlers with modern fishing gear must be used. Trawlers are larger fishing vessels which have a larger hold capacity and a much longer fishing season—April to mid-February—because they can make use of fishing techniques needed to catch the alewife during the months they are not near the surface.

There are only 16 or 18 fishing trawlers available to American fishermen for alewife fishing this year. However, there are about 40 Canadian-built trawlers which are not being fully utilized in Canada, many of which could be used by American fishermen to fish for alewife. These trawlers must be made available to American fishermen, if another alewife disaster is to be averted. This legislation will make these vessels available.

Other significant benefits will accrue from passage of this measure. The fishmeal industry which produces much of the fishmeal used in animal feed would benefit greatly. Because these fishmeal plants constitute a ready market for all the alewife which can be caught, many more fishermen will gain employment. And, because a ready supply of alewife will be available to the fishmeal plants over a longer period of time, their employees will gain more work and wages. One plant owner estimated that if enough alewife were available he could pay over \$1,000,000 in additional wages. At the moment, the two largest fishmeal plants with a combined capacity of three-quarters of a million pounds of alewife a day are operating far below capacity because not enough trawlers to catch alewife are available. Interestingly enough, if just these two plants were to operate at full capacity for 250 days, they would process 188,000,000 pounds of alewife or just 12,000,000 pounds short 200,000,000 pounds of alewife which, according to current estimates, have to be taken from Lake Michigan every year to maintain a stable alewife population. Indeed, there would be an even further benefit. Such production would decrease imports of fishmeal by approximately 3 percent and thereby help the balance-of-payments problem. Finally, if these additional trawlers were available, some could be used to clean up any alewife die off from the water before it reached the beaches.

I realize the traditional exemption from the Jones Act prohibition against using foreign-built vessels has been for a period of only 1 year. However, I firmly believe that a 3-year period is justified in

this case. This is really the minimum amount of time in which to amortize the cost of the required new fishing gear, but, more importantly, the 3-year period coincides with the earliest estimate of the time in which the salmon stocking program will control the alewife. A laudable attempt is now under way to stock Lake Michigan with predator sport fish which will hopefully prey upon and control the alewife. If, at the end of 3 years, we find that the predator sport fish now being placed in Lake Michigan can control the alewife, we can easily return the Canadian-built vessels to Canada. This would not be the case, if new boats were built to take care of the alewife. And, if, at the end of 3 years, we find that these vessels are still required to control the alewife, then we can always extend the exemption period for a year or two.

We must realize, however, that this measure, by itself, will not be enough. Money must be made available to American fishermen so that they can purchase new fishing gear to catch the alewife more effectively. Consequently, I have by letter encouraged the Bureau of Commercial Fisheries to loan the necessary funds to these fishermen. I ask unanimous consent to insert the letter in the CONGRESSIONAL RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. PROXMIRE. Mr. President, I would hope that making these loans does not pose any great problem. There is already in existence a \$13,000,000 loan fund and these fishermen would only require about \$60,000 to purchase new nets, and so forth.

These are but temporary measures. We must look to the future and the key to the future is research. If a stable ecology is to be achieved in Lake Michigan, we must know much more than we know now. Only when we discover how the various organisms in the lake interact can we make long-range plans. This research will take money and that is why, as a member of the Interior Subcommittee of the Senate Appropriations Committee, I will press for a supplemental appropriation of \$600,000 for the Bureau of Commercial Fisheries so that they can carry out the required research.

In conclusion, may I emphasize the need to act on this legislation rapidly. The fishing season starts in April and the die off begins in late May and June. As you can see, this leaves us a very short time to act, if we are to prevent another disaster on Lake Michigan this year.

I ask unanimous consent that 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. 2877) to allow American fishermen to use Canadian-built vessels for 3 years to fish for alewife in Lake Michigan, introduced by Mr. PROXMIRE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 2877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, until June 30, 1970, notwithstanding any other provision of law, Canadian-built vessels owned by or under bareback charter to citizens of the United States, under such regulations as the Secretary of the Treasury prescribes, may take alewives from the United States' waters of Lake Michigan and land their catches in ports of the United States.

EXHIBIT 1

JANUARY 24, 1968.

DR. STANLEY A. CAIN,
Assistant Secretary for Fish and Wildlife
and Parks, U.S. Department of the Interior, Washington, D.C.

DEAR DR. CAIN: As you know, the alewife die off in Lake Michigan last year caused immeasurable harm to those states bordering the Lake.

In order to avoid a repetition of such an occurrence this year, I would strongly urge that the Branch of Loans and Grants of the Bureau of Commercial Fisheries be encouraged, consistent with the rules promulgated by the Department of the Interior, to facilitate loan applications from Lake Michigan fishermen. These men need money to purchase new gear, such as purse seine nets, to catch more alewife and, hopefully, limit the die off to manageable proportions. Unfortunately, if something is to be done this year, money must be made available almost immediately because the fishing season begins in April and the alewife die off begins in late May and June. As you can see, this does not leave us much time to act.

Thank you for your cooperation.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

THE ARTIFICIAL ORGANS, TRANSPLANTATION, AND TECHNOLOGICAL DEVELOPMENT ACT OF 1968

MR. JACKSON. Mr. President, on behalf of the senior Senator from Washington [Mr. MAGNUSON] and myself, I introduce a bill entitled "The Artificial Organs, Transplantation, and Technological Development Act of 1968," and ask that it be appropriately referred.

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

The bill (S. 2882) to amend the Public Health Service Act to provide for a comprehensive review of the medical, technical, social and legal problems and opportunities which the Nation faces as a result of medical progress toward making transplantation of organs, and the use of artificial organs a practical alternative in the treatment of disease; to amend the Public Health Service Act to provide assistance to certain non-Federal institutions, agencies, and organizations for the establishment and operation of regional and community programs for patients with kidney disease and for the conduct of training related to such programs; and for other purposes, introduced by Mr. JACKSON (for himself and Mr. MAGNUSON), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

MR. JACKSON. Mr. President, in our country in 1964 over 27,000 persons died of kidney diseases such as nephritis, nephrosis, infection, and polycystic disease and an additional 70,000 persons

died of hypertension which affects or is caused by the kidney. Of these, medical experts have calculated that a minimum of 7,000 patients per year are ideal candidates for treatment with the artificial kidney or for the use of kidney transplants. They are ideal in terms of their age, their lack of significant disease in other organs and their possibilities for 100-percent rehabilitation and return to the work force.

I believe that further medical research will indicate that this percentage of suitable patients may be even higher. While such research is vitally needed and should continue, its impetus has been diminished by the unfortunate fact that we are currently allowing 90 percent or more of these ideal patients to die each year despite the fact that the technologic developments of the artificial kidney and kidney transplants make it possible to treat these patients now.

Each year that goes by without taking a positive step to utilize the fruits of medical research widens the delivery gap in medical care. Artificial kidneys have been in continuous clinical use in this country since 1946 and thousands of patients have been treated for acute diseases. The first kidney transplantation in man was made in 1954, 31 years before the recent remarkable achievement of the first attempted heart transplant. Yet, now in 1968, 32 years later, we are treating only 10 percent of the ideal patients by strictest medical selective criteria and a much smaller percentage of the potential patients.

On March 9, 1960, Dr. Belding Scribner, of Seattle, Wash., placed the first chronic uremic patient to be deliberately launched on chronic maintenance hemodialysis with an artificial kidney. That patient is still living without the use of his own kidneys for this entire period.

This subject was considered so important that it was the stimulus for the President appointing the first medical committee ever set up in the history of our country to directly advise the Bureau of the Budget. This Committee under the chairmanship of Dr. Carl Gottschalk of the University of North Carolina and composed of the outstanding kidney specialists together with economists, lawyers, and other interested disciplines did an exceptionally thorough and scholarly job in researching this problem and in designing a workable plan for wider distribution of these two new methods of treatment within the constraints of finances and manpower which are so evidently with us this year.

This report was released in the waning days of the last congressional session and, therefore, received scant public attention. Our bill provides \$20 million for the first year and \$30 million per year thereafter for the establishment of training and treatment centers for transplantation and dialysis in teaching institutions which will eventually relate to community dialysis centers and home dialysis programs from which patients can be redirected to kidney transplantation when medically indicated.

Another title of the bill provides for a national Commission to appreciate the full range of medical, legal, social, economic, technical, and humanitarian

problems involving the role of the Federal Government in the prevention and treatment of diseases in which transplantation or artificial organs may be a factor.

This Commission will take up the broader problems posed by transplants of all organs as well as the fruits of other new developments in medical technology which are foreseeable in the immediate future such as the use of controlled sterile environment in burns and cancer chemotherapy, artificial ventilation in emphysema, artificial hearts, and electronically sophisticated replacements for limbs and organs.

With these developments in prospect, it is vital that we have an on-going model program from which we can draw the experience that will be necessary for realistic planning to prevent a new delivery gap for each major advance in medical technology.

These delivery gaps develop particularly when an organized health team approach is needed or when specialized physical facilities are needed or when the delivery of this care must be carried on in a planned way to prevent disruption of the teaching and basic research functions so essential to our universities.

It is fair and reasonable and important that the kidney field receive first attention since the clinical trials with the artificial kidney have been underway for 20 years and human kidney transplants have been the subject of investigation for 32 years.

It is equally important, however, that we draw the broadest possible experience from this initial program so that we may apply it to heart transplants and other developments. While the cost of our bill is quite low in relationship to the lives we will save and the valuable model experience it will prove, the price tag should not be looked at as a true net cost.

Indeed, the cost of maintaining a young mother with small children on dialysis, if efficiently done, may very well turn out to be less than the cost of welfare payments and aid to dependent children that the death of such young mothers is now leaving behind.

We have already received encouraging support for this bill from the National Kidney Foundation, from Dr. George E. Schreiner, chairman of the medical advisory board of the National Capital area chapter of the Kidney Foundation, from our concerned medical colleagues at the University of Washington and from a large number of physicians and constituents who have been vitally concerned with this problem. We trust that this bill will get rapid consideration by the Senate because of the urgency of its content. We believe that it will be read and warmly welcomed by the American people.

Mr. President, I ask unanimous consent that an explanatory narrative summary of the proposed bill be printed at this point in the RECORD.

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

NARRATIVE SUMMARY

The "Artificial Organ, Transplantation and Technological Development Act of 1968"

would amend the Public Health Service Act to provide for a comprehensive review of the medical, technical, social and legal problems and opportunities which the Nation faces as a result of medical progress towards making transplantation of organs, and the use of artificial organs a practical alternative in the treatment of disease.

In addition, the bill would also amend the Public Health Service Act to provide assistance to certain non-Federal institutions, agencies, and organizations for the establishment and operation of regional and community programs for patients with kidney disease and for the conduct of training related to such programs.

Finally, the bill proposes a variety of mechanisms for financing the programs outlined, and encourages close cooperation among all the federal agencies and departments to achieve the bill's objectives.

Section 2: Following the introductory section of the Artificial Organ, Transplantation and Technological Development Act of 1968, Section 2 of the bill amends Part B of Title III of the Public Health Service Act by adding the following three new sections:

THE NATIONAL COMMISSION ON TRANSPLANTATION AND ARTIFICIAL ORGANS

Under new Section 319 a seven-member National Commission on Transplantation and Artificial Organs would be appointed by the President with the Chairman and members selected on the basis of qualifications in medical, legal, social, economic and technical fields. The members of the Commission could hold no other U.S. Government position during their period of service.

Over the three-year period for which it is proposed to function, the Commission would review and report on all medical activities in the nation in the field of transplantation and the use of artificial organs for the treatment of disease and would review legal, social and technical problems associated with this area of medicine. It would also consider various ways by which the Federal Government can participate in developing the knowledge and facilities for the appropriate use of transplantation and artificial organs in the treatment of disease and make projections of the public need for readily available facilities for this purpose.

The Commission would consult with the Secretary of Health, Education and Welfare for review and comment regarding its studies, reports and recommendations. Its reports would be submitted to the President who would in turn transmit them to the Congress together with such comments and recommendations for legislation as he deemed appropriate.

In the performance of its functions the Commission could hold hearings, procure services of expert consultants, enter into contracts and transfer funds to Federal agencies. These agencies would be authorized to supply information and to detail personnel to the Commission upon its request.

ESTABLISHMENT AND OPERATION OF REGIONAL AND COMMUNITY PROGRAMS FOR THE PREVENTION AND TREATMENT OF KIDNEY DISEASES

The proposed new Section 320 of the Public Health Service Act defines a series of provisions related to financial and other assistance in the establishment and operation of regional and community kidney treatment and training programs. Funds would be authorized to be appropriated in the amounts of \$20,000,000 for the fiscal year ending June 30, 1969, and \$30,000,000 for each succeeding fiscal year until and including the fiscal year ending June 30, 1973. These funds would be used for assistance in providing information, services and grants for planning, training, construction, renovation and percentage contributions towards the operation of Regional Kidney Centers and Community Dialysis Units.

Kidney centers

A "Kidney Center" for the purpose of this section of the Act means a "Regional Kidney Center" established within or as a part of a medical school or hospital that has demonstrated a high level of professional competence in relevant medical disciplines. The purpose of such centers would be:

- (a) to train medical and supporting personnel;
- (b) to provide transplantation treatment for patients with chronic uremia where this form of therapy is indicated;
- (c) to provide dialysis treatment when medically indicated in connection with training, research and transplantation;
- (d) to engage in research and the development of new techniques;
- (e) to coordinate with and establish appropriate relations with one or more local Community Dialysis Units and
- (f) to assure that knowledge and treatment of kidney disease will evolve in a balanced fashion;

This section of the Act also includes in the definition of "Kidney Center" a local "Community Dialysis Unit" established in conjunction with and in a continuing relationship with a Regional Kidney Center.

The purpose of such units would be:

- (a) to provide a central training and treatment facility for the care of persons having chronic kidney disease;
- (b) to provide training and supervision to physicians, staff members, and to patients who are candidates for home dialysis;
- (c) to foster and promote the availability and wider use of the equipment and techniques of home dialysis.

Federal assistance grants to kidney centers for these purposes would include:

(1) 100 per cent of the costs directly related to the training of physicians, staff members, patients and their families;

(2) 100 per cent of the costs for construction or renovation of existing facilities and for the necessary equipment to establish a Regional Kidney Center under the provisions described above;

(3) 60 to 90 per cent of the costs for construction or renovation of existing facilities and for the necessary equipment to establish a Community Dialysis Unit under the provisions described above. The percentage contribution shall be determined on the basis of the economic status of the particular community involved pursuant to guidelines established by the Secretary.

(4) 90 per cent in the first year of full operation, 60 per cent in the second year, and 30 per cent in the third year, and thereafter of the operation and maintenance costs of Regional Kidney Centers and Community Dialysis Units established pursuant to this Act. *Provided*, however, that grants under this subsection may be in lesser amount if the Secretary determines that Centers and Units are capable of meeting a larger share of costs of operation.

Under the Social Security-Medicare provisions of the Act, the Secretary, in many cases, would find that local centers and units were capable of meeting a larger share of their operational and maintenance costs.

THE NATIONAL ADVISORY ON KIDNEY DISEASE PROGRAMS

The purpose of new Section 321 of the Public Health Service Act is to establish a National Advisory Committee on Kidney Disease Programs. This Committee would consist of 12 members, appointed by the Secretary, four of which would be currently in Government service and eight not otherwise in the employ of the United States. The term of appointment for each member would be four years.

The Committee would advise and assist the Secretary on regulations, policy and administration of this Act as it pertains to the diagnosis, treatment and care of patients suffering from kidney disease. The Commit-

tee would also review and make recommendations on grant applications under section 320 of this Act for the establishment and operation of regional and community kidney disease treatment and training programs.

In addition, the National Advisory Committee on Kidney Disease Programs would review and make recommendations on Kidney disease programs of other departments and agencies of the Federal Government, including, but not limited to, these in the Veteran's Administration, the Public Health Service, and the Vocational Rehabilitation Administration, so that the methods, facilities, and programs of these agencies can best be utilized. Particular attention would be paid to the coordination of activities of these various agencies in a given region so as to insure adequate geographical distribution of services and avoid duplication of facilities and services.

Section 3: This section of the "Artificial Organ, Transplantation and Technological Development Act of 1968" would amend the medical provisions of the Social Security Act so that:

1. any individual who upon accepted medical authority, judgment and practice requires continuous intermittent dialysis for kidney failure would be eligible for both the hospital insurance benefits (Part A) and supplementary medical insurance portion (Part B) of the Medicare program, regardless of that individual's age or insured status. Such individuals would be allowed to enroll in the supplementary medical insurance program at any time. Coverage would begin on the first day of the month of enrollment and terminate at the end of the calendar quarter in which the individual no longer requires dialysis.

2. "medical and other health services" which are covered under the supplementary medical insurance program would include: "continuous intermittent dialysis and any other items or services required for or in connection with the treatment of kidney failure (including items or services under the supervision of a physician, furnished in a place of residence used as the patient's home, if the provision of such items or services meets such conditions relating to health and safety as the Secretary may find necessary); and

3. individuals qualifying solely because of the requirement of dialysis are limited to receiving payments under either the hospital insurance program or the supplementary medical insurance program for those expenses incurred for items or services (including continuous intermittent dialysis and kidney transplantation) which are necessitated by such individuals' kidney failure or by conditions directly or indirectly related thereto or caused thereby.

Section 4: This section of bill would authorize and direct the Secretary of Health, Education and Welfare to study the effectiveness of the coverage extended by the amendments made by section 3 of this Act to individuals with kidney failure, giving particular attention to the need for increasing the duration of the benefits provided in the case of such individuals and for any other adjustments which may be indicated because of the unique nature of their condition and the treatment required. Within six months after the effective date of this Act the Secretary would transmit to the President and the Congress a report containing his findings of fact and any conclusions or recommendations he may have.

Section 5: Under this section, the head of each department, agency and instrumentality of the United States would be authorized and directed to cooperate with the Secretary of Health, Education and Welfare to the maximum extent possible, in carrying out the provisions of this Act.

Section 6: This section provides that, except as otherwise specifically provided by any amendment made by this Act, there would

be authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Section 7. This section states that the foregoing provisions of this Act would become effective as of the first day of the first month which begins after the date of enactment of this Act.

NOTICE OF HEARINGS BEFORE THE SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS ON BILLS TO ENABLE CITIZENS TEMPORARILY RESIDING ABROAD OR IN A STATE OTHER THAN THEIR LEGAL PLACE OF RESIDENCE—INTRODUCTION OF BILL

Mr. CANNON. Mr. President, American citizens serving in the Armed Forces, or working with the Armed Forces or employed on a civilian basis by the Federal Government and other employers, who are living temporarily beyond the continental limits of the United States very often lose their right to vote because of difficulties encountered in absentee registration and absentee voting.

The Federal Voting Assistance Act of 1955 provided for a simple, uniform system for the registration and casting of absentee votes by members of the Armed Forces and persons accompanying them.

However, many thousands of civilians residing abroad employed either by the U.S. Government or private enterprises do not enjoy the same privileges and are therefore disfranchised because archaic State laws prohibit either absentee registration or absentee voting or both. Some reasonable changes are necessary in order to restore the privilege of voting to these Americans who are becoming more numerous with each passing year.

U.S. citizens are living in States other than their own or in foreign countries in ever increasing numbers in keeping with the spread of American business throughout the world.

In 1967, President Johnson submitted to the Congress a Residency Voting Act which I introduced in the Senate on May 25, 1967. In June hearings were held before the Subcommittee on Privileges and Elections on S. 1881 and other measures which would extend to U.S. citizens the right to vote at least for the offices of President and Vice President.

Two alternatives are available to the Congress. One would require that the States change their laws so as to permit absentee residents to vote for President and Vice President, regardless of existing statutes prohibiting absentee registration. That bill, S. 1881, would also permit citizens who move from one State to another to vote for President and Vice President if the citizen has resided in the new State since the first day of September next preceding the date of the presidential election.

The second alternative would merely recommend to the several States that its absentee registration and voting procedures be extended to all citizens temporarily residing abroad.

A hearing has been scheduled by the subcommittee for February 6, 1968, to commence at 10 a.m. in room 301 of the Old Senate Office Building. The subcommittee hopes to obtain sufficient expert

information to assist it in determining which method would better meet the need of the citizens and of the States.

Mr. President, I introduce for appropriate reference a bill to amend the Federal Voting Assistance Act of 1955 so as to recommend to the several States that their absentee registration and voting procedures be extended to all citizens temporarily residing outside the continental limits of the United States.

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

The bill (S. 2884) to amend the Federal Voting Assistance Act of 1955 so as to recommend to the several States that its absentee registration and voting procedures be extended to all citizens temporarily residing abroad, introduced by Mr. CANNON, was received, read twice by its title, and referred to the Committee on Rules and Administration.

PENALTIES FOR CERTAIN ACTS OF VIOLENCE OR INTIMIDATION—AMENDMENTS

AMENDMENT NO. 516

Mr. HOLLINGS submitted amendments, intended to be proposed by him, to the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 517

Mr. LONG of Louisiana submitted amendments, intended to be proposed by him, to House bill 2516, *supra*, which were ordered to lie on the table and to be printed.

MEDICAL, NUTRITIONAL IMPROVEMENTS: U.S. FAMILY PLANNING ASSISTANCE OVERSEAS SUBJECTS FOR JANUARY 31, FEBRUARY 1 SENATE HEARINGS

Mr. GRUENING. Mr. President, the Senate Government Operations Subcommittee on Foreign Aid Expenditures will this week resume its public hearings on the population crisis, Federal Government expenditures in the area, and on S. 1676, my bill to coordinate and disseminate birth control information upon request at home and overseas.

On Wednesday the subcommittee hopes to learn the relationship of improvements in medicine and nutrition to the population crisis. On Thursday it will look at U.S. family planning programs overseas. The hearings start at 10 a.m. in room 3110, New Senate Office Building.

Wednesday's population crisis hearing has been arranged under the auspices of the National Institutes of Health at my request. As chairman of the subcommittee, I contacted the Director of the National Institutes of Health, Dr. James A. Shannon, last May to request help in detailing for the general public the advances in medical care and related topics and how they relate to the developed and developing areas of the world.

Dr. Shannon will discuss the work of the National Institutes of Health and introduce the four distinguished panel

members: Dr. Walsh McDermott, chairman, department of preventive medicine, Cornell Medical College; Dr. Ivan Bennett, Jr., Deputy Director, Office of Science and Technology, the White House; Dr. Forrest Linder, professor of biostatistics, University of North Carolina; and Dr. Philip Hauser, director, Population Research Training Center, University of Chicago.

Their discussion topics are:

First. Dr. McDermott, "The Effects of Improvements in Medical Care";

Second. Dr. Bennett, "The Effects of Improved Nutrition on Population Growth";

Third. Dr. Linder, "The World's Changing Population"; and,

Fourth. Dr. Hauser, "Implications for the Future."

Thursday's hearing on U.S. Government assistance in family planning overseas will relate specifically to the work of the Department of State, the Agency for International Development, and the Peace Corps.

Witnesses scheduled to testify include AID Administrator William S. Gaud; AID Assistant Administrator for War on Hunger Herbert J. Waters; AID Population Service Director Dr. R. T. Ravenholt; Special Assistant to the Secretary of State for Population Philander P. Claxton, Jr., and Peace Corps Director Jack Vaughn.

LACK OF APPROPRIATE SUPPORT IN VIETNAM FROM OUR ASIATIC FRIENDS

Mr. YOUNG of Ohio. Mr. President, Pentagon officials proudly report that Australia now has 6,300 men in Vietnam, New Zealand has 376, and also, that the Philippines, whose liberation was achieved at the cost of American lives, has contributed all of 2,000 noncombat engineers to aid us in Vietnam. We have nearly 600,000 combat soldiers and airmen in South Vietnam and Thailand.

Talk about our Asiatic friends coming to our aid. On a population per capita basis, Australia should have nearly 27,000 fighting men; New Zealand 6,300; and the Philippines 71,000. Furthermore, President Johnson increased aid to President Marcos of the Philippine Republic by \$100 million. In 1776, King George paid the German Duke of Hesse-Cassel and other German princelings \$20 million for 29,000 Hessians and other Germans who fought with the Redcoats seeking to crush the rebellion of the 13 colonies. Our patriot forefathers contemptuously termed those Hessians mercenaries.

Japan and Pakistan, recipients of liberal amounts of American taxpayers' money throughout the last 20 years, have contributed no soldiers whatever. In fact, their leaders are hostile to our involvement. They know we are involved in a civil war in Vietnam. They are horrified over our bombing of North Vietnam and killing and burning and maiming many thousands of men, women, and children. On the basis of population, each of these nations should have contributed more than 200,000 fighting men. It is evident this administration is fight-

ing an American land war in Southeast Asia alone and without the help of Asiatic nations except Thailand and South Korea. Those two nations have manifested their friendship toward us. Chiang Kai-shek, the corrupt old warlord ruling Taiwan, recipient of \$6 billion American aid and boasting an army of 600,000, offered to "consider" sending troops to Vietnam "if the war situation requires it, and if Nationalist China is asked." With friends like that, who needs enemies?

COMPLETE DISCLOSURE OF FINANCIAL STATUS OF SENATOR YOUNG OF OHIO

Mr. YOUNG of Ohio. Mr. President, early in 1959, directly after my election to the Senate, I reported in writing to the Secretary of the Senate a complete statement of my financial status and holdings so that citizens of Ohio would be able to judge for themselves whether there is ever the slightest conflict of interest in the performance of my duties. I have followed that policy annually since 1959.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter I wrote to the Secretary of the Senate on January 4, 1968, containing a complete statement of my financial status and holdings.

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

JANUARY 4, 1968.

Hon. FRANCIS R. VALEO,
Secretary of the Senate,
Washington, D.C.

DEAR MR. SECRETARY: The records of your office will show that early in 1959 following my election to my first term as United States Senator I fully disclosed in an open letter my financial holdings and status so that my constituents and others would be in position to judge whether or not at any time there is conflict of interest and whether for any selfish personal reasons I voted or conducted myself other than for the best interests of citizens of Ohio and of the nation.

It happens that in the entire history of the Republic I am the first member of Congress to fully disclose my financial holdings. Also, I have made copies of my income tax return available for public scrutiny by any news reporter.

Again I file with you a full and complete disclosure of my present financial situation.

My present financial situation is as follows:

As of January 1, 1968, I own U.S. Government bonds and bonds of W. R. Grace, Gulf & Western Industries, Lerner Stores, Murphy Oil, Radio Corporation of America and Tenneco, Inc., with a total value of approximately \$110,000. I own stock in the following corporations: 100 Atchison, Topeka & Santa Fe Rwy.; 100 Atlantic Richfield; 100 British Petroleum; 200 Chesapeake & Ohio Rwy.; 5 Clevite Corp.; 50 Communications Satellite Corp.; 200 Continental Oil; 200 Delta Airlines; 100 General American Transportation; 200 General Fireproofing; 200 Getty Oil; 1110 W. R. Grace; 100 Great Northern Iron; 414 ITT Consumer Services pfd.; 300 Lamb Communications Inc.; 3608 Lucky Stores; 200 Martin Marietta; 4 Mobil Oil; 551 Monsanto; 800 Stauffer Chemical; 8 Occidental Petroleum; 100 Offshore Co.; 1200 Ohio Radio Inc.; 100 Northern Pacific Rwy.; 1000 Phillips Petroleum; 100 Radio Corporation of America; 1550 Robbins & Myers; 200 G. D. Searle; 1256 Seilow, Inc.; 500 Sinclair Oil; 1700 Tenneco, Inc.; 100 Union Camp Corp. and 100 Union Pacific Rwy. The value of these stocks is approximately \$674,000.

I own a home in Washington, D.C. valued at approximately \$70,000, and real estate in Cuyahoga County, Ohio, New Smyrna Beach, Florida and acreage in Mississippi. The value of this real estate approximates \$15,000. There is an oil lease on acreage I own in Mississippi. If the oil producing company should drill successfully, my share would be 12½% of the profits.

I have life insurance, including a \$10,000 GI policy, the value of which is approximately \$41,000.

Frequently in letters or statements accompanying dividends, officials of oil producing companies in which I own stock suggest "write your Congressman and urge that he vote to retain the present 27½% depletion allowance for oil and gas producing corporations." As a member of the Committee on Ways and Means of the House of Representatives in the 81st Congress, I voted to abolish this depletion allowance. I have not changed my views. As Senator I have repeatedly voted and spoken against this depletion allowance and hope to have an opportunity again this year to vote to reduce this to 15% or to eliminate it entirely. As my views on this subject are a matter of record, there is no reason I should sell oil stock I own.

My income before paying federal income and state taxes during 1967 was as follows:

Salary as U.S. Senator	\$30,000.00
Amount received from interest on government and other bonds and dividends on stock holdings in excess of interest paid out on loans with stock and bonds as collateral	11,232.93
Total income from long and short term capital gains on stocks and bonds sold above loss incurred on sale of stocks and bonds	28,536.05
Net amount received from magazine articles sold and as honorarium for a speech outside Ohio	635.00
Total income	70,403.98

I owe the Union Commerce Bank of Cleveland \$214,000 and the Riggs National Bank of Washington \$25,000 and this indebtedness is secured by deposit of collateral—bonds and stock—worth approximately three times the amount of the loans.

In addition, I owe current bills of approximately \$3,500 to Washington and Cleveland stores and business concerns for recent purchases and for home improvement and repair work.

Otherwise, I am not indebted to any individual or corporation—owing no unsecured obligations or loans to anyone.

Also, I own an Oldsmobile 1964 automobile, household furniture, paintings, etc. and have a few thousand dollars in checking and savings accounts.

My income tax return for 1967 has not been prepared. When it is prepared a copy will be mailed you.

I attest that the foregoing statement is a true and correct detailed statement of my financial holdings and status. You have my authority to disclose this.

Sincerely,

STEPHEN M. YOUNG.

THE PRESIDENT'S BUDGET

Mr. WILLIAMS of Delaware. Mr. President, today the President is sending to Congress a record spending budget for domestic programs in the midst of a nondeclared war.

The President has submitted his budget on the basis that it can be accepted by Congress and leave us with but

an \$8 billion deficit for fiscal year 1969. That is not correct.

A careful analysis of the budget submitted to Congress shows that the deficit for the fiscal year 1969 will not be \$8 billion, as the President states. The actual deficit after relating spending to income will be in excess of \$28 billion in fiscal 1969, reduced only by such tax increases or expenditure reductions as Congress may later approve.

How do they reconcile the difference between the true deficit of more than \$28 billion and the President's claim of a projected \$8 billion deficit? First, they reduce the \$28.25 billion deficit by \$12.9 billion as being the amount of revenue which they expect to be derived from the President's recommendations for tax increases.

This would reduce the \$28.25 billion deficit to \$15.3 billion—that is, if the tax increase is enacted in the exact manner in which the President has requested.

Then, in order to reach the \$8 billion figure, they have included \$7.3 billion of accumulations in the various trust funds—money which under the law does not under any circumstances belong to the U.S. Government, and money which cannot be diverted to general revenue without action by Congress. Yet, for bookkeeping purposes, this trust fund money is counted as though it were normal revenue to the U.S. Government in order to reduce the amount of the deficit. In this manner the President is able to report to the American people an \$8 billion deficit.

This bookkeeping maneuver can be for one purpose only; and that is, to lull the American people into complacency and lead them to believe that the country is not really facing a national crisis as a result of the deficit spending of the Great Society.

The President, in his state of the Union message, mentioned certain reductions which were signed into law last year based upon a legislative proposal passed by Congress, wherein we did reduce some spending items last year and, in addition, reduced the number of civilian personnel on the Government payroll by a projected 2 percent.

The President boasted of this as being one of the reductions achieved by his administration. However, if we turn to page 530 of the budget we will find that the administration is not planning a reduction in the number of employees but is asking for 45,600 additional employees to be added to the payroll in fiscal year 1969.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that I be permitted to continue for an additional 5 minutes.

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

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the tabulation giving the breakdown of these items by agencies as appearing on page 530 of the budget report be printed at this point in the RECORD.

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

TABLE F-1.—SUMMARY OF FULL-TIME PERMANENT EMPLOYMENT IN THE EXECUTIVE BRANCH

Agency	As of June—			Increase, 1969 over 1968	Agency	As of June—			Increase, 1969 over 1968
	1967 actual	1968 estimate	1969 estimate			1967 actual	1968 estimate	1969 estimate	
Department of Defense, military and military assistance.....	1,193,657	1,220,500	1,223,500	3,000	Department of Transportation.....	55,187	57,700	59,600	1,900
Post Office Department.....	528,254	550,600	568,400	17,800	Treasury Department.....	81,591	82,000	85,500	3,500
Subtotal.....	1,721,911	1,771,100	1,791,900	20,800	Atomic Energy Commission.....	7,013	7,150	7,300	150
Department of Agriculture.....	85,723	85,800	86,300	500	General Services Administration.....	37,117	38,300	39,700	1,400
Department of Commerce.....	25,900	26,200	27,000	800	National Aeronautics and Space Administration.....	33,726	32,400	32,600	200
Department of Defense, civil.....	31,980	32,200	32,600	400	Veterans' Administration.....	150,225	152,100	154,000	1,900
Department of Health, Education, and Welfare.....	97,792	105,400	108,800	3,400	Other agencies:				
Department of Housing and Urban Development.....	14,250	14,800	16,200	1,400	Selective Service System.....	7,085	7,200	6,900	-300
Department of the Interior.....	60,606	61,100	63,500	2,400	Small Business Administration.....	4,142	4,300	4,700	400
Department of Justice.....	33,176	33,650	34,200	550	Tennessee Valley Authority.....	11,903	12,350	12,700	350
Department of Labor.....	9,461	9,700	10,700	1,000	The Panama Canal.....	14,571	14,950	15,000	50
Department of State.....	26,849	26,900	27,000	100	U.S. Information Agency.....	11,686	11,650	11,700	50
Agency for International Development.....	16,713	17,609	18,100	500	Miscellaneous agencies ¹	32,204	33,550	35,100	1,550
Peace Corps.....	1,240	1,400	1,600	200	Subtotal.....	850,140	868,400	890,800	22,400
					Allowance for contingencies.....		2,400	4,800	2,400
					Total.....	2,572,051	2,641,900	2,687,500	45,600

¹ Excludes member-employees of the Soldiers' Home.

Mr. WILLIAMS of Delaware. Mr. President, I call attention to the fact that only 3,000 of the 45,600 are allocated for the Defense Department. The other 42,600 are all to be distributed among the civilian agencies so as to carry out the expansion of the Great Society.

Every civilian agency of the Government, under the President's recommendations, is asking for an increase in personnel for the next fiscal year with just one exception; and that is, the Selective Service, which agency plans a reduction of 300. Every other agency of the Gov-

ernment is planning an increase in its payroll.

I asked the Budget officials how they reconcile a request for 46,000 extra employees when at the same time we are being told that they are carrying out a mandate of the Congress to reduce the number of employees by 2 percent, and I got this amazing explanation. They said that the 2 percent is taken off what they would have added if Congress had not acted.

This is a most ridiculous explanation. Not even a sixth-grade student would

ever try to put that over on the American people.

I also call attention to the fact that the President says he is only asking for \$10 billion extra and that this is necessary to carry out the built-in obligations previously approved by Congress. That cannot be verified by the President's own budget. To prove this point I ask unanimous consent that page 55 of the budget report be printed at this point in the RECORD.

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

TABLE 4.—BUDGET AUTHORITY AND OUTLAYS BY AGENCY

[In millions of dollars]

Description	Budget authority			Description	Budget authority		
	1967 actual	1968 estimate	1969 estimate		1967 actual	1968 estimate	1969 estimate
Loan account:				Total budget authority and outlays—Continued			
Department of Housing and Urban Development.....	5,947	3,879	2,579	Department of the Interior.....	656	863	857
Department of the Interior.....	13	19	10	Department of Justice.....	406	462	542
Department of Labor.....	114	-----	-114	Department of Labor.....	4,692	4,772	4,836
Treasury Department.....	(1)	(1)	(1)	Post Office Department.....	1,215	1,174	920
General Services Administration.....	-3	-46	-41	Department of State.....	402	399	428
Veterans' Administration.....	590	555	302	Treasury Department.....	6,262	6,696	6,525
Other independent agencies.....	2,136	1,615	1,211	Atomic Energy Commission.....	33,083	14,456	15,410
Total, loan authority and net lending.....	10,618	7,174	4,618	General Services Administration.....	2,199	2,509	2,755
Total budget authority and outlays:				National Aeronautics and Space Administration.....	113	316	330
Legislative branch.....	261	272	295	Veterans' Administration.....	4,966	4,587	4,369
The judiciary.....	91	96	103	Other independent agencies.....	6,929	7,828	7,790
Executive Office of the President.....	29	31	33	Allowances for:			
Funds appropriated to the President.....	5,428	4,830	6,143	Civilian and military pay increase.....			1,600
Department of Agriculture.....	7,928	7,800	7,530	Contingencies.....			550
Department of Commerce.....	1,041	961	1,027	Undistributed intragovernmental payments:			
Department of Defense, Military.....	72,287	72,755	79,116	Government contributions for employee retirement.....	-1,735	-1,913	-2,007
Department of Defense, Civil.....	1,357	1,358	1,307	Interest received by trust funds.....	-2,287	-2,678	-3,042
Department of Health, Education, and Welfare.....	41,640	45,673	51,370	Total budget authority and outlays.....	182,562	186,499	201,723
Department of Housing and Urban Development.....	7,368	5,703	5,342				

¹ Less than \$500,000.

Mr. WILLIAMS of Delaware. This table shows, Mr. President, that the President is calling for a total of \$15 billion in additional appropriation authority, and this increase will appear under the various appropriations as they come before Congress later this year. The administration is asking for \$15 billion extra spending money; but less than \$5 billion of that is for defense, and the remainder is for the expansion of the Great Society programs.

I will discuss this subject in detail a little later, but I could not let it go by unchallenged that we can pass a record budget calling for expenditures of \$186

billion under the new so-called unified budget, an alltime record, and that we can carry out all the proposals in this budget with just an \$8 billion deficit.

We are facing a \$28 billion deficit next year with no tax increase. That \$28 billion will be reduced only to the extent that we increase taxes and provide additional revenue or to the extent that Congress cuts these appropriation requests back to a realistic level and forces a reduction of expenditures—and I say force it, not just pass a mandate down to the White House where it can be implemented with promises. We are about to go broke on promises in this country.

Many questions are being raised by the economists of this country as to the trend of our economy and as to just how prosperous we shall be this year. I do not believe anyone can predict with any degree of accuracy what the condition of the economy will be in calendar year 1968. But I will say this: Based upon the President's state of the Union message and based upon what he is asking for in this budget, this is starting out as one of the "most promising" years we have ever had. The big question is, Can the country finance all these promises without going broke? If all this can

be done in the midst of a full-scale war, it appears that we have reached utopia.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. Mr. President, I listened with interest to what the distinguished senior Senator from Delaware just said; and I am certain that the questions he has raised—some, if not all, of which are highly meritorious—will be reviewed thoroughly very early by the appropriate committees of both Houses and Congress as a whole.

I would point out that during this fiscal year, Congress was responsible for reducing the Presidential budget requests by just under \$6 billion. I believe that the normal course of Congress—year after year—has been to apply the scalpel wherever feasible. I would anticipate that the same procedure would be followed this year.

In my opinion, the President has done a good job in scaling down what the various agencies have asked for; and he has tried to come up with calculations that are reasonable and understandable, especially in the light of the new method used in presenting the budget.

Mr. WILLIAMS of Delaware. The Senator is correct.

Last year, Congress reduced the budgetary requests for fiscal year 1968 by approximately \$6 billion. However, again, when we were told that for fiscal 1969 they were asking for \$10 billion extra appropriations we find that the \$10 billion request is over and beyond what he "asked" for last year and not beyond what Congress gave him. When you put the two together, we find the administration is actually asking for \$16 billion more than it got last year.

I believe we must separate what was asked for and what was actually appropriated. That is why I point out that if Congress accepts this 1969 budget as it is before us we shall be appropriating \$15 to \$16 billion more than was appropriated last year, or approximately \$10 billion more than was asked for last year.

As one who believes that Congress will have to face up to the question of whether we will or will not raise taxes and how we are going to finance this budget, I believe we also must ask ourselves whether we can afford this expansion on the home front at a time when we have at least one war underway plus all the other problems confronting us internationally. I do not wish to get into that phase of the discussion today. We shall discuss it later.

I feel strongly that Congress must not drift along and let time pass without facing up to this budgetary problem. We should let the American people know whether there will or will not be a tax increase, whether we shall or shall not roll back expenditures.

Personally, I believe we will have to do some of both. But we cannot solve this financial problem unless we sit down and face up to exactly how much we are spending and where these continuous deficits will lead us. This question will require the cooperation of all of us, on both sides of the aisle, to work together to restore some degree of solvency.

I agree fully with the majority lead-

er. I do not believe this is a political question. I do not believe it is a question upon which Congress can point the finger at the President and say, "It is your responsibility." He cannot spend a dime that we do not appropriate. On the other hand, he cannot point a finger at Congress because he signs the same bills. So we are all in it together, equally responsible, and we should all have the same objective. We must sit down together and agree to tighten our belts and decide where we can make these cuts. We must recognize that when we reduce expenditures it will hurt every one of us in our own pet programs.

Mr. MANSFIELD. The Senator from Delaware has made a very fair statement. It is the responsibility of Congress and of the President. The President proposes, but Congress disposes.

I agree with the distinguished Senator when he says that there should be further cuts in Government expenditures and at the same time a surcharge tax imposed. I believe that if we do not face up to this dual responsibility, inflation may well get out of hand, and the people will be paying far more than would be paid in the way of a surcharge on income tax.

I would also point out, that according to my best understanding, the surcharge tax would not apply to people having incomes of less than \$5,000; but it would apply to people whose taxable income was \$5,000 or more.

With a 10-percent surcharge it would operate as follows: If a person paid \$1,000 in income taxes last year, the 10-percent surcharge would be applied adding a just \$100 to that tax, making it a total of \$1,100.

This matter will be studied thoroughly. We will not get anywhere, however, by blaming the President; because, in exercising his responsibilities, he is doing everything he can possibly do to hold down expenditures within the departments. But how one man can oversee them all, how one man can know what is going on at all times in each agency is, I believe, an impossibility.

It will be recalled that the President sent out orders to the departments to cut down, aside from Vietnam, by 10 percent. It will be recalled that during the recess he also sent out orders to the State Department to cut its personnel by 10 percent, and that included the Agency for International Development.

So I believe the President is doing all he can possibly do. I am sure that he will welcome whatever assistance Congress can give him in respect to reducing his request, because that has been the President's policy since he has been in the White House. He is not at all averse, I might add, to Congress exercising its prerogatives, to the end that a more stringent and a better tailored budget can result.

Now I should like, Mr. President, to talk about the presentation of the budget by the President today.

A CLEARER AND MORE UNIFIED BUDGET FOR THE PEOPLE

Mr. MANSFIELD. Mr. President, last March the President appointed a com-

mittee of 16 eminent men, including the chairman and ranking minority member of our Committee on Appropriations, to review the budget concepts and the manner of presenting the budget. The Commission reported in October, and this budget reflects the bulk of their recommendations. It is, in fact, amazing that the President and the Budget Bureau were able to put such significant changes into effect in the fiscal year 1969 budget in such short notice.

The new budget has a number of striking advantages over the older approaches it replaces. For example:

The new budget is comprehensive:

It includes virtually all funds administered by the Government. This appears to add some \$47 billion to the old familiar budget figures. But let us remember, they have been there for some time—counted or not. The new, higher figures may be hard for us to get used to, but they are a truer reflection of the facts of Government finance.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. LONG of Louisiana. May I say to the distinguished majority leader that I applaud what he is saying in this regard.

I have the honor of serving as chairman of the Committee on Finance. When people come to me to discuss the national debt or the budget, I point out that the way the law has made us keep books and the way it has been done in the past, was such that one really did not know what the national debt was or what the deficit or the surplus was because there were so many things left out that should be in or so many things that were in that should not be in it.

The matter that the Senator is discussing here is very important because the question of whether we have a surplus or a deficit in the social security trust fund for a year is a very important item in a 1-year budget.

I am very happy to see that this important item and a number of other items to which the Senator made reference, are now being made a part of the budget. One can look at the budget and determine on balance if the Government is spending more than it is taking in or taking in more than it is spending. Now, for the first time, we will be able to look at the entire picture and get an impression as to where we stand on Government spending, whether we are taxing more than we are spending, whether more is coming in than is going out, or vice versa.

Mr. MANSFIELD. The Senator is correct. The Senator from Louisiana has been advocating this type of budget for at least the last decade.

Mr. LONG of Louisiana. I am pleased to see this happen. I had nothing to do with it happening. It did not make much sense to do it the way we were doing it. I am pleased that someone, not influenced by my thinking, made a study and arrived at the same conclusion I had that this is the way it should be done.

Mr. MANSFIELD. The Senator from Louisiana has spoken so often on this matter that it has been like drops of rain

that have accumulated and have at last been felt. We have this comprehensive budget which, in my opinion, could even be more comprehensive in that there should be added whatever assets this Government has in the form of projects such as the Bonneville Authority, the Libby Dam, in Montana, the Yellowtail, and so forth. These undertakings are not liabilities, by any means. They are revenue producing and have been financed on a loan basis fully repayable with interest. They are valuable assets and should be included in the comprehensive budget.

Mr. LONG of Louisiana. If the Government were an extremist, it could sell those assets, if it had to, and at a very good price.

Mr. MANSFIELD. The Senator is correct, because Yellowtail, Libby Dam, and Hungry Horse are just what the Senator has said—they are assets. They have an estimated life of 100 years and 30 to 50 years from now, after they are fully paid out with interest, all revenue derived from these great projects—after operating costs—would go into the General Treasury.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

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

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. WILLIAMS of Delaware. Mr. President, in line with the point raised by the Senator from Louisiana and the Senator from Montana on counting these projects as assets, I think that it is a good plan to itemize them in the budget at the depreciated value in our assets, as well as the accrued liabilities of the Government, so we can get the true picture. I agree completely that this would be a step in the right direction.

I do not question that it is better to include in a report to the Congress the expenditures under these trust funds. That always has to be taken into consideration when we consider taxes.

The point I raised earlier, and the point on which I disagreed with the administration, is that trust fund receipts cannot be counted as normal income for the purpose of reporting our deficit.

I shall illustrate this point with a hypothetical case. Assume for the moment that we are going to enact the 10-percent tax increase and that it will produce \$10 billion. That could be earmarked and put into the social security trust fund, and under this new accounting procedure we would get the same result in reporting next year's deficit. We know that if all of that money is turned over to the social security trust fund it would improve the financial status of the trust.

I repeat, we could earmark this income tax revenue and put it in the social security trust fund, and then everybody would say, "You have really taken care of the social security trust fund," yet we would have the same result of a deficit of \$8 billion next year because the accumu-

lation in the trust fund is counted for the purpose of reducing the reported deficit. That is an absurd situation. The example just made shows that this would not work. The Government has no right to claim these trust fund surpluses as though they were normal revenue, any more than a bank would which is administering a \$5-million trust for some of its customers. The bank cannot include the value of that trust in its financial statement. They are two separate parts entirely.

Mr. MANSFIELD. I agree with the Senator. The money paid into the social security fund is for a specific purpose and must be used for a specific purpose. The Senator has a valid point. But the fund itself represents a valuable item insofar as its revenues exceed the obligations against it.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BYRD of Virginia. The Senator from Louisiana mentioned the national debt. I am wondering what effect, if any, the revised budgetary method will have on the national debt.

Mr. MANSFIELD. I am not a financial expert, but it would be my assumption that the inclusion of such items as the trust funds, for example, which in reality are separate items, would have no effect on the debt, as such, because interest would accrue to them. The Government expenditures would be indicated to the same extent as they always have been and as long as we have to borrow money to meet those expenditures and as long as outgo exceeds income, the steady accretion in the national debt will continue to be with us. The debt now is between \$13 billion and \$14 billion—6 percent of the total budget—and will probably continue on that basis according to past performance.

The only way the debt could be reduced would be to bring outgo under income to the end that some of the principal can be paid off. I do not believe, however, that that has been the case for many decades now.

Mr. BYRD of Virginia. As I understand the Senator's response, so far as he can determine at the moment, this new budgetary method will have no effect on the method of calculating the national debt.

Mr. MANSFIELD. That is my understanding, but I repeat again that I am not a financial expert.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from Virginia is correct. It would have no effect at all on our national debt because to the extent that we use Government trust funds we put Government I O U's over there and they are counted as a part of the debt.

One change that is in this budget which I like is that heretofore participation certificates were counted as a reduction in expenditures and not as a part of the national debt. From now on, under this "unified budget" participation certificate sales, which are 100 percent guaranteed by the Government, will be counted as a part of the national debt.

This is the position I have taken all along. They will not be used as a reduction in expenditures. It is another means to finance the debt.

Under this unified picture we will get a truer presentation of the debt.

There are many features in this method that are improvements over the previous method. I make that statement even though I have pointed out certain areas with which I disagree. Perhaps we can ultimately get a true picture of our financial situation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

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

Mr. LONG of Louisiana. Mr. President, in the area of the national debt, I wish to direct the Senator's attention to the fact that for some years we had a resolution known as the Saltonstall resolution, calling for a full statement of all of this Nation's contingent liabilities.

The Senator from Louisiana was willing to go along with that but he wanted to add, in addition, a statement of all the assets that we have available to us in one respect or another to meet those contingent liabilities, so we would not be looking at only the hole in the doughnut but the doughnut and the hole.

We did pass that resolution through the Senate and a study is now being made, I believe, in the Treasury to see what that picture would be when you looked at the entire matter. It should have been available to the American people a long time ago, but we will know when we get a look at it and we will have a chance to make our suggestions as to what the overall picture is.

I suppose the biggest single item that one finds difficulty in calculating is the Nation's greatest asset, and that is its people and the ability to tax income of the American people, as well as their assets, in order to pay off the debt.

When one looks at the tremendous assets the Nation has, as well as potential assets, I believe that he is going to be very greatly impressed and his pessimism will be dissolved, to a considerable extent.

Mr. MANSFIELD. I would agree with the Senator. I think that the Saltonstall-Long approach in this matter is very fair. It should reveal not only what we have in the way of liabilities which I think we all generally know, but also it should disclose huge assets that very few Americans appreciate fully.

Mr. President, the new budget is unified with a single one-page plan that covers congressional action on appropriations as well as the resulting expenditures, the receipts, and the deficit. It also shows more clearly the proposed means of financing the deficit.

The new budget is a more valuable economic document: Spending by the Government is separated from its lending operations, so that the differing effects of these two activities can be more easily gauged.

Finally, the new budget treats the sale of participation certificates as a form of

borrowing. This move also adds about \$4 billion to the apparent deficit, as compared with the older measures, even though there is no change in the actual facts. Reasonable men may reasonably differ on whether these participation sales should be treated as a reduction in Government assets or as an increase in liabilities. The majority of the Commission members took the latter point of view and the President and his advisers have voluntarily decided to follow this advice.

The remaining changes recommended by the Commission should be instituted as soon as feasible. For example, shifting to the more businesslike accrual accounting, and identifying the subsidy element in several loan programs, are desirable steps—but steps that may prudently take 2 years or so to implement.

Today is indeed a landmark day in the annals of Federal budgeting. The President has given us a comprehensive and conceptually sound document—one which will enhance our consideration of its proposals, and also add to public understanding.

We now have the responsibility to weigh it carefully, recognize its domestic and international content, and vote on it accordingly.

THE PRESIDENT'S SOUND AND SENSIBLE BUDGET

Mr. McGEE. Mr. President, the budget we have received today is both sensible in its approach and sound in its answers to our urgent national needs.

Our Nation is the richest and most powerful in the world. Our defense forces are stronger now than at any point in our history. Our standard of living is the envy of all other nations. Our economy is experiencing an unprecedented period of sustained growth.

But we also have serious problems. Abroad, we are fighting a costly war in Vietnam and we face grave tensions elsewhere in the world. At home, various ills beset us—among them poverty, urban blight, crime, poor education and housing for too many of our citizens, and polluted air and water.

Under President Johnson's leadership, we have begun to make real inroads on our domestic problems. We must continue the job. This is not a time to stand pat. We simply cannot afford to ignore the challenges that confront us, whether they come from foreign aggressors or arise out of deep-seated grievances within our own shores. The President made that abundantly clear in his forthright and realistic state of the Union message.

Our needs are many, but our resources limited. Therefore the President has had to distribute the budget dollar on a strict priority basis. I think he has chosen wisely in his priorities.

About 32 percent of the total increase in outlays in fiscal 1969 is needed for improvements in our defense forces. Another 40 percent of the increase will be for benefit payments required by law for social security, medicare, and other social insurance trust funds. The second stage of the pay raises we voted last year for Government personnel will begin on July 1, 1968. It will account for 15 per-

cent of the increase in total budget outlays between 1968 and 1969. Finally, other relatively fixed charges, such as interest on the debt, public assistance, and veterans pensions, will account for 12 percent of the fiscal year 1969 increase. These obligations, approved by Congress, cannot be sidestepped.

These figures I have just cited come to 99 percent of the rise in outlays—for defense, pay, and for charges relatively fixed under present law.

This is a tight budget, as the President pointed out in his state of the Union message. This point is underscored when we consider that outlays for the more controllable portion of the budget will be up by less than one-half of 1 percent.

This hold-the-line policy has not been applied arbitrarily. As I pointed out earlier, the budget reflects judgments about the Nation's priorities. This means that some high priority programs will be increased on a selective basis to help meet urgent domestic needs; for example, manpower training and job development, the model cities program, efforts to curb the rising crime rate, air and water pollution control, and health care for mothers and infants.

The President has urged that we give these increases careful consideration. I trust that we will and that our response will be favorable.

At the same time, he has proposed budget decreases or legislative program reforms in most of the major Government agencies. He has similarly asked for support and approval of these proposals for savings.

This, it seems to me, is what the Congress has been calling on the President to provide:

The needed amounts for defense and other mandatory programs;

His priorities as to those urgent programs for which we should increase our expenditures modestly;

Suggestions on programs or activities which can and should be reduced or reformed because of changed circumstances or a lesser order of priority.

This President Johnson has done—and done well. I urge Congress to cooperate in supporting both the budget and revenue-raising proposals we now have before us.

PRESIDENT JOHNSON PRESENTS EXCELLENT INTERNATIONAL GRAINS ARRANGEMENT

Mr. PROXMIRE. Mr. President, on Friday President Johnson sent to the Senate for its consideration the International Grains Arrangement which will be a valued benefit for the Nation's wheatgrowers. I know that wheatgrowers have valued previous arrangements. The new arrangement which includes higher minimum prices for world trade will benefit wheat farmers even more.

The food aid portion of the arrangement will do double duty for the United States. First, it means that other developed countries will be sharing the world's aid burden so that the United States can spend less abroad.

Second, it means that other wheat

exporting countries will have less wheat to sell in the world's commercial markets since they will be providing some of their grain for food aid programs for the next 3 years.

I hope that the Committee on Foreign Relations, in conducting hearings on the proposed arrangement, will make sure that it is the intention of the Secretary of Agriculture to keep U.S. wheat competitive in world markets and to take measures which will require other exporting countries to shoulder their part of the task of maintaining wheat price stability.

As President Johnson said on Friday, this arrangement is a big step forward in the administration's overall effort to strengthen and stabilize our farm economy.

I hope the Senate will firmly support this excellent arrangement.

PHILIPPINES SHOW THE WAY BY RATIFYING ALL HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, in 1963, the General Assembly of the United Nations, with strong support from the United States, designated 1968 as the International Year for Human Rights. In 1965 the General Assembly called upon all members to ratify before 1968 the human rights conventions.

All of us know the record of the Senate. Of the five human rights conventions submitted to the Senate, only the Supplementary Slavery Convention has been approved.

By comparison with our own inaction, the record of the Republic of the Philippines is truly remarkable.

The Republic of the Philippines, only 21 years old, has ratified all nine of the human rights conventions.

The United States can certainly take a lesson from the young Philippines. The Senate can make a real start, this year, by giving its advice and consent to the Conventions on Forced Labor, Freedom of Association, Genocide, and Political Rights of Women.

THE MOTIVES BEHIND THE NORTH KOREAN SEIZURE OF THE "PUEBLO"

Mr. McGEE. Mr. President, on Friday, January 26, I addressed the Senate concerning what I believed to be a significant part of the motivation of the actions of the North Koreans in their capture of the U.S.S. *Pueblo*.

Today, Mr. President, I should like to return to that subject and spell out in greater detail the facts that prompt me to believe that the North Korean motivation is precisely what I alluded to on Friday.

There is clear evidence that Kim Il-song of North Korea is playing the old game of dictators who are sorely pressed at home by economic and political difficulties which they have proven incapable of solving.

While South Korea's economy has begun to boom over the last few years and has recently been growing each year at a rate somewhere between 8 and 11 percent per annum, Kim Il-song's econ-

omy has declined dramatically over the last few years primarily because of a drop in the growth of industrial production. Industrial production in North Korea has declined from an average of 35 percent annually between 1955 and 1960, to about 15 percent between 1961 and 1964, and even lower during the last 2 years. Meanwhile, Kim Il-song's agriculture production could not take up the slack, was barely able to maintain its normal levels, and could not offset the dramatic decline in industrial growth.

When one stops to realize that North Korea was bequeathed at the end of World War II almost the entire industrial power base and industrial resources of the peninsula of Korea, one can get an idea of how dramatic Kim Il-song's failures have been, and when one realizes that the Republic of South Korea began its independent life in 1946 with no industrial power and no proven industrial resources, its performance over the last 20 years is a modern miracle, and those Members of the Senate who have so stanchly defended aid for Korea can take a full measure of credit.

As year after year went by Kim Il-song was faced by a tremendous loss of face as the Republic of South Korea began to catch up and, in some ways, to surpass it. Kim Il-song's remedy for his failures has been to tighten his police controls over every aspect of life in North Korea. He placed the dead hand of collectivism upon North Korea's agriculture, giving him a firm grip over the farmers but denying him the motivation from them that might have increased production.

Because his failures became more and more apparent to the U.S.S.R. and to the People's Republic of China, Kim Il-song found it difficult to justify to them his dissipation of the great advantages he inherited in 1946. He squirmed from one side to the other and finally in October 1966, declared that North Korea was independent of every other house in communism, including both China and Russia.

During that declaration of independence in October 1966, he also stressed the necessity of building his party organization in the Republic of South Korea and advocated united front tactics. But over the last year Kim Il-song's ridiculous posturing made it even more apparent that those tactics had no chance of success. In Kim Il-song's latest speech he abandoned that Soviet-type united front tactics and said that "unification must be realized within our generation." He asked, "How can we sit idly by when the people in South Korea are fighting and shedding their blood?"

So, ideologically, Kim Il-song abandoned any pretense of legitimacy and declared a bloodier policy for the Republic of South Korea. In order to do this, he had to purge his No. 4 leader, Pak Kum Chol, and his No. 5 man, Lee Hyo Sun, who had been guiding the united front tactics in the south. In addition to purging possible opponents in his ruling clique, Kim Il-song embarked upon the cult of personality and adopted all the trappings of megalomania.

Which brings us down to the worst failure of megalomaniacs—a tendency to

miscalculate their own power and influence. And here is where the free world faces its direct threat: Has Kim Il-song miscalculated again, even as he did in 1950? An examination of the evidence is now important to us all.

He recently exhorted Communists to accomplish the revolution in the south "at all costs." Here is one example of what that phrase means. He determined to assassinate President Pak and to blow up everyone in the Blue House. He trained 31 North Korean officers for many months. Thirty-one assassins were then given 2 weeks' intensive training. On January 16 they assembled in Kaesong. Each assassin was given a U.S.S.R. submachinegun and pistol, one antitank grenade, eight antipersonnel grenades, and 5 days' rations. In gross violation of the armistice agreement, these assassins were infiltrated through the demilitarized zone. Because of the bravery of the South Korean farmers, woodcutters, and simple citizens, they were discovered and intercepted, hunted down, killed or captured before they could touch President Pak.

The photographs and equipment of Kim Il-song's assassins have been directly displayed to the North Korean officers at Panmunjom. The representative of the United Nations informed the North Koreans at Panmunjom that Kim Il-song's plan to assassinate President Pak had badly misfired. Kim Il-song's latest attempt at crime had, the United Nations representative declared, marked North Korea as an "outcast among nations."

Kim Il-song's difficulties at home not only led him to attempt the practice of direct political assassination of opponents at home and abroad, but also to adopt a policy of piracy at sea. The incompetent and ineffectual dictator had such contempt for his own people that he believed that their confidence in him would increase according to his success as a domestic and international outlaw.

The facts of the U.S.S. *Pueblo* affair are indisputable. The encounter started about noon on January 22, 1968, when two fishing trawlers from Wonsan circled the *Pueblo*, giving no signal, verbal or otherwise. These two boats disappeared by late afternoon.

On January 23, at about noon, a North Korean subchaser circled the *Pueblo* three times, and on the last circle signaled the *Pueblo* to heave to or be fired upon. You have heard the *Pueblo*'s reply, "I am in international waters."

At 1 p.m., an additional force joined the subchaser, consisting of three patrol boats, and the *Pueblo* was ordered to follow them. The *Pueblo* refused. At this time two Migs began to circle directly overhead.

One attempt to board the *Pueblo* by armed personnel was rebuffed. We believe the North Koreans were prepared to fire and that later they did so, but with what effect we do not know. We also think that within a few minutes they again tried unsuccessfully to board the *Pueblo*. At about 1:30 p.m., the *Pueblo* was again directed to stop, and at 1:45 an attempt to board was apparently successful.

This tottering leader, this miscalculating megalomaniac, has brought his country once more to the abyss. There is little doubt that he is attempting to cover up his tragic failures at home and abroad, and that he has chosen the most dangerous path to compensate for his failures.

T. ROSS SHARPE

Mr. TALMADGE. Mr. President, early on Sunday morning, January 28, 1968, life ended for one of my fellow Georgians. He was not an ordinary man, neither was he great as among kings and heads of state, but he was by any measure an outstanding man. In passing through this life, he left his mark upon the land. He did not believe in being a carbon copy of any other man, and he imparted this philosophy to his children and others who knew him. He contributed to his society.

T. Ross Sharpe was born in Marvin, a very small rural community in Toombs County, Ga. He attended the county schools, graduated from Brewton Parker Junior College in Ailey, Ga., and thereafter received his LL.B from Mercer University in Macon, Ga., in 1915.

Soon after his graduation, "Col. T. Ross," as he was familiarly known to his friends, served his country in the U.S. Navy during World War I.

After the war ended he returned to Georgia and spent several years in Atlanta. He married Ellen Malone, a lovely Alabama girl, and their marriage was blessed by a son, T. Malone, and a daughter, Luray. Shortly after this, "T. Ross" and his young family returned to Toombs County where he began the successful practice of law in Lyons.

Over the succeeding quarter of a century, "T. Ross" served the people of Toombs County in a number of capacities. He was on the county Democratic committee for 24 years. He served in the General Assembly of the State of Georgia. He was on the county board of education for 16 years.

All of these distinctions, as grand as they are, seem to me to be overshadowed by the contribution he made toward fathering the concept of the rural electrification program in Toombs County. He knew what life was like on a farm without electric power. His boyhood days had been spent reading by the light of a candle, oil lamp, or open fireplace. He knew the chilling cold in fingers that ached as he tugged at the rope drawing up the water bucket from an open well in the middle of winter. He had spent many days in a freezing barn or a steamy hot one milking cows by hand. He had a full realization of the advantages that electricity could bring to a farm.

It was to this end that T. Ross Sharpe made such a great effort. His foresight and astute awareness enabled him to evaluate the potential impact of President Roosevelt's Executive order of May 11, 1935, establishing the REA program.

He worked almost single handedly with the county, State, and Federal officials late in 1935, and on April 25, 1936, secured approval for a loan to the co-op in the amount of \$53,000. This loan came 1 month prior to action by Congress es-

tablishing the REA in May 1936. Largely through his efforts, the Altamaha Electric Membership Co-op was formed. In its early development, 208 members were served by 53 miles of powerlines. From this modest beginning, the co-op now serves 7,500 rural folks of Toombs County, and customers in six other Georgia counties—Emanuel, Laurens, Treutlen, Montgomery, Telfair, and Johnson—are now being supplied low-cost electricity on 2,000 miles of lines. This program was one of the first REA developments in Georgia and was among the first in the Nation.

The development and success of the Altamaha REA has served as a model for many other programs throughout the Nation.

It has been, in large measure, through the efforts of T. Ross Sharpe and other dedicated men like him, that millions of rural Americans now enjoy the advantages of low-cost electricity. We also must keep in mind that as we have realized the development of REA for our rural brothers, we have enriched not only their lives but the lives and fortunes of all our people.

With the death of this man, the people of Toombs County, the State of Georgia, and the Nation have suffered a great loss. He will be missed. A colorful era in our lives and relationship has drawn to a close. Although he is gone, we hold fond memories of his having passed through our lives, and tomorrow and tomorrow and tomorrow, as succeeding generations of rural Americans turn on their lights and farm equipment, we shall know that T. Ross Sharpe has left a memorial that exceeds the monuments of marble and stone built for lesser men.

THE PEACE CORPS IN SIERRA LEONE

Mr. McGEE. Mr. President, I ask unanimous consent to have printed in the RECORD a letter to Peace Corps Director Jack Hood Vaughn from Ambassador Robert G. Miner in Freetown, Sierra Leone, concerning the high standards of performance and effectiveness of the Peace Corps volunteers in that Nation.

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

EMBASSY OF THE
UNITED STATES OF AMERICA,
Freetown, January 9, 1968.

Mr. JACK HOOD VAUGHN,
Director of the Peace Corps,
Malatico Building,
Washington, D.C.

DEAR JACK: Last week-end at the invitation of the Peace Corps, I attended the closing session of the Northern Regional Conference for Chieftain Development, as rural development is called here.

The Conference was very well organized and the participation of Sierra Leone officials was excellent: the Provincial Commissioner and all the District Commissioners concerned attended. Your people will no doubt have a full report from the Peace Corps here.

The purpose of this note is to relay the remarks to me of a senior police official of the northern province. They are not, I am sure, unusual but they do provide additional evidence of the effectiveness of the Peace Corps and another indication that your organization has been on the right track.

The police official said in effect that the people of Sierra Leone had received great help over the years from European and some American Officials, missionaries, and charitable organizations. Previously, however, it was always a question of "them and us": the benefactors lived their lives apart, dealing with the Sierra Leoneans only in the course of their duties and ministrations. The Peace Corps Volunteers, he said, were the first to live with the Sierra Leoneans, to share their life.

"They know us," he said, "And they make us feel they like us as human beings and not as objects of charity." He developed this theme at some length but his principal point was simply that the Volunteers had made themselves part of the life of the towns and villages in which they work, and had thus been welcomed and cherished as no other foreigners had been.

From what I have seen of the Peace Corps Volunteers and staff in the month or so I have been here amply bears out the police official's comments. I think they are doing a first class job with verve, enthusiasm, and dedication. It goes almost without saying that the Peace Corps is by far the greatest asset the U.S. Government has in Sierra Leone. My congratulations and thanks.

I should add a word about the Volunteers and staff from Gabon, who were evacuated here and are awaiting assignment. Although hurt and disappointed at their summary expulsion from Gabon and at loose ends until their onward assignments have been made, they have been cheerful and uncomplaining and have set about organizing themselves and their time as best they can.

Best wishes for the New Year.

Sincerely,

ROBERT G. MINER.

THE PRESIDENT SETS HIGH BUDGET PRIORITIES TO HELP THE AMERICAN CITY

Mr. SPARKMAN. Mr. President, Americans these days are used to hearing everyone speak of the crisis of the cities. Sidney Smith, the 19th century English wit, once wrote:

Don't tell me of facts; I never believe facts; you know . . . nothing (is) . . . so fallacious as facts, except figures.

Yet the crisis in the American cities is a fact. And it is impossible to discuss the city and the President's 1969 budget without discussing both facts and figures.

The actions needed to help our Nation's ailing cities will entail solutions to many complex problems. The housing and community development programs included in the 1969 budget are aimed at solving some of the most difficult city problems.

After study of the budget documents, I am convinced that two of President Johnson's programs which hold the greatest hope for our cities—and which the President discussed in his state of the Union address—are the model cities and the new 10-year housing programs.

The budget calls for a total appropriation for model cities for 1969 of \$1 billion. These funds will be used to pay supplementary grants and carry on urban renewal activities in the 63 initial cities which already have planning grants and the 70 additional cities whose planning grants will be approved in 1968. Thus, in 1969 the model cities program will begin to have its impact in comprehensively attacking the most urgent

problems of physical and social blight and decay in 133 of our cities.

The President has asked for a far-reaching and necessary 10-year housing program to provide 6 million housing units for low- and moderate-income families. The program is to begin in 1969 with 300,000 units. Although there has been no legislative proposal as yet, the program is likely to include some rehabilitation, some increases in existing programs such as rent supplements and public housing "turnkey" projects, and as yet unspecified new approach. A combination of these programs would constitute the most logical overall approach to providing this vitally needed housing. We have already seen some startling successes in pilot programs of the Johnson administration to bring industry and Government together to provide new housing in central city areas.

In addition to the programs the President discussed in the state of the Union address, he has asked for nearly \$1.3 billion for his 1969 urban renewal program. This amount will provide essential Federal assistance to local public agencies for rehabilitation or acquisition, clearance and redevelopment of slums and blighted areas, as well as providing the tools needed to restore the physical environment in approved model cities programs. In the past, criticism has been leveled at urban renewal as the bulldozer which tears down the housing of low-income citizens without providing low-cost alternatives. However, with the vigorous application of a new program of national goals for urban renewal, the first priorities in urban renewal are now the provision of low income housing and full-time permanent jobs for low-income residents. The national goals make urban renewal a much improved tool to help our cities provide housing and jobs for low-income citizens.

The President also asked for \$1.4 billion in advance funding for 1970 for urban renewal. The advance funding will provide assurances to the cities so that they will be able to plan for the future knowing that Federal funds will be available. Part of the \$1.4 billion in advance funding is for use in approved model cities programs.

Yet, the budget clearly shows that the programs I have touched on do not exhaust the President's herculean efforts to help the cities. A partial list of other aids shows \$40 million for 130 multipurpose neighborhood centers in 1969, an increase of \$10 million over 1968; \$55 million for about 980 urban planning grants in 1969, an increase of \$10 million over 1968; urban research will be doubled from \$10 million to \$20 million; rent supplement annual payments will increase by more than 400 percent; rent supplement contracts for later annual payments will increase to \$65 million; and many other important aids, such as housing for the elderly, urban parks, and demonstration of new approaches to provide low-income housing.

The \$5.3 billion in obligational authority requested for the Department of Housing and Urban Development must be compared with the total priorities shown in the budget. In a budget marked by a tight financial situation, the Presi-

dent has found room for new, high priority initiatives in housing and community development and a billion-dollar model cities program. He has proposed doubling the urban research budget. When greater resources are available, this budget insures that we will be able to move forward rapidly to cure the ills which have hampered so many of our urban areas for so long.

So the task is before us. We need to send forth the clear call to the cities that resources are on the way to help them solve their problems. We can accomplish this by providing all the funds which the President has proposed for housing and community development in this 1969 budget.

I urge the Congress to do so.

OUR VANISHING SPACE—AT HOME

Mr. GRUENING. Mr. President, a thoughtful and, indeed, a very depressing analysis of what is happening and will happen in our country as a result of our burgeoning population, written by Jenkin Lloyd Jones, was published in the Saturday, January 27, Washington Star.

Mr. Jones points out that we are headed for a country with no more wide-open spaces, with bumper-to-bumper traffic, and much else, when, 30 years from now, our population reaches 300 million. I might point out that, unless checked, this 300 million will double again in less than the 30 years thereafter; let us say by 2025.

Mr. Jones' realistic forecast is lacking in only one respect. He does not draw the obvious conclusion as to what should be done about it.

I ask unanimous consent that the article entitled "America's Empty Space Vanishing," be printed in the RECORD.

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

AMERICA'S EMPTY SPACE VANISHING

(By Jenkin Lloyd Jones)

A few weeks ago with considerable fanfare America passed the theoretical moment when her population reached 200 million.

Generally, there was a feeling of triumph. We were all raised in the American tradition that described two kinds of towns—growing ones and dead ones. It is a heritage from our pioneer traditions when community boosters counted the wagons moving in as against the wagons moving out.

Unhappily, the "more-the-merrier" attitude toward human population, which seemed logical while we were sniffing each other's campfires, lost its logic when we began breathing each other's smoke. If you want to get over any bigger-the-better illusions, spend a weekend in Calcutta.

At its first census in 1790 America had fewer than 4 million people. It took 128 years to reach its first 100 million and only 49 more to reach its second 100 million. Projections into the future are dangerous. We have ever more amazing preventive and corrective medicine on the one hand and the "pill" and the A-bomb on the other. But sometime around 1995 many demographers guess that we'll hit 300 million. Just 27 years to go!

What will America be like as we approach this awesome number?

For the first part of this period the safest guess is that practically all American cities above 20,000 population today will grow rapidly. The present process which has been

under way for 40 years—that of sucking the population out of rural areas and small towns—will continue as mechanization renders obsolete the farm hand and people move toward city industrial jobs.

But after a while rural America will start filling up, too. Computer-control will make far-flung factories as easy to manage as though they were in the shadow of the head office. The super-cities will become more and more difficult to live in. There will be a great back-to-the-country movement.

Not back to the farm. Farms will be highly mechanized food factories. Some food factories won't even fool with soil at all. Vegetables will be raised in hydroponic tanks. Fish will be bred, fed and harvested in huge food-lakes and dammed-off bays and inlets. People will not live on the land. As in India today they will cluster in settlements because land will be too precious to give away an acre to a farmhouse.

Still, the super cities will continue to grow and to knit themselves together in megalopolises representing literally hundreds of miles of solid habitation. In such communities human values will be the most spectacular casualty.

People jammed together by the tens of millions simply will not like each other very much. There will be a coldness and a temper. There will be neurotic aberrations of all kinds.

This behavior is already becoming apparent. The New York cabdriver is not the same as the cabdriver in Winnemucca, Nev. He is too people-tormented. Generally speaking, the bigger the city, the more senseless the violence and the more blatant the deviates.

Technology, of course, will do wonders. Cities will recycle sewage back into their water systems, gag a little at first and find it pure. They will reduce smog and perhaps even noise by stern police measures.

But individual freedoms will continue to narrow. A jammed nation will not permit a man to burn a gallon of precious hydrocarbon and occupy 100 square feet of expressway merely to get himself to work. We will be ordered, queued-up, counted off and herded. We will need our television phones, for the day will come when a drive out to Aunt Minnie's will require a permit.

Gradually, the empty country will vanish. "The Wide-Open Spaces" are already going. Posted land in Oklahoma increased 10 percent between the last two hunting seasons. We will resist as best we can with huge new state and federal parks. They are now talking about a national park covering all the Adirondacks.

But it's bumper-to-bumper in Yellowstone now and 300 million people will turn the finest park system into a nightmare of advance reservations, limited access and endless regulation. There will be no place for Huck and Tom and the shotgun.

Short of a murderous war or a hardy new virus we cannot reverse this process. We can only try to plan cities that will be livable. We can search for a social order which will keep us out of each other's hair, but will permit individuality to survive. We can seek government systems that will direct the masses without smothering the spirit. All this will be very difficult.

And the price of failure will be the 300 million blues.

VIETNAM HEALTH CARE

Mr. McGEE. Mr. President, there continues to be, in the press sometimes and in Congress at times, a great deal of discussion, often critical, of the health picture in Vietnam, particularly as it relates to civilians in that war-torn land.

I myself have had the opportunity to be in Vietnam on several separate occa-

sions, and I have paid some attention to this area of contention. Casualties, and particularly civilian casualties, are certainly unwanted and deplored. But, realizing that in the circumstances of warfare, they are inevitable, I have been impressed by the skill and dedication of the medical personnel and by the improvement in overall administration of medical care programs. This observation applies as well, of course, to the medical care given to our military casualties. It is truly, I think, remarkable.

President Johnson has not been remiss in looking into all reports critical of medical care in Vietnam. He sent a team of top medical specialists to Vietnam to study the situation, including the charges that thousands of casualties were suffering burns from American napalm. On two separate occasions, our distinguished Vice President has carefully looked into the problems of both military and civilian hospital and medical care, making recommendations and seeing to it that those recommendations were acted upon by AID officials in Washington and Saigon, by the Department of Defense, and by others. He has prodded private agencies and foundations and some international organizations, and he has been active in seeking the aid of other governments in providing hospital and medical care.

Mr. President, on December 31, Dr. Howard Rusk, writing in the New York Times, reviewed the gains made last year in providing improved medical and health services for Vietnamese civilians. I think his comments are worthy of special note, so I ask unanimous consent that they be printed in the RECORD.

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

[From the New York Times, Dec. 31, 1967]

VIETNAM HEALTH CARE: ENCOURAGING DEVELOPMENTS REPORTED IN AID TO CIVILIAN AND MILITARY CASUALTIES

(By Howard A. Rusk, M.D.)

In Vietnam, the year 1967 was marked by continuing political frustration. Balanced against this, however, were a number of encouraging developments in both the military and humanitarian spheres.

Chief among the latter were the substantial gains made in providing improved medical and health services for Vietnamese civilians. A year ago, numerous periodicals reported that civilian casualties in South Vietnam were as high as a hundred thousand a year and many were children who had been burned by American napalm bombs.

No one actually knows the number of civilian casualties in Vietnam.

During the year, however, a number of independent observation and survey teams concluded that these reports were greatly exaggerated.

TEAM OF PHYSICIANS

One such group, a team of American physicians headed by Dr. F. J. L. Blasingame, executive vice president of the American Medical Association, in its report to President Johnson in late September, said:

"Throughout our visit, individual team members paid particular attention to burns. The cases were relatively limited in number in relation to other injuries and illnesses, and we saw no justification for the undue emphasis which had been placed by the press upon civilian burns caused by napalm."

A new organization known as the Committee of Responsibility, headed by a num-

ber of America's medical leaders, has brought a very small number of severely disabled Vietnamese children to the United States for highly specialized reconstructive plastic surgery.

In addition, the Children's Medical Relief International, a voluntary agency, has started a project to provide reconstructive surgery for the severely injured and burned in Saigon. The group is working temporarily in the surgical facilities of the National Rehabilitation Institute, pending the construction of a 40-bed specialized hospital to be completed next spring.

The International Rescue Committee, which is participating in the project, has opened a reception and convalescent center in conjunction with the new hospital.

In addition, the Foundation of the American Society of Plastic and Reconstructive Surgery, which has been active in Vietnam for nearly four years, has announced its intention of increasing its program.

EXPANDING MEDICAL TEAMS

Equally encouraging is the success the Agency for International Development has had in expanding United States and allied medical teams to work in Vietnamese provincial hospitals. Currently, more than 1,500 such physicians, nurses and other paramedical health personnel are working in provincial hospitals throughout Vietnam.

Augmenting their efforts are a number of physicians who voluntarily serve two months in Vietnam under the sponsorship of the American Medical Association.

The Agency for International Development has given a contract to the American Hospital Association under which the latter will provide the services of 16 highly experienced hospital administrators for key provincial hospitals and an instructor in hospital administration. It has also developed a contract with the Catholic Conference under which this agency will provide up to 60 skilled nurses for provincial hospitals.

The American College of Surgeons has recently had a survey team in Vietnam to study how it could assist.

During 1968, a selected number of medical schools will also provide teams of highly specialized medical personnel numbering up to 18 members.

During the year, the Defense Department also announced that approval had been given for the construction of three hospitals with a total of possibly 1,100 beds to care for civilian casualties. These hospitals are being built and will be operated and staffed by the armed forces. A hundred new beds have already been opened in a new 300-bed hospital and a 400-bed hospital is under construction. The third hospital, with 400 beds, will be built later if it is needed.

In the meantime, a monthly average of 300 patients receive care in unutilized beds in United States military hospitals.

The developments in expanding rehabilitation services for the permanently disabled, both military and civilian, have been particularly encouraging.

In January, 1966, the World Rehabilitation Fund, Inc., a United States voluntary agency, began assisting the National Rehabilitation Institute in strengthening and expanding its program. At that time, the small program at the National Rehabilitation Institute was fabricating about six old-fashioned, poorly-fitted wooden limbs a month. A crash program for training technicians was instituted. Supplies were sent from the United States, and within six months production jumped to several hundred modern, light-weight limbs a month, identical to those produced in the United States.

Medical and rehabilitation services were expanded and strengthened and training programs for physical therapy technicians were instituted. It is planned that a two-

year formal training program for physical therapists will be started at the University of Saigon next September.

Under the leadership of an American expert, Vietnamese personnel were trained in services for the blind and a program for such services was instituted.

Early in the year, technicians from the Conghoa Military Hospital in Saigon were trained in prosthetics at the National Rehabilitation Institute, and such a program was started at this hospital for disabled military personnel. This was later expanded to include services for paraplegics and other severely disabled.

Heading the service are two physicians who received about 20 months' training in the United States, who accompanied a plane load of Vietnamese paraplegics who went to the Veterans Administration Hospital in Castle Point, N.Y., in November, 1965. Half of the paraplegics who have since returned to Vietnam are living at home with their families and many are employed. The remaining half are receiving vocational training at the National Rehabilitation Institute.

In May, renovation of an existing building was completed in Cantho in the Mekong Delta, and services in medical rehabilitation, prosthetics and orthotics were started.

SIMILAR PROGRAM

Up in the north in Danang near the demilitarized zone, a similar program was started in temporary quarters, and new construction was started on a modern 100-bed rehabilitation center. This center will open later next month.

Last month in the four centers of the National Rehabilitation Institute, more than 400 artificial limbs and braces were fabricated and fitted. It is expected that this will double during the next six months.

There are 35,000 to 40,000 military and civilian amputees in South Vietnam. Interestingly, each month a number of Vietcong amputees defect to obtain modern artificial limbs.

In the meantime, the American Friends Service Committee, utilizing voluntary funds exclusively, has opened a major center with a full range of rehabilitation services in Quangngai, the next major city north of Quinhon, halfway between Saigon and Hanoi.

The Canadian Government is also planning a major 100-bed rehabilitation center, which it will construct, equip and partly staff at Quinhon, a major city on the east coast. This center should be in operation the latter part of next year.

The Government of West Germany has also conferred with Vietnamese officials concerning the possibility of the construction of a large, modern, vocational rehabilitation center for teaching trades to the permanently disabled.

It is particularly encouraging that the Governments of Canada and West Germany have voluntarily offered to give major assistance to rehabilitation in South Vietnam.

VOCATIONAL TRAINING

Some vocational training for the physically handicapped and blind is now being conducted at the National Rehabilitation Institute in Saigon and its branches in Cantho and Danang. Vocational training services are also planned for the proposed center in Quinhon to be sponsored by the Canadians.

The medical and rehabilitation needs of South Vietnam still remain staggering. It is encouraging, however, that substantial progress was made during 1967 by the Vietnamese themselves with the assistance of the United States, allied Governments and voluntary agencies, toward the objective of "helping the Vietnamese to help themselves."

These developments are concrete evidence of the deep concern for these victims of war, accidents and disease. As this writer has commented previously, regardless of one's politi-

cal views toward the conflict in Vietnam, this is an effort that should be supported by all Americans.

IS THE UNITED STATES HEADING FOR THE "DECLINE AND FALL" WHICH HAS BROUGHT DOWN OTHER ONCE GREAT NATIONS?

MR. GRUENING. Mr. President, an extremely thoughtful and important discussion, indeed, almost a classic, entitled "The United States and 'Responsibilities of Power,'" written by the distinguished Senator from Arkansas [Mr. FULBRIGHT], chairman of the Committee on Foreign Relations, was published in the New York Times of January 27, 1968.

Senator FULBRIGHT is concerned about national trends which are carrying us far, far from our traditional policies and professions. He sounds a warning which should be taken seriously. 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:

[From the New York Times, Jan. 27, 1968]
TOPIC: THE UNITED STATES AND "RESPONSIBILITIES OF POWER"

(By J. W. FULBRIGHT)

In the vocabulary of power politics large nations are referred to as "powers," the assumption being that the truly important function of a nation is not the maintenance of law and order, nor the advancement of human welfare within its borders, but the exercise and expansion of power beyond its frontiers—to which function all others are necessarily subordinate.

To that school of political thinkers who call themselves "realists" it is irrelevant sentimentalism to question the primacy of power politics in terms of its costs, purposes and human rewards. There is—so they tell us—no choice involved. A great nation, it is said, devotes its major energies to the exercise of power because its own inner nature requires it to do so; to ask why is as useful as asking why donkeys bray or why cats eat mice instead of cabbage.

Power politics is practiced under different names. The British called it the "white man's burden"; the French called it their "civilizing mission"; nineteenth century Americans called it "manifest destiny." It is now being called the "responsibilities of power." What all these terms have in common is the assumption of involuntariness. "Realists" might call it a "law of politics"; romantics might call it their "mission." Both regard it as something outside of rational choice.

History appears to support them. Powerful nations have always devoted their main part of their resources to building empires; only a few small nations, such as the Scandinavian countries, have devoted their main energies to human satisfactions, presumably for lack of any other choice.

THE DECLINE OF EMPIRES

Just as the great empires expanded, inevitably they began to contract, culminating, as in the case of ancient Rome or the Austria of the Hapsburgs, in total disintegration, or, as in the case of Spain, in a long, gradual decline. No empire stood stronger and prouder than the British Empire a hundred years ago; today we are witnessing its sad, final sunset.

Can America escape the same fate? Accepting the gloomy determinism of the "responsibilities of power," in effect our present policymakers tell us that it cannot. They do not, of course, predict our decline and fall, only the extension of power, the drain of

material and human resources, and the neglect of domestic requirements that precede and precipitate the fall of empires.

Our very success condemns us to spend the lives of our sons in distant jungles, and to waste our substance on the costly horrors of modern weapons and the glittering vanity of trips to the moon and supersonic airplanes.

I do not think we are condemned to this. History and psychiatry and religion tell us that, for all our human susceptibilities, we do have some choices. Experience suggests that we are well advised to join in collective measures—through the United Nations and our alliances—to prevent the arbitrary and unwarranted interference by one nation in the affairs of another.

Beyond that we are free to use our vast resources for the enrichment of life, for the improvement and enjoyment of things, for the setting, if we will, of a civilized example to the world.

Nations, like individuals, have some freedom of choice, and America of all nations is equipped to exercise it. Our nation was created as an act of choice; our Constitution was designed to protect and perpetuate the right of our citizens to freedom of choice. Most of us are descended from people who came to America as an act of choice. Unlike any other great nation in history, we are a rich composite of cultures, united not by race or religion but by the choice made in becoming Americans.

If ever a nation was free to break the cycle of empires, America is that nation. If we do not, it will not be because history assigned to us an imperial role. It will be because we chose to believe such pompous nonsense, because power went to our heads like a super-dose of LSD, leading us to betray our history and the purposes for which this nation was founded.

WISDOM OF OUR YOUTH

That, I suspect, is what the hue and cry are about. That is what the dissent and protests are about. Our leaders speak of our stars, of the travail to which we are condemned by the "responsibilities of power."

But our youth are wiser than their elders; they know that our future will not be shaped by some nonexistent "law" of politics but by human choice or susceptibility. They see their country succumbing, sliding toward an imperial destiny, and they are crying out against it. They are crying out for America to return to its history and its promise, and in their crying out lies the hope that it will.

COPPER STRIKE SITUATION WORSENS

Mr. FANNIN. Mr. President, last Friday the New York Times published editorial comment relating to the current crippling copper strike that has halted domestic copper production and idled 60,000 copperworkers.

Not often do I find myself on the same side of the editorial fence as the New York Times. In this instance they have raised some very pertinent questions and made important comments relevant to this issue.

The Times is quite right in noting:

The strike represents a massive test of strength in which all the resources are aligned behind a coalition of 26 international unions . . . The normal economic issues are secondary to the union's determination to establish bargaining on a company-wide basis, in place of the localized bargaining system that now prevails in copper.

The editorial writer goes on to point out that the President has not chosen

to use the emergency provision of the Taft-Hartley Act.

This means that the President, recognizing the stake union leaders have in grabbing this power for themselves, has willingly let the copperworkers be the pawns—the rank and file "cannon fodder"—in a struggle between the companies and the unions.

Secretary Trowbridge and Secretary Wirtz, in their joint release announcing the appointment of a special mediation board, made the strongest possible case for invoking Taft-Hartley. The same kind of activity that is supposedly going on now by the factfinding board would have been done had the President invoked Taft-Hartley.

As it is, the special board, which is heavily stacked in favor of the unions, talks on while the copper workers endure daily worsening hardships. They talk while the balance-of-payments problem continues to suffer under the impact of copper imports. They talk while our Nation's war effort is imperiled, small businessmen go bankrupt and consumer prices soar for copper-related products.

President Johnson's improvisation—

As the editorial points out—

has the disadvantage of throwing the whole dispute into an industry-wide framework of settlement, thus automatically putting the unions well on their way to winning the central strike goal even before any recommendations are made.

So we see that the President, far from taking the impartial stance he affects, has taken sides in the dispute and, ignoring the plight of copper workers, has chosen to back the big labor bosses in their push for power.

Finally, the Times points out something which I said on the Senate floor last week. The President has failed to fulfill his pledge to send legislation to Congress that will cope with strikes threatening the national interest without resorting to extemporaneous, extra-legal measures.

So far as I can determine, the President has no authority to appoint such a board now. He is acting partly on precedent and partly on politics.

Two things are clear:

First, the President does have the legal power to end the economic and physical hardships in the copper strike. He did not use it. He must bear that responsibility.

Second, he has not fulfilled his 1966 pledge to send emergency strike legislation to Congress. The Nation has a right to know if, in holding up this legislation, he is serving the best interests of the Nation, or of the union leaders with which he is so closely allied.

Mr. President, I ask unanimous consent that the editorial entitled "Copper Strike Improvisation," published in the New York Times of January 26, 1968, be printed in the RECORD.

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

[From the New York Times, Jan. 26, 1968]
COPPER STRIKE IMPROVISION

The Johnson Administration's appointment of a special mediation board to seek a

settlement of the six-month-old copper strike reflects the heavy damage that the strike has inflicted on the economies of five Western states and on the country's balance of payments. It also reflects the inadequacy of Federal labor laws in dealing with disputes in which the concentrated power of giant unions and giant corporations combines to endanger the national interest.

The strike represents a massive test of strength in which all the resources of the A.F.L.-C.I.O. are aligned behind a coalition of 26 international unions, while the National Association of Manufacturers and the United States Chamber of Commerce give equally resolute support to the "Big Four" copper companies. The normal economic issues are secondary to the unions' determination to establish bargaining on a company-wide basis, in place of the localized bargaining system that now prevails in copper.

In intervening, the President has chosen not to get an eighty-day injunction under the national emergency provisions of the Taft-Hartley Act. That law would have restored domestic copper production but would not have provided an approach to settlement of the stubborn basic issue. The present recourse to White House improvisation has the disadvantage of throwing the whole dispute into an industry-wide framework of settlement, thus automatically putting the unions well on their way to winning the central strike goal even before any recommendations are made.

The panel now has the difficult task of demonstrating that its appointment has not, in and of itself, stacked the deck against the companies on an issue of great importance to employers and unions in most major industries. The President, for his part, has the obligation of acting at long last on the pledge he made in his 1966 State of the Union message to recommend emergency strike legislation that would not compel him to extemporize under intense political pressure whenever a crippling strike throttles a key industry.

NINE SENATORS' VIEWS ON VIETNAM

Mr. GRUENING. Mr. President, the views of nine U.S. Senators on what to do about our military involvement in Southeast Asia are set forth clearly in a question and answer symposium in the current, February 5, issue of U.S. News & World Report.

I ask unanimous consent that the presentation, entitled "Pull Out or Stay in Vietnam," giving the views of Senators FULBRIGHT, HARTKE, McGOVERN, NELSON, MORSE, CLARK, CASE, McCARTHY, and GRUENING, be printed in the RECORD.

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

PULL OUT OR STAY IN VIETNAM—WHAT DEBATE IS ALL ABOUT

(NOTE.—If the Senate's leading critics of President Johnson's Vietnam strategy had their way—

(What would they change? are they united on an alternative policy? Do they have a formula for a quick, successful end of the fighting?

(The editors of "U.S. News & World Report" submitted eight questions to those who have been most outspoken against the conduct of the war, asking, in effect, "What would you do?"

(On these pages are replies of eight Senators—seven Democrats and one Republican. Also, on page 31 is a statement prepared for this magazine by Senator J. W. Fulbright, the Democratic chairman of the Foreign Relations Committee.)

Question: Do you favor an end to the bombing of North Vietnam without prior conditions?

Senator Eugene J. McCarthy (Dem.), of Minnesota: Yes. It has not achieved its objectives, is of very limited value militarily, is probably hardening Hanoi's attitude toward negotiation, is politically counterproductive for the U.S. before world opinion.

Senator Joseph S. Clark (Dem.), of Pennsylvania (interviewed while visiting South Vietnam): I have seen nothing here in Vietnam to change my view that an end to the bombing is a calculated risk, which I personally would be willing to take in hope of getting negotiations—although I think it's quite true that it is a calculated risk if Hanoi were to use the pause drastically to reinforce their troops in South Vietnam.

Senator Wayne Morse (Dem.), of Oregon: Yes.

Senator Vance Hartke (Dem.), of Indiana: I think the Administration must order a suspension of bombing of the North in order to prove its sincerity in exploring avenues to possible peace negotiations. It must be remembered that this would not necessarily include tactical bombing that is in direct support of protection of allied troops in enemy contact.

Senator Ernest Gruening (Dem.), of Alaska: Yes, I favor an end to the bombing of North Vietnam, but I feel that this does not necessarily mean that our adversaries will come to the conference table.

Senator George S. McGovern (Dem.), of South Dakota: The bombing has cost us more pilots, planes and resources than it is worth. It has failed to check the flow of aid and manpower to the South and, in fact, may have triggered much greater Russian, Chinese and North Vietnamese effort. So I would end it. Also, stopping the bombing might bring Hanoi into negotiations to end the war.

Senator Gaylord Nelson (Dem.), of Wisconsin: I think a suspension of the bombing of North Vietnam without prior conditions, in an effort to test the willingness of the North to negotiate, is admittedly a gamble, but a risk worth taking in the hopes of bringing the war to a conclusion.

Senator Clifford P. Case (Rep.), of New Jersey: It has been and remains my position that the war can only be won in South Vietnam by the South Vietnamese, and that the Administration has failed to get them to do the things only they can do.

As for the bombing of North Vietnam, I have stated that it should be confined to targets directly associated with the infiltration of men and supplies into South Vietnam.

Whether negotiations of any kind are feasible at this time is a question I would not want to answer without a great deal more information than I have. I do feel, however, that the President should have wide discretion in dealing with this question.

Accordingly, while this matter is under active review by the Administration, I feel it would be a mistake for me to give categorical answers to the questions you have put.

Question: Would you be willing to talk while the fighting goes on?

Senator McCarthy: Yes, although a cease-fire would, of course, be preferable.

Senator Clark: I think we might have to, as we did in Korea. My view in this regard hasn't changed a bit since I have come to Vietnam.

Senator Morse: Yes.

Senator Hartke: Yes.

Senator Gruening: I think it would be highly undesirable to continue the fighting while the talks are going on, because any blowup in the fighting would almost certainly disrupt the talks. The talking should be preceded by a cease-fire on both sides.

Senator McGovern: If I were convinced that the talks were making progress, I would continue them.

Senator Nelson: I think that peace negotiations at any time are worth the effort.

Certainly a complete cessation of hostilities during negotiations would be the desired goal, but I do not think we should refuse any offer to negotiate simply because all of our preconditions are not met.

Question: If casualties rise after a halt to bombing, would you accept those higher casualties?

Senator McCarthy: I do not believe casualties would increase, particularly if combined with a reduction of offensive military action in the South.

Senator Clark: It doesn't seem to me this is a realistic question. It's highly unlikely to me casualties would rise as a result of the kind of offensive operations by the North Vietnamese Regular Army which, as we make this interview, we're seeing in Khe Sanh. I don't think there is any connection between the increased casualties and the stopping of the bombing.

Senator Morse: It is difficult to answer because of the assumption of your question that higher casualties would result from a halt in the bombing. We had a great increase in casualties after the bombing began, so just what the connection is between U.S. casualties and the bombing of the North seems entirely hypothetical.

Senator Hartke: This question presupposes that tactical, as well as strategic, bombing would be suspended.

Senator Gruening: Since I do not consider that the halt in bombing is necessarily going to lead to negotiations, and because I believe the bombing has been unproductive and has little relation to casualties, I think this question is unanswerable. The casualties may rise or they may decline, depending on factors wholly unrelated to the halt in bombing.

Senator McGovern: I think casualties would go down. We would certainly lose fewer pilots.

Senator Nelson: I do not understand this question. We who opposed the escalation of the war from the outset, and who warned that the commitment of a large land army would lead to heavy casualties, are not prepared to "accept casualties." It is the policy of constant escalation of the war which has forced us to accept casualties.

Question: For how long would you talk before fixing a time limit for reaching an agreement?

Senator McCarthy: When parties are seeking to negotiate—as distinct from one giving the other an ultimatum—I do not believe it is necessary or wise to set a time limit.

Senator Clark: This is not my job. It is the job of the President of the United States, the Secretary of State, possibly his military advisers.

Senator Morse: I don't think it would be possible to fix any time limit.

Senator Hartke: I think it is of greater urgency that talks be arranged than that we arbitrarily set a time limit in advance.

Senator Gruening: It is obviously not practicable to fix a time limit before reaching an agreement. The progress or lack of progress of the talks would determine our action, but I would join Winston Churchill in his classic statement: "It is better to jaw, jaw, jaw than war, war, war." In other words, the longer the talks continue and the killing stops, the better.

Senator McGovern: As long as progress were being made.

Senator Nelson: Like any policy, an attempt to end the war through a negotiated settlement would have to be tried and then reassessed in view of the results, or lack of results. If it failed to end the war—as our present policy has failed—then we would have to try something else.

Question: Do you favor a coalition government that would include Communists in South Vietnam?

Senator McCarthy: I think it impossible to deny the National Liberation Front a significant role in the future of South Vietnam. Whether this comes about through a coalition, or some other type of government, is for the Vietnamese to determine.

Senator Clark: Not if we can possibly avoid it.

Senator Morse: I favor a coalition government that would include the National Liberation Front. That it would include Communists is again a matter of a possibility that I would accept.

Senator Hartke: Of course, I would not favor a coalition government including Communists in the South. But we might have to face the fact that a broad-based government in South Vietnam would inevitably include Communists, since they do represent a substantial segment of people.

Senator Gruening: Your question whether I favor Communists being included in a coalition government is slightly loaded, because it implies that a coalition government which would include the National Liberation Front would consist wholly or largely of Communists.

It is my belief that while some or many of them may be Communists, there is, at least, as large, if not a larger element of non-Communist nationals in the National Liberation Front, which is the political arm of the Viet Cong.

So this question should read—instead of Communists being included—"Would you favor National Liberation Front being included?" If, however, some of the National Liberation Front are Communists, they should not be excluded.

Senator McGovern: I would prefer not to have Communists involved, but I would tolerate their presence along with other groups if it would end the war.

Senator Nelson: South Vietnam must develop a strong, native government which can win the support of the Vietnamese people. Personally, I would hope that such a government could be set up completely free of Communist influence.

However, I cannot foretell the future. If the Vietnamese people elected some Communists in a free and open election, I would consider that regrettable but something which our Government was powerless to prevent. If we stand for free elections we must be willing to abide by the results.

Question: If South Vietnam refuses to accept a coalition, would you insist upon one?

Senator McCarthy: I would insist that the present regime in Saigon broaden its own base by bringing in some of the civilian opposition elements who were denied a role in the Government even though they got two thirds of the vote in the last election. I would press Thieu and Ky to begin talks with the Front as a political force. Whether this would lead to a coalition would be a matter of negotiation among the Vietnamese themselves.

Senator Clark: That again is a problem which, I think, should be determined, in the first instance, by the executive and not by the legislative branch.

Senator Morse: Yes.

Senator Hartke: The Thieu-Ky Government is entirely dependent for its stability upon the military presence of the United States. Eventually, it will have to accept a coalition, if that is a condition of terminating hostilities.

Senator Gruening: It is absurd to perpetuate the myth that we must bow to the views of the South Vietnamese military leaders. South Vietnam's Government would not exist 24 hours without our massive military or financial support. If the U.S. is convinced, as I am, that there will never be peace until all the elements in South Vietnam are included in the future government, we should, in my judgment, insist on coalit-

tion, with the alternative of pulling out unless the South Vietnamese officialdom agrees.

Senator McGovern: Insofar as possible, we should not permit South Vietnam to dictate American policy. I see no way to end the war except by a coalition of all major groups.

Senator Nelson: I do not think we should try to dictate the precise kind of government South Vietnam should have—either coalition or no coalition. I think we should insist on the establishment of a representative South Vietnamese government. If in our Government's opinion the ruling South Vietnamese officials refuse to proceed in good faith to do that, then I think we should make clear to them that our military forces will not be available indefinitely to support a government which does not appear to have the confidence of the people.

Question: In case there is no agreement, is it your feeling that the U.S. should pack up and come home?

Senator McCarthy: It is my belief that negotiations are possible. I do not believe the maintenance of U.S. responsibilities in Asia requires the presence of American ground forces in South Vietnam.

I think there should be a phased withdrawal over a period of several years.

Senator Clark: Never. Let me say that that question somewhat irritates me because there's not a single member of the United States Senate who has ever said that we should pack up and come home. This may have been a distortion. If ever there was a straw man set up to be knocked down, that question was this.

Senator Morse: If there were no agreement, I feel that the U.S. should begin reducing its military operations and invite the U.N. to take jurisdiction and settle the political situation in South Vietnam in its own way. Moreover, the U.S. should make it clear in advance that we would abide by any U.N. resolution of the matter, even if such a resolution by the U.N. calls for withdrawal of American military forces.

It was just such an agreement as applied to French forces in 1954 that we have upset, and I do not think there ever will be any stability in the region once known as Indo-China until all foreign military forces are out.

Senator Hartke: I have never advocated that the United States should "pack up and come home," if there is no immediate peace agreement. Assuming that no such agreement is reached in the short-term future, I do advocate that the United States avoid a wider war, especially through penetration of international boundaries.

Senator Gruening: If no agreement can be reached after conscientious and sincere effort, it is high time that the United States stop sacrificing the flower of our youth, the steadily mounting costs in blood and treasure, the resulting erosion of our domestic programs, and our country's steadily increasing submergence in the South Asian quagmire.

Senator McGovern: No.

Senator Nelson: In answer to this question and the next, and the rest of the issues raised in your questionnaire, I would suggest that at this time we should test a cessation of the bombing. We have accomplished what we said we came there to accomplish. We should now begin an orderly transfer of responsibility to the South Vietnamese. In a carefully planned program, they should be phased into responsibility for taking over the search-and-destroy missions, reconstruction of the villages, and maintenance and defense of the major points of contact such as the Demilitarized Zone.

If they cannot within a reasonable time assume this responsibility, they cannot hold Vietnam after we leave in any event. I would also suggest that we propose mutual with-

drawal, district by district, and allow international supervision of elections in each of those districts where it could be arranged.

Question: What is your solution in Vietnam?

(Senator McCarthy referred to his answer to the previous question.)

(Senator Clark did not have an opportunity to answer, as his plane was leaving.)

(Senator Morse referred to his answer to the previous question.)

Senator Hartke: Central to any "solution" in Vietnam is the necessity for the Saigon Government to shoulder greater responsibility in the ground war and in the pacification efforts. Pacification has little chance of success unless and until the Thieu-Ky Government makes significant progress in land reform for the peasants and ending corruption in both the military and civilian government apparatus. In any event, I favor United States armed forces maintaining viable defense perimeters, and thus decelerating the war, while the ARVN [Army of the Republic of Vietnam] is retrained and regrouped to take over from allied forces the task of defense of its own country and invading forces.

Senator Gruening: My solution is to begin by doing two things which we have never done:

(1) Agree to negotiate with the people who are doing the fighting, namely the National Liberation Front or Viet Cong as our principal adversaries, and not that they may possibly be included as a minor adjunct to a North Vietnamese delegation. The U.S. position hitherto is based on U.S. desire to perpetuate the myth that we are fighting aggression from the North. As I am convinced this has always been a civil war into which, belatedly and after violation by the U.S. of our treaty agreements, the North Vietnamese, by infiltration, came to the assistance of their Vietnamese brothers in the South, we should change our policy and face realistically that the Viet Cong are our chief adversaries.

(2) I would stop the double talk by which we say we will go back to the Geneva Agreements and, at the same time, insist on an independent South Vietnam. Those two propositions are contradictory and incompatible. The Geneva Agreements provide for a united Vietnam—North and South—with nationwide elections. If we are returning to the Geneva Agreements, we cannot insist on an independent South Vietnam.

Having made these departures from previous policy, we should announce that, as soon as negotiations start, we will set a schedule for a gradual phase-out of our troops as soon as a stable government for the whole country is established.

Senator McGovern: I advocate a cessation of the bombing of North Vietnam, a reduction of military action and bloodshed in the South, notification to Saigon that now that they have elected their own Government we expect them gradually to take on the major burden of their own affairs, thus permitting a systematic phase-out of American troops.

A U.S. OFFER—AND HANOI'S REPLY

L. B. J.'S "SAN ANTONIO FORMULA"

U.S. conditions for a bombing pause, laid down by President Johnson at San Antonio last September 29, and repeated several times—most recently in his state-of-the-union message on January 17:

"The United States is willing to stop all aerial and naval bombardment of North Vietnam when this will lead promptly to productive discussions.

"We, of course, assume that while discussions proceed, North Vietnam would not take advantage of the bombing cessation or limitation."

HO CHI MINH'S ANSWER

From the official North Vietnamese Communist Party newspaper "Nhan Dan" of Jan. 21, 1968:

"The so-called San Antonio formula is but a habitual trick of the U.S. . . . The U.S. has no right to put any condition to the Vietnamese people. Neither has it the right to ask 'reciprocity.'"

In other statements, Hanoi has spelled out its own conditions for a truce: A U.S. bombing pause must be unconditional, and not coupled with any threat that bombing will be resumed. Once bombing stops and a meeting is arranged, emissaries would then discuss an "agenda" for truce talks. Fighting would continue in South Vietnam. Infiltration of the South would continue. Both fighting and infiltration might gradually be reduced if the talks offered prospect of success.

Hanoi's over-all aim is unchanged: total withdrawal of the U.S. from Vietnam.

FULBRIGHT'S SOLUTION: "HONORABLE COMPROMISE"

Chairman J. W. Fulbright of the Senate Foreign Relations Committee did not wish to reply to specific questions asked of him by "U.S. News & World Report." Instead, he prepared for the magazine a fresh statement of his position. From that statement:

I propose that we seek to negotiate an honorable compromise, not a total victory and certainly not a surrender, and that we seek to neutralize Vietnam by a general agreement among all powers involved in Southeast Asia, not by our withdrawal.

I have suggested an illustrative program for the realization of these objectives. It is not really an "alternative" of the kind asked for by the Administration, which is only willing to consider alternate ways of getting our adversaries to surrender. It is rather one possible course of action that might be followed once the more critical decision were made that our interests require a compromise political settlement rather than a total military victory. The program calls for the following:

First, that the South Vietnamese Government seek peace negotiations with the Viet Cong.

Second, that the United States and South Vietnam together propose negotiations for a cease-fire with the Viet Cong and the North Vietnamese Government.

Third, that the United States terminate its bombing of North Vietnam and add no additional forces in South Vietnam.

Fourth, that the United States pledge eventual removal of its military forces from Vietnam.

Fifth, that negotiations among the belligerents—which North Vietnam says it is now ready to enter if the United States will stop the bombing—should be directed toward a cease-fire and plans for self-determination in South Vietnam.

Sixth, that an international conference of all interested powers be convened to guarantee the arrangements made by the belligerents and to consider a future, internationally supervised referendum on the reunification of North and South Vietnam.

Seventh, that the international conference act to neutralize South Vietnam and negotiate a multilateral agreement for the general neutralization of Southeast Asia.

More recently, I have joined with 58 other Senators in sponsoring a resolution calling upon the President to make renewed efforts to bring the Vietnamese war before the United Nations. The U.N., in my opinion, has not only the right but the duty under its Charter to act to restore peace in Southeast Asia. A logical course of U.N.-sponsored action might consist of an immediate cease-fire, followed by a reconvening of the Geneva Conference on Vietnam to restore and revise

the agreements of 1954, which both sides have said would be an acceptable basis of peace.

As long as the fighting continues, we must give our troops in Vietnam all-out moral and material support. We must supply our soldiers with all the military equipment they need as long as they are fighting in Vietnam, and I have consistently voted to this effect in the Senate. I also believe that we should carry out a program such as the one which I have outlined, or any other reasonable course of action which might lead to an honorable political settlement, so as to be able to end the tragic loss of lives and bring our soldiers back to their homes and families.

The absolute obligation to support our fighting men, however, cannot be interpreted as an obligation to support the mistaken policies which committed them to this tragic and unnecessary war.

GERMAN REUNIFICATION

Mr. PELL. Mr. President, on December 15 I spoke in the Senate on the subject of German reunification. I commented on the "imaginative and adroit change in foreign policy emphasis initiated by Chancellor Kiesinger and Foreign Minister Brandt on the part of the Federal Republic," manifested by the West German Government's recent steps aimed at updating its policy vis-a-vis East Germany and the rest of Eastern Europe.

Mr. Robert Kleiman, a member of the editorial board of the New York Times, and a well-known authority on European affairs, recently commented on the German Government's "Opening to the East" in a most perceptive article. I ask unanimous consent that the full text of Mr. Kleiman's article, entitled "Movement on Bonn's 'Opening to the East,'" which appeared in the January 1 issue of the New York Times, be printed in the RECORD at the conclusion of my remarks.

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

Mr. PELL. Mr. President, Mr. Kleiman began by listing some of the most recent communications the West German Government has had with the Soviet Government. He noted that there have also been semiofficial studies in West Germany of such possible steps as a German Common Market—embracing both East and West Germany—and a confederation between the two Germans. After observing that the public opinion polls in West Germany show that a majority of West Germans believe that recognition of East Germany is ultimately inevitable and that many would settle for free movement between the two German states, he asked two most pertinent questions: whether making the division of Germany more bearable will mean that the division will ever be ended; and whether detente will advance the reunification of Germany or freeze its division.

Because these are intriguing questions, and because they are raised in such a perceptive way by Mr. Kleiman, I believe the article will be of benefit to Senators and others who are interested in this most important problem.

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

[From the New York Times, Jan. 1, 1968]

MOVEMENT ON BONN'S "OPENING TO THE EAST"

(By Robert Kleiman)

The imaginative "opening to the East" initiated a year ago by West Germany's new Grand Coalition government is beginning to elicit signs of Soviet interest, reviving some hope of progress in 1968 toward an East-West settlement in Europe.

Publicly, Moscow continues its propaganda against German "revanchists" and neo-Nazis. But in private diplomatic exchanges, a significant new signal has been flashed.

On Nov. 21, Soviet Ambassador Tsarapkin read Foreign Minister Brandt a lengthy *aide-memoire*, replying to Bonn's confidential proposal in July to discuss—as one of "Fourteen Points" aimed at *détente*—an exchange of declarations with the Warsaw Pact countries renouncing force.

Mr. Tsarapkin's surprise answer was "yes." The Soviet Union agreed to "exploratory talks"—at a time when East Germany's Ulbricht regime had rejected a dialogue with Bonn and had frantically prevailed upon the rest of East Europe, except Yugoslavia, not to follow Rumania into diplomatic relations with West Germany.

The Soviet move, which could rescue Bonn's stalled Eastern effort—now increasingly criticized by conservatives in Chancellor Kiesinger's Christian Democratic party—responds to a profound change in West Germany. The old policy of "reunification first, the *détente*" has been reversed, as Brandt's Socialists long have urged. The view now is that partition can only be ended, if at all, after a long period of *détente* has reduced the significance of all borders in Europe. Renunciation of the use of force to alter frontiers or to achieve reunification is seen as a key step in this process.

Moscow's long-term objective is not simply *détente*, of course, but stabilization of the *status quo* through recognition of East Germany, which means acceptance of Germany's partition.

BRANDT'S PROPOSAL

To avoid recognition, the original Brandt proposal suggested an exchange of declarations between West Germany and the Warsaw Pact as a group. But Rumania reportedly objected, followed by East Germany. In Oct. 12, Mr. Tsarapkin asked whether Bonn would exchange separate declarations with each of the Warsaw Pact countries, including East Germany. "I'm ready to discuss anything," Mr. Brandt said. "But it is politically impossible for any Bonn government to recognize the East German regime."

The Grand Coalition's most adventurous departure from past policy has seen Chancellor Kiesinger exchange informal letters with East German Premier Stoph in a futile effort to improve contacts. This precedent, however, did not inspire the Tsarapkin *aide-memoire*, which proposed not informal exchanges of letters renouncing force but binding international agreements—with the one between West and East Germany "in the same form" as those with East Europe's sovereign states. Nevertheless, Mr. Brandt immediately commented: "I see nothing in what you have said that would require us to recognize East Germany."

Ambassador Tsarapkin's silence may have indicated acquiescence, which was Brandt's interpretation, or simply amazement. But by the next day, Soviet diplomats were affirming vigorously that recognition of East Germany was not being asked. Is this a distinction without a difference? There is clearly a Soviet divergence with East Berlin, which rejects all overtures unless preceded by full recognition.

Soviet diplomats say privately that a renunciation-of-force agreement by itself could lead not only to "normal" Soviet-West

German relations but to "good relations, even cooperation." They say "cooperation" could bring talks on "security," presumably the reciprocal troop reductions proposed in Brandt's "Fourteen Points"—a sharp departure from Bonn's past policy.

EFFORTS AT STABILIZATION

The stakes are high. While Moscow is prepared to be less rigid than the East German regime, it nevertheless does want to stabilize the status quo. The *détente* that Bonn now seeks also requires a stabilization—but a provisional one, open to ultimate German reunion.

Can this partial conjunction of aims bring "first steps" toward agreement? There is not only talk but scholarly and semi-official study in West Germany of such initial steps as a German Common Market or, as once urged by the Communist Bloc—and now rejected by East Germany, but not by the Soviet Union—a confederation between the two Germanys.

Herbert Wehner, Socialist Minister of All-German Affairs and architect of Bonn's Eastern policy, once said that recognition of even a Communist East Germany could be re-examined if it achieved as much internal liberalization and external independence as Yugoslavia. Polls show a majority of West Germans believe that recognition of East Germany ultimately will be unavoidable; many would settle for free movement between the two German states.

Some believe that introducing the seeds of freedom in East Germany would soon destroy Communism there. West German editor Theo Sommer argues the aim of West German policy should be "to end the division of Germany—or make it bearable." Yet if it becomes bearable, will it ever be ended?

No one can be sure whether *détente* will advance the reunification of Germany rather than freeze its division. The Grand Coalition, controlling 90 per cent of the seats in the Bundestag, permits the Kiesinger-Brandt Government to take the risk. The Soviet Union, for the first time, now seems tempted to do the same.

PEOPLE PROBLEMS

Mr. FANNIN. Mr. President, a new era of legislation has come upon us in recent years and months. More and more Senators, observing the immense and complex productivity of our private enterprise system, have begun to realize that government in and of itself is entirely inadequate to meet the social and ethical responsibilities of today. They have begun to suggest alternative proposals, most of which involve some sort of "partnership" between business and government.

I find myself somewhat wary of the "partnership" approach because it bears some resemblance to the "partnership" that might exist between the lamb and the lion.

However, a publication of the Chamber of Commerce of the United States, entitled "Private Enterprise and Public Needs," casts some much needed illumination on this area.

Mr. Michael Michaelis, a leading industrial consultant and former White House adviser, has contributed some enlightening remarks on this subject and particularly calls attention to the fact that some of our present laws may need reviewing because they constitute obstacles preventing industry from applying

ing modern technical knowledge in helping solve urgent social problems.

I ask unanimous consent that the remarks as taken from the National Chamber's program, "What's the Issue," on the Mutual Network September 14, 1967, be printed in the RECORD.

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

PRIVATE ENTERPRISE AND PUBLIC NEEDS

ANNOUNCER. The Mutual Broadcasting System, in cooperation with the Chamber of Commerce of the United States, presents "What's The Issue," a discussion of the choices facing free Americans.

Your host today is the Executive Vice President of the Chamber of Commerce of the United States, Arch N. Booth.

Mr. BOOTH. Americans are increasingly concerned about the environment in which we live. Clogged highways, polluted rivers and streams, congested schools, slums, and decaying city centers have long been among the critical problems plaguing practically every community across the land.

How can we revitalize our cities and how can we improve the quality of life for all of our citizens? These are important questions facing government and business leaders. Can we make better use of all available resources, and particularly technical know-how? Can private industry's managerial skills use advanced know-how to help solve some of America's urgent social problems?

Recent events point to an encouraging sign of hope in the successful application of technical knowledge to such problems as school construction, slum rehabilitation, pollution control, and new city development.

Among the techniques being used with success in some areas is the much talked about, but little understood, "systems engineering" approach. We will hear more about this from today's guest.

Because of the emerging interest of the private U.S. business community in solving public problems, we are pleased today to have as our guest a man whose company pioneers new concepts in improving the quality of life and thus helps to bring about significant improvements in the services rendered by business and government. He is Michael Michaelis, manager of the Washington office of Arthur D. Little, Inc., the well-known research and consulting organization of Cambridge, Massachusetts.

Mr. Michaelis was formerly a White House adviser to the late President John F. Kennedy. He currently serves as a member of the National Chamber's Council on Trends and Perspective.

To interview Mr. Michaelis today, here is George J. Pantos, Director of the Council on Trends and Perspective, the National Chamber's long-range planning group.

Mr. PANTOS. To start our program, Mr. Michaelis, Does American industry possess the technical knowledge to help solve some of the urgent social problems facing America's cities?

Mr. MICHAELIS. Yes, American firms do possess the technical knowledge, that is to say, they either have it now or know how to get it. Indeed a major change has occurred in the last 20 years. We were then more concerned, as scientists and technologists, with generating new knowledge through research and development to meet perceived needs of society. Today we can say that technical knowledge has become available to a vastly greater extent than it has been applied to the solution of urgent problems. In short, technology is no longer the barrier to progress. We can almost supply it to order as needed.

OBSTACLES TO INNOVATION

Mr. PANTOS. Then, if we possess the know-how, what are some of the main obstacles

in the way of innovation and change which would alleviate the problems of our cities and help improve the quality of life for everyone?

Mr. MICHAELIS. The process of applying technical knowledge to the solution of specific social problems requires imaginative and daring action on the part of leaders in business, government and labor. One of the resources we lack is not technical knowledge but an institutional capability and commitment to apply this knowledge. This lack is one of the main obstacles in the way of innovation and change which would help improve the quality of life.

Basically, what we are up against is what I have called a "people" problem. Among those who could command the power of modern technology in the service of the community, we find many whose aspirations and fears, whose often defensively narrow self-interest, in short—whose attitudes—make it difficult for their institutions to embrace radically new concepts born out of new technical knowledge. It has always been thus, and this was no serious obstacle in times when the rate of social change was slower than it is today. It is not adequate now when communal pressures of all kinds are increasing at an even faster rate.

The population of our country is presently doubling every 50 years, growing affluence contrasts with persistent large pockets of poverty, international leadership and related obligations—in Vietnam as elsewhere—are making ever-increasing demands on our resources. Though I have noted that technical knowledge is also growing at an ever faster rate, we cannot escape the fact that it still takes about 25 years, as it did in the early part of the century, to bring major technical innovation into full use. This is clearly not good enough. We must solve the dilemma in which we find the creeping machinery of our industry, government and labor holding back the potential solutions that advanced technology can offer for the ever-growing needs of our people.

To be sure, marginal improvements are coming along all the time, but these are not sufficient to meet requirements . . . for instance . . . the requirement of building a second United States in the next 33 years, while at the same time rebuilding half of our present structures, in order to provide the living environment for 300 million Americans by the year 2000. So, to repeat, the main obstacle to innovation and change which would help to improve the quality of life is not the lack of technical knowledge but is, in the main, the institutional obstacles, that is to say, human attitudes.

OUTMODED KNOWLEDGE—A BARRIER

Mr. PANTOS. Why do these obstacles exist and why cannot community leaders override these "barriers" to bring about the desired changes which would benefit all citizens in their areas?

Mr. MICHAELIS. These obstacles exist largely because of outmoded wisdoms gathered in the past and often no longer relevant to the present. We all have an innate fear of drastic change . . . change, that is to say, in our work and in our habits of living. It is hard to sense that the benefits of change may often outweigh the costs. For instance, it is puzzling to observe that the construction industry—both management and labor—still seems to treat every job as though it were the last, in spite of the unprecedented construction boom that can be foreseen. I do not mean to single out this industry as peculiar in this respect. Its attitudes are paralleled in many other sectors of industry, and it is an attitude which makes for maintaining the status quo with all its outmoded methodologies.

In such a situation it becomes imperative to project the potential benefits and costs of major innovations and to plan forward in such a manner as to assure that benefits will

outweigh costs in bringing new technology into use. Community leaders are frequently hampered in such planning efforts because of the apparently forbidding complexity of modern technology and their attendant and equally complex impacts on society. Their problem is one of not being able to see the forest for the trees.

Specialists of all kinds are available to work for and advise the community leaders. But each may propose new developments in his own field of specialization without adequate understanding of its relationship to the whole. The result is all too often one of piecemeal innovation which may leave untouched the basic issues of tackling the problem. Indeed, we often find that any single such piecemeal innovation may itself create problems of greater magnitude than the one that it set out to solve. Clearly, the costs in such case outweigh the benefits. In short, therefore, we see a great need for treating social and urban problems as a whole—in a "system" to use modern language.

THE "SYSTEMS APPROACH"

Mr. PANTOS. Much has been said about a "systems approach" to public problem solving. Your company and others today are utilizing a variety of techniques, including systems analysis, to solve problems. Does this mean computers, engineers and all that, or is it really a system of organizing things?

Mr. MICHAELIS. The systems approach to problem solving has indeed become a catchword for many concepts. By no means all of them are new. Each one of us has practiced the systems approach during his lifetime, as have our parents and grandparents. We treat our family as a system, relating the aspirations and needs of each member to the whole, and deploying our financial and human resources so as to benefit the whole family as much as any of its members. We extend this philosophy to our community, our churches, our PTA's, but we stop when it gets much further than that because the issues become too complex and the many factors that have to be taken into account present us with more information than we can handle as individuals.

What is new about the systems approach is the fact that powerful new tools—such as computers—and related logic and mathematical techniques have been perfected in the last 20 years, which now make it possible to handle very large masses of information in a very short time. By handling information, I mean that the computer can be programmed to demonstrate on paper what the consequences of alternate actions would be and how any one of thousands of different factors would be affected if a major change is made in any one of them. It therefore becomes possible for industry, government and labor to avail themselves of this technique in order to understand better the potential consequences of action in a large and complex system and, for that matter, action on a large scale. In essence, the systems approach involves a number of successive steps:

1. We must understand the objectives of the desired system—say for providing low-cost housing—in the context of its working environment, that is, the context of the industry structure that can provide such housing, the financial market for mortgaging, the constraints that labor skills may place upon it, and the potentials that new technology may offer—to name only the most obvious.

2. Next, we must state the interrelationships between the objectives and the variables of the system, some of which I have just enumerated, which are chosen for analysis. By so stating the interrelations, we construct what is called a model of the system.

3. We must quantify—that is to say, express in numerical terms, dollars and cents if you like—the functional relationships between the different parts of the model and

the results that the system can achieve. These results are often described as "the benefits."

4. Similarly, we must quantify the functional relationships between the elements of the models and all the inputs or resources that we need to build such a system. These inputs or resources are often called "the costs."

5. By combining the two foregoing steps, we can determine the input-output, or we might better call it the cost-benefit relationships, which govern the particular model which we are analyzing.

6. Finally, we can determine from the cost-benefit relationships that choice of all possibilities that produces the most desired result, that is to say, we can choose that option which provides—on balance—the greatest benefits for the least costs.

The systems method is not to be confused, *per se*, with definitive planning. That is to say, it does not usurp the prerogatives of democratic decision-making as we have known it and practiced it throughout our history. It does, however, provide a most powerful tool for decision-makers. Provided that this tool is used in concert by those power groups in our society whose leaders have the responsibility of deploying the nation's resources, one can confidently expect that the individual or institutional decisions will reflect more enlightened self-interest, more imagination and daring, and more understanding of each other's needs and opportunities.

We must guard against the notion that the systems approach can help us predict where science and technology can take us in the future. The life of science and technology is change: that is to say, the discovery or invention of the new and its exploitation. The crisis of today is the difficulty that business, governmental and social institutions have in catching up with the present and adapting themselves to the scarcely predictable changes that technology will offer continually. What we need is flexibility, not a cast iron plan. In this context, the systems approach can help us understand our options for the future and can help us answer the most pertinent questions. The insight it provides into the interrelationship between parts of a whole can often lead to unexpected discoveries about objectives and values, relationships, facts, or myths of outmoded wisdom. This opportunity for new discoveries is one of the most fascinating and valuable assets of the systems approach, as I see it.

THE CALIFORNIA SCHOOL PROJECT—A SUCCESS STORY

MR. PANTOS. Could you cite briefly any "success stories" where business, government and labor, working in partnership with professional technicians, have been able to overcome the obstacles and show results through the systems approach?

MR. MICHAELIS. One such success story is the School Construction Systems Development Project in California begun in 1961 with support from the Ford Foundation. The need for it became apparent in the gap between the increasingly complex, constantly changing demands being made on our schools, and the ability of traditional building practices and products to meet them. New teaching methods and equipment call for new ways of arranging new types of instructional space.

Changes in curricula, teaching techniques, organization, and grouping of students and staff, require corresponding changes in buildings. And change is beginning to be recognized by education as a continuing part of the educational scene. Up-grading educational standards point to an up-graded environment. At the same time, the student population grows and shifts, while budget remains tight. In short, we are asking for

more variety, greater flexibility, higher quality and lower costs—a combination the school house can seldom provide.

Collectively, schools form a building market second only to housing; but because they are built one at a time, school houses do not offer the manufacturer enough volume to spur product development to meet new educational requirements. As a result, school architects have had to select from products which are developed independently, often for other building types and, therefore, do not fit perfectly either the school's physical needs, its budget, or one another.

The School Construction Systems Development Project, recognizing this impasse, has attempted successfully to (1) develop new structures and components designed specifically for schools; (2) encourage manufacturers to work together so that their products would constitute a system for educational space; (3) guarantee a sufficiently large market for the products, or find a satisfactory way to bring products, producers and purchasers together.

Under California law, 22 schools in 13 districts joined together with an estimated school building volume of \$30 million. This was adequate to interest manufacturers in developing new products to meet educational requirements. This creation of a market was an essential first step in spurring the initiative of private industry into seeking new solutions for school problems. User requirements for the desired school buildings pointed to needs in four component systems: the structural system, the ceiling-lighting system, the air-conditioning system, and the movable and operable partitions.

In each of these component systems, the School Construction Systems Development Project innovated by developing performance criteria: that is to say, statements which indicated what the systems must do rather than materials and design specifications. With an adequate market assurance and performance criteria in hand—both developed by the users with the guidance of professional assistance—the project was then in a position to go out for bid to industry and to attract large firms with large technical capability who would not have been attracted to the market offered by individual schools with traditional design specifications.

While work with industry was going on, successful efforts were also made to bring school superintendents, local political leaders and, perhaps most important, union leaders into the development process. An effort was thus made to anticipate the various social and institutional obstacles to change and to involve actively those who might otherwise uphold these obstacles. This involvement of all the proponents and opponents to change—in an environment guided by professionals skilled in the systems approach and aware of advanced technical knowledge—was perhaps the most important innovation of the project.

It provided a forum for rational discussion and for mutual enlightenment. It provided recognition that adherence to outmoded wisdoms might even go against self-interest which had traditionally been the source for upholding the status quo. It provided an environment in which commitment to innovation and change became the order of the day and in which all participants became active agents for change and improvement. As far as demonstrated advances are concerned, I might only mention that the four component systems were improved to the point that their cost per square foot installed added up to \$6.85, as compared to about \$8.40 for the same elements in a group of conventional California secondary schools recently bid. This left \$1.50 per square foot to buy additional features that otherwise could not have been provided within the State-aid budget.

But the most important contribution to the quality of the schools which will use the

new components is the fact that they all fit into a system of flexibility—built-in movable partitions will not be undercut by the demands of air-conditioning, or sabotaged by the structure. Manufacturers were forced by the nature of the project to work together in teams to integrate their products for the benefit of the whole. As a result, the air-conditioning system, for instance, came in at just under \$3 1/2 million within a structural system that made easy provision for it. This compared with over \$6 million with one that did not make provision for an air-conditioning system in a recent conventional school building.

I mention this example at such length because it illustrates some of the key features of a system approach to public sector problems:

1. Through the consortium of school systems, markets were created large enough to spur technological innovation.

2. The object of development was the whole system—the school and all its functions—not just a part or component.

3. In the course of development, the system was divided into interconnected sub-systems.

4. Performance criteria were developed for these sub-systems.

5. A process was set in motion which led to the making of a variety of alternative inventions meeting these performance criteria, and cost-benefit analyses were made to select the best among these alternatives.

6. The whole building process, including its social and political problems, was taken as the subject of development and an attempt was made to design that process.

HOUSING, POLLUTION CONTROL, TRANSPORTATION AND OTHER SOCIAL PROBLEMS

MR. PANTOS. Do you think the techniques used in the California school construction story you have cited would be applicable to similar problems in other localities?

MR. MICHAELIS. Inasmuch as the California School Construction System Development Project was an experiment in the true sense of the word, I believe that the techniques used there are applicable to experiments in solving other public problems. An example is the field of housing, particularly low-cost housing. In the last ten years, many companies have attempted to take a fresh approach to housing and have invested many millions of dollars. Most of them have had to drop their efforts. They discovered that traditional components—for instance cast iron pipe and 2x4's—tend to be locked into place (a) by specification-based standards and an institutional structure for establishing the standards, which is largely controlled by traditional firms and is highly resistant to change; (b) by building codes based on specification-based standards; and (c) reinforced by labor practices tied to current products. Moreover, they discovered that even if it were possible to work their way into one municipality, each such municipality tended to function more or less independently of all the others. The total cost of cracking the market of these thousands of separate entities—overcoming specifications, code, labor practice, and the institutional environment surrounding each of these—was far greater than any profit they could hope to realize, within a reasonable time, from their investment.

Roughly, similar situations exist in such fields as water resources management, pollution control, education, transportation, and other areas of public concern. In each of these areas, because of the social and institutional reinforcements of existing products—of outmoded wisdoms, if you will—it is generally only feasible to engage in research and improvement on a product-by-product or component-by-component basis but not to undertake approaches to the systems as wholes. And it is precisely the last, as I have

suggested, which provides hope for the major innovations and changes we need to improve quality of life.

There is a basic need therefore to deal with problems of social, regulatory and institutional innovation in order to open up public sector markets to technological innovation. It is for this reason that I believe that experiments like the California School Construction Project need to be undertaken in other localities and in other functional needs of society, such as the ones I have just mentioned.

Much of what we know about the systems approach has been learned in Federal programs related to defense and space exploration. The men involved in these projects are, for the most part, members of an organization charged with a mission to complete that project and are under the direct authority and control of that project. When we are concerned with public systems, such as housing or transportation, we have to deal with a category of people who are, and want to be, autonomous with respect to the system and who are not under its direct control. These are you and I, that is to say, people who are affected by and use the system.

We must therefore begin by being concerned with user requirements (as we were concerned with the need of teachers for flexible space in the California project). We must go even further and begin to be concerned with user and community participation in the design and implementation of these public sector systems. Failure to understand and work out these people problems leads to poor design, namely inadequacy to the needs of people and lack of use, or even hostility to use of the system. This participation by users and community leaders is therefore an essential part in the experiments of using the systems approach which I believe must be made throughout the country.

We can note beginnings of such experiments, particularly some to attack the problem of improving center city ghetto areas. These projects address themselves to the physical rehabilitation of buildings; to the provision of new low-income housing; to the provision of community services; and to the design of systems of management, financing and control. Among these projects are the recently announced Bedford-Stuyvesant Project in New York City; community development projects in Boston, Detroit and Harlem.

Under the guidance of the Federal Department of Housing and Urban Development, plans for using a systems approach to improvement of the city centers on a national level have been generated. Among the major features of this plan are:

1. A national perspective under which existing Federal funds would be used to provide a national market adequate to attract major new industrial capabilities in the development of new technology, both for rehabilitation and new construction.

2. An approach to the needs for total neighborhood development, including physical rehabilitation, community services, and the involvement and participation of residents;

3. Computer simulation and other analytic techniques to solve problems, such as the formulation of optimum strategies for rehabilitation, relocation, and rebuilding within the city.

If you will allow me, I might add that in this last area my company, Arthur D. Little, has successfully accomplished a pioneering task in the City of San Francisco, where computer simulation was used for the first time, under our guidance, to aid in formulating public policy on these matters.

NEED FOR NEW LOCAL EXPERIMENTS

Mr. PANTOS: Then, since you are hopeful that progress can be made, what more do you think needs to be done at the local level

and at the national level to help create a better understanding among the power groups in our society of how they can work together for the betterment of all?

Mr. MICHAELIS. I believe it's important that we begin at the local level and work up rapidly to the national level. I have suggested that experiments using the systems approach should be carried out in many localities and in many areas of public problems. The Chamber of Commerce of the United States has taken the initiative in conjunction with Harvard University, to prepare training courses in urban leadership, using case examples for study. It is certain that in the course of these educational experiences, community leaders will become increasingly aware of the potential for using these analytic and experimental tools in their own community. The Chamber of Commerce should, I believe, then go a step further to help these community leaders initiate experiments suitable to their own locality. The Chamber can act as a catalyst, in conjunction with the local Chambers of Commerce and with professional assistance, much in the way the School Construction Project staff acted as catalysts in the California example.

I believe that there is far more value to be derived from undertaking actual experiments than by merely talking and studying the potentials for improvement in meeting public needs. Some experiments will end in failure, failure that is to say to stimulate the active development of a new transportation system, say. But even such failure provides new insights and new knowledge of the institutional problems connected with rapid technical social change. They are not failures therefore in the larger sense, even if the local community has, for the moment, not found an answer to its problem. Failure of this kind is part of the scientific process of learning new facts and testing new hypotheses. We should not be discouraged by it. In any event, such failure can be demonstrated on paper first, if we use the computer-aided systems approach to model simulation. We are therefore less likely to build white elephants as monuments to folly by way of trial and error.

It is important, also, that these local experiments be monitored at the national level, again by a group of leaders representing government, business, labor, and the professions. One of the present large-scale gaps on the national scene is the absence of a forum or vehicle by which these power groups can express themselves in a constructive way with respect to public sector problems and needs. The monitoring of local experiments will likely lead to the formal creation of a permanent national focal point, responsible for the furtherance of local, state and regional development projects. I have proposed the ultimate creation of such a body, by the name of the Council for American Progress, but it goes beyond the time at our disposal today to discuss this concept in greater detail.

Suffice it to say that the central purpose of the national Council, as well as of local experiments, is to create an environment amongst leaders of business, government and labor which is conducive to the adoption of technical innovations. This environment calls for institutional flexibility of a high order, itself the most significant innovation of all.

INCENTIVES

Mr. PANTOS. Do you think that the Congress will need to enact legislation creating incentives for industry to get more involved in public problem solving or do you think the profit motive will be strong enough without incentives?

Mr. MICHAELIS. I distinguish between two kinds of incentives, one which produces tangible financial gain in response to certain desired actions, and the other which removes obstacles that presently make it more

difficult for industry to become constructively involved in public sector problems. I believe that Congress—and the Executive Branch for that matter—should first attack the latter problems. We should seriously review our business environment as it relates to, say, antitrust, and to a whole variety of regulatory practices. Many of these may be found to be no longer consonant with the opportunities offered by modern technology and may, indeed, constitute serious obstacles for industry to apply modern technical knowledge in helping to solve urgent social problems.

I have noted earlier that the creation of a sufficiently large market is essential to spur the creative capability of industry. Here again, legislative changes would make it easier to create these markets. Such legislative changes are not only the concern of the Federal Government but also of state and local governments. In the matter of building codes, for instance, it is clearly important that local practices be coordinated. The Federal Government can give leads in this direction even though it cannot be directly involved at the local level.

Finally, I may add that the Federal Government possesses itself a powerful lever in bringing about social and technical innovation. This lever is its procurement of goods and services on the civilian market for civilian and not for defense needs. The Federal Government is the single largest purchaser of such goods and services in many industry sectors. If its procurement practices were to be changed, for instance, by the use of performance criteria, as noted in the California School Project, we might well see a marked new initiative on the part of industry to come forward with entirely new products and services. The testing of such new products by the government as a major customer would provide a valuable pump-priming effort for introduction to the civilian market.

In short, I would urge that Federal, state and local governments explore first the possibilities of providing incentives for industry by the indirect route of making it more possible for entrepreneurs to shoulder the attendant risks with full determination and vision. Only if this route should fail would I advocate the more direct forms of financial incentives.

I might add that both the Senate and the House of Representatives in Congress are taking active steps to become better informed on the subjects that we have been discussing. In the Senate, there are bills to create a Select Committee on Technology and the Human Environment and to create a National Commission on Public Management to study and recommend the manner in which modern systems analysis and management techniques may be used to resolve problems in the non-defense sector. In the House of Representatives, proposals have been made, some independently of the Senate resolutions, involving among others a Technology Assessment Board to concern itself with the productive, as against detrimental, applications of technology to human needs.

NATION'S NEWSPAPERS PRAISE NONPROLIFERATION AGREEMENT

Mr. PELL. Mr. President, the Nuclear Nonproliferation Treaty recently agreed upon by the United States and the Soviet Union is, in President Johnson's words, "testament to man's faith in the future." It has received the strong editorial support of our Nation's press.

The treaty prohibits the transfer to, or manufacture by, nonnuclear nations of nuclear weapons and provides inspection procedures to assure compliance.

It helps the nuclear nations by alleviating the pressure to disseminate nuclear

weapons or risk losing friends. It will benefit the nonnuclear powers by providing a means of use nuclear explosives for peaceful uses while removing the costly burden of developing a nuclear weapons system. This agreement is of historic significance for the entire world because it reduces the dangers of mass destruction and nuclear holocaust.

This historic treaty is of particular significance because it demonstrates that in these turbulent times the world's two great powers can put aside their differences for the benefit of mankind.

Of course, the treaty does not promise, and will not usher in, the nonnuclear millennium. But it does offer hope for a more peaceful and a safer tomorrow.

I ask unanimous consent that editorials from the Chicago Daily News, Chicago Sun-Times, Newark Evening News, and Milwaukee Journal be printed in the RECORD to reflect editorial support for this treaty.

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

[From the Chicago Daily News, Jan. 22, 1968]

WHEN THE GIANTS AGREE

A nuclear treaty that must exclude 40 percent of the world's nuclear powers is a long way from ideal. And yet the agreement by the United States and the Soviet Union on the text of an antiproliferation pact is a step forward.

The treaty provides that nuclear powers will give no nuclear weapons, know-how or assistance to nonnuclear nations, and that nonnuclear nations will not obtain or manufacture nuclear weapons.

The treaty, when approved by the 17-nation disarmament committee in Geneva, will proceed to the United Nations General Assembly for consideration in April, and can quite possibly be signed in June.

Red China and France will not, of course, be signatories, and they present special, vexing problems still to be coped with.

But at least the two greatest powers have, for their own sufficient reasons come together in the first significant international move to check the spread of destructive nuclear capacity, and any brake on that momentum for whatever cause is good. At the very least, the treaty will move back the time when nuclear bombs become standard equipment in the arsenals of small nations as well as great, and the world's survival hangs on the whim of any junior-grade dictator.

Until now, the Soviet Union has been a slippery and evasive customer in dealings with the West, and may yet prove so in this case.

But certain facts argue for her good faith this time. One is that the United States remains the world's foremost nuclear power, with an arsenal bountiful enough to enable her to arm every nation on Russia's perimeter. Russia has been particularly apprehensive of West Germany's gaining a nuclear potential, and the draft treaty calms that fear while making provision for research and use of nuclear power for peaceful purposes.

Even before last week's agreement on the treaty text, the Soviets were rumored to be on the verge of another conciliatory move with a possible connection with the nuclear matters to come before the UN Assembly in April. They are replacing their ham-handed ambassador to the United Nations, Nikolai T. Fedorenko, with veteran UN diplomat Jacob A. Malik.

It was Malik who led the Soviet walkout from the Security Council prior to the Korean War, but Malik likewise who put the Berlin blockade on the road to settlement in a friendly cocktail discussion with Philip K.

Jessup. His presence would be a welcome relief from the stony demeanor of Fedorenko, and could betoken some relaxation of Soviet policy.

It is always dangerous to grasp at straws and translate them into omens of peace. But Russia will do what's good for Russia, and the logic of peace must be asserting itself within Russia's borders as it is doing in the Western countries.

[From the Chicago Sun-Times, Jan. 22, 1968]

A STEP TOWARD WORLD PEACE

The United States and Russia have agreed on the draft of a treaty designed to bar the spread of nuclear weapons. The draft now goes to 15 other nations of the United Nations Disarmament Conference at Geneva and from there to the UN for ratification.

There are encouraging aspects to the proposed nuclear treaty—and some not so encouraging.

The very concept of a nuclear treaty is touchy. The new treaty avoids, rather than settles, one of the touchier areas, that of inspection. But the fact that the United States and Russia could finally reach an agreement is, in a real sense, a sign of growing confidence between the two great nuclear powers. It is an even greater victory to have this confidence maturing during a time when the pressures and suspicions created by the Vietnam war add to the atmosphere of distrust between the two world powers.

As President Johnson pointed out in his State of the Union message, the agreement on the treaty draft adds to the several steps already taken by the United States and Russia in the last few months. A consular treaty, the first, has been signed. A treaty barring weapons in outer space has been achieved. Another treaty guaranteeing the safety of astronauts no matter where they land, is near ratification—and there was, of course, the conference between Mr. Johnson and Chairman Kossygin this past summer.

On the negative side: Neither France nor Red China will sign the new nuclear treaty. Both could, if they chose, become nuclear weaponry merchants to the world.

Non-nuclear nations with long histories of border disputes with their neighbors are on record as not willing to approve of a treaty that would forever prohibit their getting the ultimate weapon. Those nations could be against the treaty when it comes up in the UN for ratification.

Other, non-belligerent non-nuclear nations, have objected in principle to a nuclear treaty that would prohibit them from developing nuclear power for giant earth-moving projects, such as building dams or harbors. The new treaty attempts to meet these objections by provisions that would allow nuclear nations to perform such tasks for the non-nuclear nations at cost.

On the whole, though, the new nuclear treaty draft is a major accomplishment. The fact that Russia could agree to such a treaty gives hope that one day all nations will agree there should be no nuclear weapons at all.

[From the Newark Evening News, Jan. 20, 1968]

NUCLEAR ACCORD

The draft of a treaty to halt the spread of nuclear weapons, just completed by the United States and the Soviet Union, commits them to efforts to confine nuclear energy to peaceful uses. That is a major step in itself, but there are a number of shortcomings.

A primary drawback is the fact that neither France nor Communist China has shown any intention of participating. Instead, each is doing all it can to develop nuclear independence, bound by no international restrictions.

There is also exclusion of the nuclear powers from internal inspection to deter-

mine compliance. This omission was at the insistence of the Soviet Union, whose objection to inspection had been one of the major stumbling blocks all along. At the same time, the United States, though willing to be checked itself, balked at investigation of installations of Euratom, the nuclear energy agency of the European Common Market.

But there is significant gain in the agreement to "lend" nuclear explosives to non-nuclear powers for peaceful uses, with rates kept as low as possible. This sharing—subject to international inspection, incidentally—should open the benefits of nuclear energy to all nations without making it necessary to enlarge the nuclear club. This meets a foremost purpose of nonproliferation.

While the draft is disappointing in not specifically guaranteeing against nuclear attack, it does oblige each signatory to negotiate in good faith on general disarmament. This could expedite the talks which have been dragging at Geneva for six years.

The nonproliferation accord, yet to be endorsed at the Geneva conference, will need careful study. But it appears at least to provide the groundwork for developing increasingly strong safeguards against nuclear disaster. In that sense, it would be, as President Johnson observed, "a testament of man's faith in the future."

[From the Milwaukee Journal, Jan. 19, 1968]

HOPE OF NUCLEAR TREATY

Agreement by the United States and the Soviet Union on a nuclear nonproliferation treaty and a promise to try to reach agreement on disarmament has great potential for insuring world peace.

Not that treaties—and this one still remains to be signed by the nations of the world—in themselves insure that agreements will be carried out. The world thought in 1928 that the Kellogg-Briand pact would outlaw war for all time. But the fact that this agreement could be reached by the two nuclear powers of the world indicates their mutual feeling that, as the treaty draft says, the world must try to avoid the "devastation that would be visited upon all mankind by a nuclear war."

The agreement results from a compromise. The treaty was drafted some months ago except for Article 3—which was to provide for controls. The Soviet Union insisted that the international atomic energy agency (IAEA) inspect non-nuclear nations to make sure they were not producing nuclear weapons. The western European member nations of Euratom, backed by the United States, insisted on policing themselves—arguing that Communist members of IAEA would be able to spy upon Euratom secrets. Article 3 now provides that Euratom will reach agreement with IAEA on an acceptable means of control.

The road to complete agreement by all the nations concerned is not fully clear. A number of non-nuclear nations have protested that the treaty barred them from having nuclear weapons without giving them guarantees against nuclear attack. India, West Germany, Rumania, Pakistan, Italy and others have been most reluctant to renounce nuclear weapons when the big two—plus Communist China and France, which almost surely will not sign the treaty—are nuclear powers.

Another weakness in the agreement is that the big nuclear powers are exempt from controls and inspection—although the United States and Britain have expressed willingness to let the IAEA inspect if Russia will.

Every effort will be made to get the 17 nations which have been meeting on this subject since 1965 to agree on the treaty in time to present it to the United Nations general assembly in March. In the three years

of negotiations it often appeared that getting an agreement on a treaty would be impossible. There were angry breakups, delays, failures.

The most important aspect of the agreement is that the United States and the Soviet Union have reached accord. Avoidance of world war depends more than anything else on the prudence of these two great powers. The fact that they can agree in a number of areas of mutual concern even as they differ in Vietnam (where we fight against forces supplied by the Russians), remain locked in a power struggle in the Middle East and compete in many other parts of the world, is significant. It encourages hope that ever stronger guarantees of peace can be agreed upon.

NEW YORK CITY ACTS TO PROTECT ENVIRONMENT UNDER SINGLE AGENCY

Mr. BOGGS. Mr. President, a news article in today's issue of the New York Times tells of the creation in New York City of an environmental protection administration.

This new agency will include the departments of sanitation and air pollution control. It will also take over the maintenance of sewage facilities and administration of water services from other departments. Later it will include a unit on noise abatement.

In light of the increasing problems of pollution in various forms, and the interrelation of these forms, Mayor Lindsay of New York is taking a forward-looking step which other cities would be wise to investigate.

Creation of this new agency also suggests that the Federal Government would do well to study ways to increase coordination and cooperation among the various Federal agencies which have responsibilities in the broad field of pollution.

Eventually it might be advisable to have one agency at the Federal level with a responsibility for reducing or eliminating the many pollutants which mar our enjoyment of life or pose threats to our health.

An article in the February issue of the American Legion magazine explores the dimensions of one source of pollution—noise—which has been receiving increased attention.

I ask unanimous consent that both articles be printed in the RECORD.

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

[From the New York Times, Jan. 29, 1968.]
SCIENTIST TO HEAD CITY SUPERAGENCY ON ENVIRONMENT—FORMER ATOMIC SPECIALIST IS APPOINTED BY LINDSAY TO NEW \$35,000 POSITION—SANITATION POST FILLED—EX-NAVY ENGINEER TO DIRECT REFUSE REMOVAL—TWO MEN TAKE OFFICE IN MARCH
(By David Bird)

Mayor Lindsay yesterday named a 52-year-old scientist, Dr. Merrill Eisenbud, to head the city's new Environmental Protection Administration.

He also named a former Navy engineer, James P. Marron, to be Commissioner of the Department of Sanitation, a key unit of the Environmental Protection Administration, which is one of 10 super-agencies in the Mayor's consolidation plan.

Environmental Protection, in addition to including the departments of Sanitation and

Air Pollution Control, will take over the maintenance of sewerage facilities and water services administration from other departments. It will also include a noise-abatement unit, which is yet to be established.

DUE TO START IN MARCH

The Mayor said both appointees would assume their posts about March 1. Dr. Eisenbud's job pays \$35,000 a year, Mr. Marron's \$30,000.

Dr. Eisenbud is now director of New York University's Sterling Forest Laboratory for Environmental Studies. Before joining N.Y.U. in 1959, he was with the Atomic Energy Commission for 12 years, specializing in the problems of atomic radiation in the environment.

Mr. Marron, 41, spent 20 years in the Navy where he developed financial, operational, maintenance and management control systems that were adopted by the Defense Department for all the military services.

Since leaving the Navy in 1965, Mr. Marron has been vice president of Frederic R. Harris, a consulting engineering firm here.

Both of the appointments were to fill jobs made vacant by resignations under strained circumstances. The jobs had been held by men who were active in Mr. Lindsay's campaign for Mayor but who had no previous scientific or engineering experience.

James L. Marcus, 37, who had been an investment counselor, was Commissioner of Water Supply, Gas and Electricity. He left city government in December and was later indicted for allegedly taking a kickback on a reservoir cleaning contract.

MOUNTING REFUSE PROBLEM

Samuel J. Kearing Jr., 37, who was Sanitation Commissioner for less than a year, resigned in November after a dispute with the Mayor.

Mr. Lindsay accused him of "insubordination," and Mr. Kearing struck back with the charge that the city was "dying" and that the Mayor "couldn't run a gas station, much less a city."

Mr. Kearing said that he faced a desperate need for more men and equipment to cope with the city's mounting problem of collecting refuse. He said that he had gone ahead on his own at one point and hired more men, although they had not yet been authorized by the Mayor.

In prepared statements issued yesterday, the Mayor praised the new appointees, and they expressed confidence that the city would be able to handle its refuse, clean its air and its water, and muffle its noise.

"During the past two weeks," Mayor Lindsay said, "I have had occasion to discuss Dr. Eisenbud with leading environmental authorities throughout the nation. Their verdict was unanimous; he is one of the very best in the business."

"James Marron," the Mayor's statement went on, "has an exceptional record of achievement in the adaptation to operational organizations of modern management techniques and cost-effectiveness programming. . . . We can now commence the real work of management control to assure us of the cleaner streets we must have in our city."

Dr. Eisenbud said: "The E.P.A. combines a number of formerly separated functions in a way that makes it possible, for the first time, to deal efficiently with the problems of air, water and refuse disposal."

Mr. Marron issued this statement: "Mayor Lindsay has directed me to get the streets cleaner and that will be my primary objective—to be achieved as effectively and efficiently as possible. I look forward to working closely with all personnel in the Sanitation Department toward our common goal. It can be done."

Mr. Lindsay had noted that the city was getting 800 new sanitation trucks, but neither he nor Mr. Marron gave any indication of a need for additional manpower. There are now 14,000 men in the department.

So far the City Council has approved only three of the Mayor's 10 proposed super-agencies. The two others are Housing and Development, and Health Services.

Environmental Protection, the latest one to be approved, will take over the sewerage maintenance facilities from the Department of Public Works and water services from the Department of Water Supply, Gas and Electricity.

EXECUTIVE ORDER NEEDED

Although the Council has approved the new super-agency, it will not become fully operational until the Mayor signs an executive order implementing the legislation.

Harry J. O'Donnell, the Mayor's press secretary, said yesterday that the order was being prepared by the Corporation Council's office and "should be ready in about two weeks."

Nevertheless the Mayor said in his statement that Dr. Eisenbud would take over "some of his city responsibilities almost immediately."

In the Sanitation Department, Maurice M. Feldman, whose regular job is deputy commissioner for engineering, has been the acting Commissioner. He will continue in that role until Mr. Marron takes over.

[From the American Legion magazine, February 1968]

OUR NOISE

(By Frances G. Conn)

When President Johnson appointed a special panel on pollution in 1965, air pollution and water pollution got most of the headlines, but the study of "noise pollution" was part of the package, too.

According to a lot of people, including physicist (and former Chancellor of the University of California) Dr. Vern O. Knudsen, it was about time.

The United States is the noisiest country on earth and the racket we make is getting worse almost everywhere.

Dr. Knudsen points out that if the noise we make keeps increasing at the present rate, it will be as deadly in thirty years in some of our downtown cities as were the ancient Chinese noise tortures for executing condemned prisoners.

In some American cities the honking, clanking, whining, whistling, roaring, pounding and vibrating from a host of sources is increasing by one decibel a year. Since the intensity of sound doubles with every six decibels, it takes six years, at that rate, to double the loudness of city noise. The strength of the general noise background in some of our communities is now four times what it was in 1956, and 32 times what it was in 1938.

Although it has long been recognized that constant exposure to intense sound may cause serious hearing loss, there are enough people around who can still hear what's happening to raise a fuss of their own.

In many places, police have added noise-testing devices to their radar speed-checking equipment inventory, particularly to enforce noise-restrictions on trucks. This has happened in Milwaukee, in New York State, and in Memphis, Tenn. Memphis has tackled the city noise problem so vigorously that it now claims to be "the quiet city." Many outsiders agree that it has earned the title.

Others are not making so much progress, but they have hopes based on determination, and here and there they make a little headway. Robert Baron doesn't claim any results yet, but he swears he'll keep trying in his fight against the ever-swelling racket in New York City. Baron, a theater manager, was so angered by three years of subway construction racket near his 6th Ave. apartment that he formed an organization to crusade against needless noise in New York. He and his "Citizens for a Quiet City" have gained a lot of attention—so much so that New York's

Mayor Lindsay formed an official city Task Force on Noise Control. N.Y. Rep. Theodore Kupferman, who replaced Lindsay in Congress, has pushed two federal bills to further noise control (unsuccessfully to date).

Presently, Baron is waging a frontal attack on the noise caused by construction and demolition projects because, he says, there seem to be no legal controls on how much racket they can make anywhere in the United States. Last Dec. 18, Baron led a public demonstration outside the city's Lincoln Center. He treated onlookers to a comparison of the noise made by typical U.S. air compressors and pneumatic paving breakers with that of some muffed foreign designs. None of them were exactly quiet, but the U.S. types were well out front in disturbing the peace.

One member of Baron's committee is Dr. Samuel Rosen, consulting ear surgeon at New York's Mt. Sinai Hospital. Dr. Rosen is one of an increasing number of experts who don't go along with some old and accepted notions about how harmless constant background noise is to society in general.

He and others suggest that it is far more damaging than had previously been supposed.

Industry has taken excess noise-on-the-job seriously for a good many years. But as far as human damage is concerned, industrial experts have generally held (a) that hearing loss is the chief danger to humans, and then only in intensely noisy situations, and (b) that there is a "natural loss of hearing with age" which must be discounted in judging loss of hearing caused by noise.

Dr. Rosen and California's Dr. Knudsen suggest that hearing loss may be the least of it, and that you don't have to work in a boiler factory to suffer damage from our civilized hubbub.

Both of them take steady aim on the growing general racket that most of us are exposed to day and night—roaring tires and vehicle engines; honking horns; airplanes; whistles; jackhammers; household appliances; power tools; TV's and radios tuned up over the rest; howling transistor sets carried by pedestrians; unwanted loudspeakers on trucks; clanking, ticking, humming office equipment; construction and excavation projects; other people's noises coming through thin apartment walls; the hum of air conditioners, heating systems and pumps; gear noises; fan noises and you-name-it. All of these blended together, they say, cause far more than slow deafness. They are a factor in the celebrated "tensions" of modern living, and altogether they contribute to every one of the tension-related diseases—from stomach ulcers, neurosis and mental illness to allergies and circulatory diseases.

Dr. Knudsen calls the total effect of the background roar of modern life "decibel fatigue," and says that millions of Americans suffer from it. Dr. Rosen believes that medical science will one day recognize an entire "noise syndrome"—a family of symptoms related to unwanted or unexpected noises. He and others already cite dilation of the pupils, dry mucous membranes, skin paleness, intestinal spasms and glandular secretions as candidates for membership in the full "noise syndrome" when it is recognized.

Dr. Lee E. Farr, public health professor at the University of Texas, agrees. He told the last convention of the American Medical Association that the effect of our noise on general health hasn't yet been taken with the seriousness it deserves. It can be an "unsuspected triggering agent" of the "tension" disabilities named above. And, contrary to older beliefs, the steady sound level "need not be intense" to trigger serious physical and nervous damage.

Dr. Rosen goes on to cast doubt on the idea that there is a "natural hearing loss with age." The "natural loss of hearing" in

the United States, he suspects, is caused by the general noise level of our society, and there's nothing "natural" about it. Dr. Rosen has done homework in this field. Not satisfied that the loss of hearing among his older patients was "natural," he studied the hearing and health of older people in countries that are quieter.

He investigated Egyptians, Laplanders, Germans, Finns, Yugoslavs, Bahamians, Cretans, Russians, and—most recently—aborigines of Southeast Sudan, who live in nearly noise-free surroundings. He concluded that hearing loss in old age is related directly to the noise one lives with throughout life. In the Sudan he found 90-year-old tribesmen who could hear as well as 10-year-old boys. At the same time he found that heart and blood vessel diseases were remarkably scarce among those whose lives were spent in quiet surroundings.

While he would be the last to say that he has yet proved the point scientifically, he finds the evidence to date persuasive and worthy of far more medical research.

Until recently, the most authoritative voices about noise have come from industry, because noise was a problem inside factories before it began to swell so much in homes and out in the open air.

If industry has spawned the most experts on noise control (and it has) it also looks at the problem from a defensive position. Industry is the defendant in claims for hearing loss on the job, and it can be the chief object of attack by irate citizens who claim that an industrial plant is a public noise nuisance. Claims for compensation for hearing loss on the job now run at about \$2 million a year, while it has been estimated that 4½ million American workers who don't file claims might win them if they would.

The State Hearing Society of Colorado recently estimated that one in four people in the state are exposed to noise levels (not all of it on jobs) that can damage hearing in some people. Of nearly half a million so exposed, the Society estimates that about 71,000 Colorado citizens will actually suffer damaged hearing. Dr. Murray C. Brown, of the U.S. Public Health Service, feels that as many as seven million Americans work on jobs so noisy that their hearing will be impaired.

With liability ever on their minds, it is not surprising that industrial noise experts have tended to discount noise damage and complaints about noise, even while they have led in finding ways to control noise. The "natural loss of hearing with age" is an accepted phenomenon among industrial noise experts, while it is a commonplace with them that the people who complain most about industrial noise as a nuisance are neurotic people. Of that there isn't much question, but Doctors Rosen, Knudsen and Farr put reverse English on it when they suggest that the noise helps make the neurosis.

Industrial experts define noise as unwanted sound, but that doesn't quite fit. *Wanted* sound can be damaging, whether you call it noise or not. In Melbourne, Australia, noise researcher R. F. Burton set out to discover why he was noticing "tender ear" in two or three percent of teen-agers. He went to a rock 'n roll teenage dance and clocked 114 decibels of sound, a dangerously high level for the ear to tolerate. He came away predicting that many teen-agers who subject themselves to this wanted noise will lose their hearing earlier in life than usual, and many will be deaf at 40.

Some accepted ways to control noise may have to go by the boards if it is ever firmly established that unnoticed noise is as dangerous as the noises that irritate the most. People get used to a steady noise level or familiar sounds and tend to adjust to them. In that, indeed, lies the humor of the old joke about the lighthouse keeper who awoke with a start when the lighthouse fog horn

failed to sound on schedule. "What was that?" he cried.

Noises that fluctuate are more irritating than those that are steady, and in some cases, faint noises annoy more than those that are louder.

One of the accepted ways to control irregular noises is to drown them out with an added steady noise. An oft-cited example is the fan put in a doctor's waiting room to smother conversations there that invade the examining room. But the idea of masking one noise with another is now subject to the challenge that unnoticed noises are still damaging to health and hearing. That puts in question all practices that control noise by adding to it.

New York's Robert Baron is among those who are insisting that unwanted conversations coming through walls should be controlled by building codes that require walls which are more soundproof. The trend in modern apartment and office buildings is to make thinner walls than formerly, and the many people who say that their neighbor's conversations, TV's and radios are driving them crazy aren't necessarily just using a figure of speech.

By all odds, the motor vehicle, and particularly the truck, is adding most to the steady noise increase in the United States. The airplane adds most to intermittent loud noise. Construction or demolition projects create the worst temporary rackets. The superhighway and the airplane are spreading our growing noise level into non-city areas. The increasing use of motor driven appliances, record players, radios and TV's makes the inside of the American home noisier than ever, from before breakfast until late at night. These noisemakers are taking some of the curse off the industrial plant, which, a long generation ago, shared the noise onus principally with the iron-shod hoof of the horse and the noisy and sooty thread of the railroad lines.

If the average reader of this page will stop for ten minutes during a typical part of his day and identify all the sounds he hears that he didn't ask for, he will realize there's no way even to list them in this space. On top of that, unless he's remote from town or highway, he will detect a constant roar of unidentifiable sound which is the "ambient" or background noise that's spreading and growing over most of American society.

Let's look at a small sampling of the typical noises, especially those that are: (a) commonest, (b) increasing and (c) ought to be controlled better.

Construction and demolition: A New York cab driver, asked what noises are the worst in his ears as he drives around the city, said: "Auto horns and engine accelerations, except that in a block where there's construction going on nobody can even hear the auto horns."

Construction noises are industrial sounds. Little attempt is made to control them, and Baron says the problem of needless construction noise is almost entirely a legal one. The typical American city zoning ordinances or anti-noise regulations more or less regulate the neighborhood nuisance potential of *fixed* industrial installations, but no movable ones. There is virtually no legal restriction on how much noise they can make in any neighborhood they invade.

If complaining citizens attack them as public nuisances, courts will generally rule that if even the noisiest construction projects serve a social purpose, it isn't a public nuisance—and of course construction serves a social purpose.

In the absence of legal control, what follows is logical. Existing industrial noise control knowledge isn't even applied to cut down construction noise. Air compressors twice as big as old-fashioned outhouses are set up curbside—amidst stores, homes and office buildings. Their engines run full blast,

sometimes wide open to the air, sometimes hung around with metal sheets that only act as sounding boards. Little or no muffling of riveters, paving breakers, cement mixers, auxiliary engines and pumps is attempted. In their neighborhood, conversation is often impossible even at a yell.

The only answers are new laws and law enforcement to reduce the volume of construction and demolition noise as much as possible. Noise-control costs money and it is unreasonable to ask sympathetic construction firms to invest in noise control voluntarily, only to let the unsympathetic underbid them on jobs by avoiding noise-control costs.

Trucks, other vehicles, superhighways: The organized parts of the trucking industry—fleet owners, etc.—have for years recognized their fast-growing contribution to the national din. They have encouraged reasonable laws and fair enforcement. They want truck noise-control to be more legal than voluntary so that the "gypsies" must conform to the same standards as the fleets.

Truck tire noises haven't been a problem in cities where speeds are low. But all vehicles—of which trucks and buses are the worst—create a tire roar that spreads for miles beside our growing web of high-speed highways. So little can be done about this on the vehicles themselves that quieter paving surfaces are getting the most attention, where there is attention.

The New York and Connecticut turnpikes have brought such a roar to formerly quiet residential and rural districts that citizens of many communities have banded together to press local and state legislatures for sane and reasonable controlling laws and strict enforcement. And they are making some small headway. The state of California has taken the roar of its freeways very seriously on the state level.

Under present conditions, there is no escape from a rockbottom freeway roar, or from its increasing as traffic, speeds and freeways themselves multiply. Even reasonable standards, reasonably enforced, must allow such things as a truck to generate 85 decibels 50 feet away (as on the New York Thruway). But a beginning is now being made, albeit in a spotty way, against vehicles that ignore even this fairly deafening sound level with improperly muffed diesel exhausts and a host of other noisemakers on trucks and cars.

Many cities have laws against needless horn-blowing, but enforcement is hardly sufficient. The excess revving of motors taking off at a traffic light makes a hideous and little-controlled racket, and is virtually needless. Garbage trucks, and metal garbage cans being handled, are excessively and unnecessarily noisy. In some European cities metal garbage cans are quieted simply with rubber rings. New York City is investigating in some experimental quieter garbage trucks—and a federal project is working on a design for a quieter bus. In city stop-and-go traffic, gear and engine noises on buses and trucks add significantly to background roar. Some owners of motorcycles, scooters and sports cars quite obviously enjoy unmuffled exhausts, and it is a question how much longer society's eardrums must be pounded by deliberate "sporty" noise on public streets.

Noise is not simply a sensation. It is power, transmitted by air to beat forcefully on body and eardrum. The decibel unit used to measure loudness is a unit of power, not of sensation. The deafening effect of noise is not simply a "numbing," but is physical damage to nerve receptors caused by a series of blows. It would not be wholly unreasonable to interpret excessive and deliberate public noise as a form of assault and battery—because that's what it is.

Aviation: Aircraft noise is a whole subject in itself. People living near airports or under low flight paths have made more complaints

and gone to court more often about unwanted noise in recent years than anyone else. The enlarging of existing airports or the creation of new ones excites whole communities and chains of communities to protest. Airlines and airports alter flight paths and runways, while manufacturers drastically alter plane design to minimize the noise problem on the ground. Even the modern powering and design of planes for fast climbing is in part a reaction to vast pressure to get them and their noise away from the ground—but fast. The law of trespass and of nuisance has been altered by the advent of the plane (it is no longer a trespass to fly through the airspace over your property, but demonstrable damage and serious nuisance are actionable within limits).

What's new in all this is the sonic boom, now being debated heatedly on the national level. Britain, France and the Soviet Union are proceeding with supersonic passenger planes, while conflicting interests in the United States: (1) favor and (2) bitterly oppose development of faster-than-sound commercial planes here.

The bitter resistance concentrates on the sonic boom, which follows continuously behind any plane flying at supersonic speeds. If you haven't heard a sonic boom, it is like a nearby blast of too much dynamite—the loudest, most startling and most damaging noise yet made by any ordinary thing for routine peaceful human use. The Air Force has tested the effect of sonic booms on people and property in areas away from our very largest cities, to the tune of millions in claims and complaints in the thousands.

To anyone who has heard a sonic boom it's inconceivable that the people will ever tolerate routine supersonic commercial flights over settled areas. But you can follow the debate on this in the current newspapers and news magazines, because it is now a hot subject and promises to remain one. Not so hot are the lesser noises made by:

Thoughtless people—You can make your own catalog of these. There are the people who simply tune their home stereo up too high; social clubs that hold outdoor dances on their premises with bands or loudspeakers that can be heard a mile away; too-noisy parties or entertainment places; characters who carry transistor radios tuned loudly to their pet programs in public places, and people who chain up or pen their dogs in residential areas while they go to work, and never hear them howl all day.

America's law is lax in all these things compared to Europe's. There, many of these offenses are not only actionable as nuisances—as they may be on complaint here—but are specifically outlawed. England has a national noise reduction code, and mobile government sound laboratories that go from city to city, consulting and helping out with noise problems. Britain even makes "noise grants" to aid people in soundproofing their homes. Throughout Europe, transistor radios have been banned in many public places and horn blowing is almost passé.

In this country, Memphis won 16 national noise abatement awards in a row by setting fair standards and enforcing them firmly, without being disagreeable about it. Sound checks and anti-noise enforcement were made a regular part of police routine. All vehicle mufflers were mandatorily inspected several times a year. Teams of police were armed with portable decibel meters made by General Radio, whose engineers also counseled the police on what's reasonable and what's unreasonable noise.

The January 1963, "Fleet Owner," a trucking magazine, reported quite favorably on the enforcement of trucking noise limits in Memphis. Judges and police counseled with truckers to arrive at what would be fair and what would be unreasonable noise restrictions on trucks. Instead of being ticket-happy, police most often gave drivers in viola-

tion warnings first, and offending fleets received letters from Memphis police asking better cooperation. If a driver denied that his truck was too noisy, police would take him to a quiet street to let him hear his vehicle from the curb and read the decibel meter himself. For the worst offenders, and for repeaters, fines have ranged from \$11 to \$50. Basis of a violation is the policeman's charge. The meter simply backs him up.

Memphis chose wisely in relying chiefly on cooperation, while holding a get-tough policy in reserve. Police have too much to do to hold down noise by brute force, and the Memphis approach speaks for itself in its results.

Quite a few of the militant citizens committees that are agitating for better noise control in the United States are a step above agitators for many other causes. Instead of frothing at the mouth and going paranoid, a number of them have recognized that we aren't going to go back to hay wagons and rubber-tired buggies. These citizens committees have leveled their attack on needless noise and have studied the subject—which isn't a simple one.

The New York State Thruway Noise Abatement Committee, representing citizens in eight Westchester communities, enjoys a fine reputation with legislators and many commercial noisemakers because it has done its homework and doesn't demand the impossible. It took on the services of a top acoustic consultant, Stannard M. Potter. Though its attack is chiefly on truck noise, "Fleet Owner" commented that this committee is "roundly praised by trucking association officials for its cool, constructive approach."

Such groups emphasize that our fast-moving society makes more *unavoidable* noise all the time. We will live with that because we don't want to give up the good things our noisemakers provide. We like highway speed, we like the things the trucks bring to our store shelves, we like to fly cross-country in a few hours, we like the buildings that the riveters put together and we like the jackhammers to tear up the rough pavement to make way for the smooth. Soon we will like new things that new noisemakers will give us. So the time has come when we must clamp down on all the racket that is unnecessary, of which our great country seems to have the most ample supply in the world.

ELIMINATION OF THE CIVILIAN MARKSMANSHIP PROGRAM FROM THE 1969 BUDGET

Mr. KENNEDY of Massachusetts. Mr. President, the budget documents which are being released today are long and complex, and involve hundreds of billions of dollars of public moneys.

Yet sometimes it is the small and undramatic items which demonstrate the care and good faith which has gone into removing every marginal and unnecessary expenditure so that more resources can be made available for our primary international and domestic needs.

One such item is the absence of a request for fiscal 1969 funds for the National Board for the Promotion of Rifle Practice in the Department of the Army. For nearly a year now I have been urging the Secretary of Defense to terminate, or at least suspend, this program. The Army's own studies demonstrate that it contributes almost nothing to the national defense. While it shows up on past budgets as only a \$400,000 item, that item is the tip of a \$5 to \$10 million iceberg.

The program occupies the time not only of thousands of uniformed troops,

but also of the high Defense officials who must spend many hours of their valuable time unravelling the serious problems which the program continually raises. The free arms and ammunition distributed under the program have found their way to extremist groups on both sides of the spectrum; the low cost surplus firearms sales program has been shown to be accessible to hardened criminals; the national rifle matches at Camp Perry have been shown to be a costly Government-sponsored, Army-staffed, fun fest for a privileged few. And the major result of the entire program, as found specifically by the Army's own study, has been to subsidize, stimulate, expand, and support the private organization which has been the principal barrier to achievement of the Government's own goal of effective Federal gun control, a goal supported by the vast majority of the American people.

Moreover, as I indicated to Secretary McNamara last spring—correspondence in CONGRESSIONAL RECORD, volume 113, part 15, page 20153—apart from the fact that there is no justification for continuing the program at all, history and precedent show that at the very least it has always been identified as one of the Army's most marginal programs, and thus has been suspended during every period of warfare and budgetary restraint since it began.

Clearly, therefore the civilian marksmanship program should have been eliminated from budgets beginning no later than fiscal 1967, when the impact of the Vietnam war was apparent.

Nevertheless the Defense Department failed to call off the 1967 rifle matches, and failed to support efforts to eliminate most of the appropriation for the program for fiscal 1968—amendment 281—defense appropriations, CONGRESSIONAL RECORD, volume 113, part 18, page 23472, an effort which received the support of 23 Senators despite the opposition of several of my most distinguished and senior colleagues.

Since then the Department's response has been most encouraging indeed. Late last year the Army announced the cancellation of the 1968 rifle matches. Today we see that the President has not requested any funds at all for the entire rifle program for fiscal 1969. This is certainly a large step in the right direction, and I am hopeful that it presages total elimination of this wasteful anachronism.

Whether in peacetime or wartime the Army can make much better use of its funds for training its recruits in the skills they will need, rather than by encouraging civilians—most of whom are too old to serve in the Armed Forces—to buy and use guns for sporting purposes. If we are going to subsidize sports in the United States, we should do so openly and thoughtfully, and I hardly think the sport we would subsidize first is shooting.

U.S. TAX COURT

Mr. HRUSKA. Mr. President, during last session, the Senate Subcommittee on Improvements in Judicial Machinery held a series of hearings on a bill to pro-

vide constitutional status to the U.S. Tax Court, S. 2041. At the hearings, support for the bill was voiced by representatives of the American Bar Association, judges of the Tax Court, and numerous members of the tax bar. During the past few weeks, the staff of the subcommittee has been reviewing the record made at the hearings and studying those points that were raised. It is hoped that the subcommittee soon will be able to report this bill in order that early Senate action may be taken on it.

The necessity for the bill is highlighted in an editorial in the Denver Post, of December 11, 1967. The editorial posits the principle of the separation of powers between the three branches of Government. It then points out the present situation of the U.S. Tax Court as an executive agency which decides disputes between the Internal Revenue Service and many taxpayers.

This anomalous position of the court—

The editorial continues—

has worried many thoughtful persons for years. The Hoover Commission recommended that the court be transferred to the Judiciary and similar views have been expressed by the American Bar Association and others.

Mr. President, in order that my colleagues will have the benefit of this editorial, I request that it be printed at this point in the CONGRESSIONAL RECORD.

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

[From the Denver Post, Dec. 11, 1967]

TAX COURT'S STATUS IS A WORRY

It seems strange that in a country devoted to the idea of the separation of powers between the executive, legislative and judicial branches of government, the Tax Court of the United States should not be a part of the judiciary.

Yet the Tax Court, which hears disputes between taxpayers and the Internal Revenue Service, is an executive agency, like the IRS itself and the Treasury Department, of which IRS is a part.

This anomalous position of the court has worried many thoughtful persons for years. The Hoover Commission recommended that the court be transferred to the judiciary and similar views have been expressed from time to time by the American Bar Association and others.

Being in the executive branch, the Tax Court has no power to enforce subpoenas of witnesses or documents and no power to punish for contempt. Moreover, the Tax Court judges are not appointed for life, like other federal judges, but for 12-year terms.

Still another peculiarity of the Tax Court system is that to be admitted to practice before the court it is not necessary to be an attorney.

The Tax Court touches the lives of a great many people. From 5,000 to 7,000 cases a year are filed with it. As tax laws have grown more complex the service it has rendered has been of increasing importance.

A Senate subcommittee recently held hearings on a bill to transfer the Tax Court to the judiciary, thereby investing it with necessary powers it now lacks and providing permanent appointments for its judges.

The main reason for approval of the bill, it seems to us, is the obvious one that the citizen who runs into tax troubles is going to have more confidence in the fairness of the hearing he is to be given if the court is independent of the branch of government with which he is in dispute.

Such independence can be assured only

if the judges are appointed on a permanent rather than a term basis.

Before the Senate subcommittee the Treasury Department opposed the bill on the ground that it fears that transfer of the Tax Court to the judicial branch would mean that IRS would have to be represented before the court by the office of the attorney general rather than by the IRS chief counsel.

That objection is not impressive since the bill to accomplish the transfer already provides for IRS to be represented by its own counsel.

If the real fear of the Treasury is that it might lose some influence with the Tax Court if the court were made independent, that is all the more reason for putting the court on a full judicial footing.

PENNSYLVANIA-ISRAEL CULTURAL EXCHANGE

Mr. CLARK. Mr. President, it gives me great pleasure to report a forthcoming cultural exchange between the Commonwealth of Pennsylvania and the State of Israel.

In October 1969, the Israel Philharmonic Orchestra will be returning to America for a coast-to-coast tour similar to the triumphant tour that the orchestra made last summer.

Undoubtedly the Israel Philharmonic will once more play before packed concert halls and win wide acclaim for its musical interpretations. But the Israel concert halls also, will be neither silent nor empty.

For the 4 weeks of October while the Israel Philharmonic tours North America, the Pittsburgh Symphony Orchestra will be the resident orchestra in Israel.

For William Steinberg, the director of the superb Pittsburgh Orchestra, the cultural exchange program will be of special significance. Mr. Steinberg was one of the founding fathers of the Palestine Symphony Orchestra and has continued to maintain a close association with the orchestra.

Music lovers in Israel will undoubtedly be delighted to discover next year that the talents and energies which Mr. Steinberg exhibited in the early days of the Palestine Orchestra, have continued to expand since his arrival in Pittsburgh as the director of one of the foremost orchestras of the world.

TRIBUTE TO JUDGE S. SAMUEL DI FALCO

Mr. HARTKE. Mr. President, recently it was my great pleasure to host a testimonial luncheon honoring the outstanding Italian-American of the year, the Honorable Samuel Di Falco.

I ask unanimous consent that my remarks, which appeared in the program, be printed in the RECORD. Judge Di Falco deserves the highest commendation; I would hope that more of our citizens become aware of his fine achievements.

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

THE MAN HONORED TODAY
(Remarks of the Honorable VANCE HARTKE, senior U.S. Senator, Indiana)

When the story of the contributions of the Italian immigrant family and their children is told, it will speak of the enrichment of the American way of life in culture,

music, science, law and in every other field of endeavor.

The man we honor, an immigrant himself, born in Italy and brought here by his immigrant parents is the Story. He is representative and exemplifies the best that Italy has given to America. In spite of the great obstacles that had to be overcome, the Italian-Americans because of their dedication, unselfish devotion and desire to give and to be the recipient of the opportunities afforded them in America, have taken their place as leaders, like Judge Di Falco, in every field of endeavor throughout the length and breadth of America. The spirit and substance of Judge Di Falco's achievements during his distinguished career embrace those inherent moral and spiritual values which have traditionally nourished our civilization. A dedicated person and devoted public servant, Judge Di Falco has been an attorney for the United States Government, Member of the New York City Council, Justice of the Supreme Court and, at present, Surrogate of the County of New York.

Judge Di Falco has received the recognition of the entire community and has shared his success with his fellow-man by giving of himself for and on behalf of every worthy cause. He is Chairman, Director, Trustee and/or Member of thirty-one outstanding organizations of all denominations, color or creed and has been the recipient of twenty-nine citations and awards.

I am honored and privileged to present to Surrogate S. Samuel Di Falco, whose career has rarely been equalled in our community, as the outstanding Italian-American of the year, this scroll in loving memory of Francis Cardinal Spellman.

THE PRESIDENT'S PROPOSALS RELATING TO EMPLOYMENT

MR. CLARK. Mr. President, in his recent message on civil rights to the Congress, President Johnson reaffirmed his commitment to the series of civil rights proposals which he presented to the Congress last year. As a cosponsor of the legislation which embodies these proposals, I should like to take this occasion to do the same.

I should like to comment particularly, however, on the proposals relating to employment, since they are my special responsibility as chairman of the Subcommittee on Employment, Manpower, and Poverty of the Committee on Labor and Public Welfare. Last year the "Equal Employment Opportunity" title of the omnibus civil rights bill was introduced by me as S. 1308, with the senior Senator from New York [Mr. Javits] as cosponsor. The bill was referred to the subcommittee, which I chair, and hearings were held on May 4 and 5.

Testimony was received on behalf of the administration from the Attorney General, the Secretary of Labor, and the then Chairman of the Equal Employment Opportunity Commission. Witnesses also appeared on behalf of the Leadership Conference on Civil Rights, the Chamber of Commerce of the United States, the National Employment Association, and the private business community. The bill was then reported by the subcommittee to the full Committee on Labor and Public Welfare. I am hopeful that within the very near future the full committee will meet to report this legislation to the Senate.

The need for new legislation to strengthen the enforcement powers of the Equal Employment Opportunity Com-

mission created by Congress in 1964 was clearly demonstrated in the subcommittee hearings last year. The Commission has the duty of administering title VII of the 1964 Civil Rights Act, which prohibits discriminatory employment practices on the part of employers, unions, and employment agencies. The Commission receives and investigates complaints of discrimination, but its ability to deal with discriminatory practices is severely limited. Even when the EEOC finds that a business, a union, or an employment agency has committed an unlawful employment practice, the Commission cannot order termination of the violation. All that the Commission can do is use the "informal methods of conference, conciliation, and persuasion" provided for under existing law.

It is, of course, desirable to have disputes settled by informal means. However, the experience of State fair employment agencies has shown that the power to persuade or to conciliate is not enough. If an administrative body is to be truly effective, it must have enforcement power. The existence of such power means not only that, when necessary, the agency can order the correction of unlawful practices, but also that the ability of the agency to obtain successful conciliation will be increased.

We must strengthen the Equal Employment Opportunity Commission. The Commission has endeavored to make full use of the powers which it possesses. Nonetheless, in far too many cases where discrimination has been found, the Commission has been unable to effect successful conciliation. The bill now under consideration will remedy this situation. The bill empowers the EEOC to issue, after a proper hearing, orders which may be enforced in the Federal courts requiring the cessation of discriminatory employment practices.

The power which the bill would grant the Equal Employment Opportunity Commission is similar to that now possessed by the NLRB and other administrative agencies. Passage of this legislation is essential if we are to realize the goal, set by the Congress in 1964, of abolishing job discrimination and affording true equality of opportunity. We must recognize our responsibility and act quickly in this vital area.

CLIFFORD NOMINATION GETS STRONG EDITORIAL SUPPORT

MR. SYMINGTON. Mr. President, in these days it is reassuring to find such solid support for the latest nomination for high office by President Johnson—Mr. Clark M. Clifford for the position of Secretary of Defense.

In that connection, I ask unanimous consent that several editorials on this nomination be printed in the RECORD.

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

[From the Portland (Oreg.) Press Herald, Jan. 23, 1968]

CLARK CLIFFORD BRINGS MANY ASSETS TO DEFENSE DEPARTMENT POST

The more one examines the choice of Clark Clifford to succeed Robert McNamara as Secretary of Defense, the more astute the President appears in selecting him.

Unlike the former president of the Ford Motor Company, who came directly from Detroit to Washington, Clifford has had wide experience in government, going back to the 1940's when he was a principal adviser to President Truman in his 1948 campaign (he told Truman to come out fighting and it paid off.) Later he served as special counsel to Mr. Truman, President Kennedy chose him to carry out liaison with the retiring Eisenhower Administration, and he has carried out a number of "delicate" assignments since, both for the late President and his successor.

During his college days he was known as a practical joker, and he retains a sense of humor—an asset of priceless value in Washington. Mr. Clifford, on the record, gets along well with members of Congress—Sec. McNamara often did not—and so far as the Vietnam war goes he is in accord with the hawkish school of intimates that surround the President.

It is hardly necessary to say that all of his talents will be needed in what may be the second most important job in the Federal Government—running the Pentagon. Robert McNamara, with all his faults, firmly established the superiority of civilian leadership over the power-hungry service chiefs who had dominated it, and this will help ease Mr. Clifford's path. If Mr. Johnson later needs to make more difficult military decisions linked with the war, Clark Clifford will be a persuasive salesman before congressional committees.

And surely Mr. Johnson is counting on his sage advice in the election campaign now getting underway.

[From the Minneapolis Tribune, Jan. 24, 1968]

CLIFFORD: NO STRANGER TO THE PENTAGON

The appointment of Clark Clifford as secretary of defense seems to us an excellent choice; not because of his reputation for supporting American policy in Southeast Asia but because he will bring to the office a unique knowledge of the defense establishment along with a high degree of respect from most people in Washington.

Although Clifford wryly rejected the language of the aviary, he is known as a hawk. This is no surprise. The President would hardly have selected a defense secretary wearing the philosophical feathers of Sen. McCarthy or Dr. Spock.

More important is Clifford's long-time role as intimate adviser to the past three Democratic presidents. As special counsel to Harry S. Truman, he was a major architect in planning the unification of the armed services.

Clifford's acceptance on Capitol Hill was illustrated by the praise with which his appointment was greeted by senators with opposing views on Vietnam Senate confirmation is unlikely to be a problem.

Where the problem lies will be in preventing a widening of the war. The restraint urged by Robert McNamara has been overridden by removing more North Vietnamese targets from the restricted list. Military spokesmen are becoming more insistent that a stop in the bombing would be severely damaging to U.S. interests. And Clifford is known to have opposed past bombing halts.

Still, Clifford will bring a fresh viewpoint to the Pentagon. The esteem in which he is held means that critics of military policy will listen with new attention to what he has to say. It means, too, that should Clifford propose any kind of moderation in what appears to be creeping escalation in Southeast Asia, his opinions may carry more weight than those of his predecessor.

After World War II, Clifford withstood persuasive arguments against military unification. It is reasonable to assume that he will have the same objectivity in dealing with military policy in Vietnam.

[From the Baltimore (Md.) News American Jan. 25, 1968]

THE NEW DEFENSE SECRETARY

President Johnson observed recently to a friend that he could not recall a single week since he entered the White House that he had not consulted Clark Clifford on some major national or international problem.

The scope of the behind-scenes role of the secretary of the defense-designate during the White House tenure of both Presidents Johnson and Kennedy is far broader and more penetrating than most outsiders suspect.

Ever since President Kennedy summoned Clifford to investigate the CIA following the 1961 Bay of Pigs disaster, Clifford has been virtually a full-time presidential adviser without pay and without title.

In a noisy capital where whole careers are built upon publicity alone, Clifford possesses a highly-developed sense of discretion that is as rare a commodity as his superior mental agility.

President Kennedy offered Clifford several high posts, but he declined them. President Johnson offered him the job of attorney general, undersecretary of state and White House special adviser.

Clifford refused those offers, too, with the explanation he felt he was more "useful" in an informal capacity, where he could escape time-consuming administrative chores and the limitations of a clearly prescribed jurisdiction.

Meanwhile Clifford found time and energy to become a popular Washington drawing room figure and to earn more than a half million dollars a year from his prosperous law business.

This columnist once asked Clifford how he managed to remain so highly regarded by a broad spectrum of political acquaintances despite the delicate, controversial and sometimes onerous White House projects in which he was constantly involved.

It was typical of Clifford that he replied not with polite coyness but in a straightforward manner.

"Perhaps it is because I am not in competition with anybody," he said. "They all know I don't want any job."

But at his most persistent and persuasive best, President Johnson is difficult to refuse, even for an independent fellow like Clifford. And Clifford, at 61, was the President's first and only choice to be Robert McNamara's replacement in the third biggest (and toughest) job in the federal government.

Although he will not concentrate entirely upon defense matters, Clifford has in the past frequently been consulted about domestic politics.

Currently he sees a considerable parallel between the vulnerable situation of President Johnson and that of Harry S. Truman in 1948. And of course, Truman—listening to Clifford's advice—won an upset victory.

STANLEY DRAPER, OKLAHOMA BUILDER, RETIRES

Mr. MONRONEY. Mr. President, a visitor to the capital of my home State, Oklahoma City, will probably ride into town on the Stanley Draper Expressway.

In nearby Midwest City, Oklahoma's third largest city, there is a street named Draper Drive.

South of both Oklahoma City and Midwest City, a huge lake provides recreational, municipal, and industrial water. This new lake is named Stanley Draper Lake.

A few weeks back, as Oklahoma marked her 60th birthday, I spoke here in tribute to the magnificent growth of our State. Much of the State's growth, and particularly that of Oklahoma City,

is due to the energies and ambitions of Stanley Draper.

Mr. Draper retires this month after 48 years of service with the Oklahoma City Chamber of Commerce. His tenure with the chamber, including 40 years as managing director and executive vice president, has been aptly termed the "Draper Era" by the Oklahoma City Times.

The Tulsa Tribune, published in a city which has long rivaled Oklahoma City for industry and growth, called Draper an "able opponent" and credited him:

More than any other person, Stanley Draper shaped the modern Oklahoma City.

Delivering due credit, yet remembering him as an opponent, the Tribune concludes:

Stanley Draper will rank among the top city-builders in American history. He is a very great Oklahoman—and we can't wait for him to retire.

Mr. Draper's retirement was noted in the Oklahoma Journal, with the comment that his retirement comes at the time that "Oklahoma City is basking in its finest hour."

Mr. President, I—as all Oklahomans do—must voice my appreciation for the half century of service given by Stanley Draper to the development of his city and his State.

Stanley Draper's story is the story of dynamic growth of Oklahoma City—a story of determination, drive, and destiny.

In tribute to this man's contributions, I ask unanimous consent that the following editorial comments be included in the RECORD at this point:

"Retirement of Stanley Draper," from the Oklahoma Journal of January 2, 1968;

"Tulsa's Able Opponent," from the Tulsa Tribune of January 2, 1968; and

"Draper Era Ending," from the Oklahoma City Times of January 3, 1968.

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

[From the Oklahoma City Times, Jan. 3, 1968]

"DRAPEL ERA" ENDING

The announcement by Stanley C. Draper that he will retire January 31 as executive vice president of the Oklahoma City Chamber of Commerce (see letter elsewhere on this page) brings to a close a remarkable era in the life of this community.

In his 48 years of service with the chamber, Draper was the right man in the right place at the right time to be a driving force for the development of a great city.

From its earliest days this city has been blessed with far-sighted "city builders." It was Oklahoma City's good fortune that a "city builder" such as Draper came along to be a catalyst for other "city builders" so that the maximum thrust of all could be exerted to get things done.

For the secrets of Draper's success were not only his dreams and his restlessness, but the fact that he had the confidence of key leaders in the community. That extended even to their willingness to advance money to the chamber for intended projects long before they could be divulged publicly (such as the initial purchase of land for Tinker).

Another key to his achievements was that Draper, unlike some promoters, never profited financially by any project he pushed. Even his strongest critics never were able to challenge his personal honesty in all his many projects with their often intricate financial transactions.

The list of projects he "engineered" into reality is endless. His willingness to step out now undoubtedly comes because one of the greatest was achieved just this past month—the federal funding of the downtown urban renewal program. Also, this past year the chamber successfully weathered one of the sternest challenges in its history, the grand jury investigation.

Doubtless we never shall see anything like the "Draper era" again. Not only are the Stanley Drapers few and far between in this world, but the community is changing. More power centers are evolving so that no single institution dominates.

Increasingly, the day of the professional—particularly in governmental bureaucracies—is here so that decisions crucial to Oklahoma City are made elsewhere, whether in regional offices in Fort Worth and Austin or in Washington, D.C.

Yet more than ever cities are finding they have a dearth of needed men of the type of Stanley C. Draper—persons who can see the big picture, who can boil down details to specific programs, and then can awaken interest, spark endeavors, and keep everlasting at it, encouraging, needling, and pressuring.

There will not be another Stanley Draper, and we will be wasting time if we wait for one to come along. But to continue to progress, our community must find others who can think big, and drive personally and work with others to make things happen.

[From the Oklahoma Journal, Jan. 2, 1968]

RETIREMENT OF STANLEY DRAPER

The announcement by Stanley Draper that he would retire as executive vice-president of the Oklahoma City Chamber of Commerce was not unexpected, of course, since the time inevitably arrives when all busy men either elect to set aside the cares of their offices or are obliged to for physical reasons.

In this case we are pleased to note Mr. Draper is relinquishing the reins of his office while he is still able to prosecute his duties vigorously.

The accomplishments of the Chamber during the past year amply attest this.

The long-time director of Oklahoma City's Chamber could not have chosen a more auspicious time to doff his mantle and recommend its placement upon the shoulders of another.

He does so at a time when Oklahoma City is basking in its finest hour—the hour when the downtown sector is about to be revitalized.

Dazzling as many of the headlines were that greeted Oklahoma City Chamber achievements during the past year, none augured more auspiciously for the future than the announcement of the \$3.5 million federal grant that will get project 1-A of Oklahoma City's redevelopment underway.

And chafing as it is for Mr. Draper to be given credit where he claims it is not his full due, still it must be recognized that his part in the present development might be considered among his crowning achievements.

Certainly, we as a new editorial voice on the Oklahoma City scene, are not unappreciative of all Stanley Draper has meant to the progress of Oklahoma and Oklahoma City in particular.

We wish him and his wife well in their projected trips about the world, and at the same time we hold him to his promise to keep telling the story of Oklahoma and Oklahoma City.

[From the Tulsa Tribune, Jan. 2, 1968]

TULSA'S ABLE OPPONENT

Stanley Draper, executive vice-president of the Oklahoma City Chamber of Commerce for 40 years, has announced his retirement at the end of this month. This amazing man is worth more than a polite wave-off.

More than any other person, Stanley Draper shaped the modern Oklahoma City. He was a pragmatist—not an ideologist. Although practically all his financial support came from a business community that was generally hostile to Big Government he used every possible political angle and pressure to make Big Government build Oklahoma City.

Oklahoma City gained huge direct government payrolls and several major industries in the years when it was the home town of two powerful U.S. senators—Kerr and Monroney.

Stanley Draper strove to make Oklahoma City's position in Oklahoma the same as that of Boston in Massachusetts, Atlanta in Georgia, Des Moines in Iowa and Salt Lake City in Utah—that is, not merely the seat of government, but the unchallenged metropolis of the state.

When signs of economic distress were detected in Tulsa in the early '50s the Oklahoma City Chamber began passing the word: "Don't hitch your future to a falling star!"

Until river navigation became assured for Tulsa the project was lampooned in Oklahoma City and some efforts were made to block it. But as soon as it became apparent that the Arkansas-Verdigris project was going through a fantastically-expensive scheme for bringing barges up the Deep Fork creek to Oklahoma City went on the drawing boards and Tulsans were asked to show their bigness by getting behind it. Some naive Tulsans turned out to be bigger than the editor of *The Tribune*.

That Tulsa survived the onslaughts of Stanley Draper is less a tribute to our leadership than to the tremendous natural advantages Tulsa has going for it. As a matter of fact, we were out-euchred, out-pokered and plainly outrun on many occasions.

But Stanley Draper's imagination was far larger than that required by an old-fashioned two-cities fight. He was one of the first to recognize the leap forward a city could gain if it were surrounded by strong universities and advanced research programs.

At the time Tulsa's Roy Lundy administration was scornfully referring to expressways as "sooper doopers" Stanley Draper was shaping an expressway network that is now about seven years ahead of ours. His futuristic plans for rebuilding the central core of Oklahoma City are staggering, and in spite of the fact that Oklahoma City is placed in the middle of an unlovely prairie, and marred by oil fields, shacktowns, dumps and a fractious alluvial river, the beautification program is bold and imaginative.

The Caesars could rebuild Rome any way they wanted to. Louis XIV had only to issue an order and new boulevards transformed Paris. But Stanley Draper had to persuade, cajole, threaten and bulldoze action out of a city council that was often at open warfare with itself. When progress stalled he mobilized the leading citizens to crunch down the barriers.

A gut-fighter—that's Stanley Draper. Yet he has never lost his humor, his bounce and his charm. Even Tulsans who knew they might get slugged had to love him.

And he has at last paid us a compliment. One of his latest proposals is a future supersonic jet airport somewhere out around Stroud. This is significant. He would never have suggested it halfway between the two major cities if he still entertained hopes that Tulsa would wither away.

Stanley Draper will rank among the top city-builders in American history. He is a very great Oklahoman—and we can't wait for him to retire.

AMERICAN FLAG STAMP—REMARKS BY POSTMASTER LARRY O'BRIEN

Mr. MONRONEY. Mr. President, I ask unanimous consent to have printed in the RECORD remarks by the distin-

guished Postmaster General of the United States, the Honorable Lawrence F. O'Brien, at the first-day ceremony of the American flag stamp, which was held in the Postmaster General's reception room at the Department in Washington.

I had the honor to attend that ceremony and to participate in activities inaugurating the issuance of a new American flag stamp issued in the 6-cent denomination.

The Post Office Department always issues a stamp picturing "Old Glory" in each issue of regular first-class denominations. I am particularly pleased that the Department has completed its work in issuing a new flag stamp this early after the enactment of the recent postal-rate statute.

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

REMARKS BY POSTMASTER GENERAL LAWRENCE F. O'BRIEN AT THE FIRST DAY CEREMONY OF THE AMERICAN FLAG STAMP, WASHINGTON, D.C., JANUARY 24, 1968

I am very pleased that my good friends Senator Monroney and Congressman Dulski could join with us for this ceremony on the first day of our colorful new six-cent flag stamp.

I certainly wish to thank another strong advocate of better mail service, Chairman Roy Hallbeck of the Government Employees' Council for co-sponsoring this dedication ceremony. This is but one more of many public service efforts on the part of the Council which represents more than a million Federal employees in 34 AFL-CIO organizations. Many of the leaders of those organizations and independent postal organizations are here with us today, and I wish them to know how welcome they are at this important ceremony.

And this ceremony is important. It is important because we are issuing a new 6-cent postage stamp, designed to augment the Franklin D. Roosevelt issue. The stamp itself goes on sale throughout the nation tomorrow, and will stay on sale indefinitely as a regular issue. It is also important to me, personally, because the subject matter of the stamp itself permits me to discuss a matter I have been concerned about for some months.

We all learned the story of the decline of ancient Greece and of the Roman Empire. Many books have been written and millions of words uttered on the subject, and there have been almost as many reasons presented as there have been books and authors.

I certainly do not claim to have the true answer, nor can I contribute new proof or new theories.

But I do know what the symptoms of a declining nation would be.

One of the main symptoms would be a growing indifference to vital national symbols, a gradual lack of concern about those physical manifestations, unimportant in themselves, but which gain a broad acceptance by their history and their relationship with the national purpose and the national character.

Perhaps the most important symbol is a nation's flag. As President Johnson has said, "The American flag may be only a piece of bunting, sewn by human hands, but it symbolizes the very meaning of this great Nation—our determination to go on developing a free society with abundant opportunities for every citizen and to keep extended the hand of friendship to all peoples everywhere."

Our flag is both impressive and unique. It is a unique flag because it conveys, in

a meaningful way, the story of our nation's growth.

We begin with the stripes. Thirteen of them . . . not a number chosen at random, but thirteen because we began as thirteen divided, squabbling, subject colonies.

Fifty stars—stars because we have always felt this nation was concerned with certain high principles and ideals, stars which gradually grew from thirteen to fifty. This growth reminds us all that we are still a nation of infinite possibility.

Thus our flag is a lesson in philosophy, in political science, in history.

In addition, there are countless individual acts, each of which has added to the meaning of the flag.

Again and again throughout our history, American fighting men have sacrificed their lives to protect the flag of our country. Our young men—our country's finest—are giving that ultimate measure of devotion this instant in Vietnam, as they have always done at the outposts of freedom.

I wish every American would read through the list of citations accompanying the Congressional Medal of Honor, to see the great tradition of heroic concern about our flag.

In 1871, our Navy was involved in an expedition in Korea, resulting from an unprovoked attack by the Koreans. The last phase of that early involvement in the Far East included an attack by American marines and sailors on a key Korean fort. In that brief but bloody engagement a young man named Cyrus Hayden distinguished himself for extraordinary valor by climbing to the ramparts of the fortress and planting our flag. As the citation reads, he then ". . . protected it under a heavy fire from the enemy."

Cyrus Hayden was an ordinary carpenter. He did not have to attend a university to know the meaning of a national symbol. America has been rich in its Cyrus Haydens, and their valor has been molded into the glory of our flag.

For our flag is no less than a badge of American courage and purpose.

During our 192 years of national existence, war has claimed almost two and one half million American casualties.

When we honor our flag we honor what our country stands for and the men who have given every measure of devotion to maintain our nation against its enemies.

I remember as a boy my father removing his hat when the flag passed by. My father was not born here. He came to America as an immigrant, and though he encountered much prejudice, he always understood clearly that the American flag represented high aspiration and the goal of freedom from prejudice.

We hear much about flag burners and defilers today—but they are a handful on the far edge of our society. The real enemy is indifference and apathy, for indifference and apathy sap the fibre of nations and ultimately destroy them from within.

And this is why we are so proud of this new stamp. Flag stamps, such as this one by designer Steven Dohanos, have always been among the most popular. The millions of Americans who use this stamp will quite literally be showing the flag, the flag that so often in history has signaled the rescue of nations, the defeat of tyrannies, the breaking of light where no sun would shine.

RETIREMENT OF CLYDE ELLIS, A GREAT REA LEADER

Mr. MONRONEY. Mr. President, on the evening of January 15, with nearly 1,200 of his friends, I had the pleasure of attending a dinner honoring a former colleague in the House of Representatives, the Honorable Clyde Ellis, on the occasion of his retirement as general

manager of the National Rural Electric Cooperative Association.

Members of Congress, leaders in rural electrification, and hundreds of other men and women devoted to the development of the Nation's resources joined in recognizing Clyde Ellis' great leadership and dedication over the 25 years since the establishment of the NRECA.

Mr. Ellis is well known to Members of this body, and I am sure I do not need to review his wonderful contribution to the cause of rural electrification and rural economic growth. Over the years he has met every challenge to the cooperatives, and he has led in the current effort to devise a system that will broaden their financial resources in order to satisfy the rapidly rising demand for electric power.

Fortunately for the Nation, Clyde Ellis is not really retiring. He has agreed to serve as a special consultant to the Secretary of Agriculture. Secretary Freeman has announced that his work will place "special emphasis on building town and country, U.S.A., so rural-urban balance can become, like rural electrification, not a dream, but a reality."

Mr. President, I ask unanimous consent that an account of the gathering in honor of Clyde Ellis, from the Rural Electric Newsletter of January 19, be printed in the RECORD.

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

ONE THOUSAND TWO HUNDRED HONOR ELLIS AT DINNER

Almost 1,200 well-wishers—including Vice President Hubert Humphrey and many members of Congress—gathered to pay tribute to Clyde T. Ellis here Monday night.

The gala affair honoring "Mr. Rural Electrification" brought together representatives of rural electrics, labor, public power groups and cooperative organizations—all backers of Consumers Information Committee, sponsor of the event.

Ellis, who was instrumental in helping to form CIC, stepped down as general manager of NRECA last fall after nearly 25 years in the post. However, as keynote speaker Orville Freeman, Secretary of Agriculture, noted:

"Today is for Clyde Ellis commencement day, not graduation day. Fortunately, for all of us, he will continue as Mr. Rural Electrification." In so saying, Freeman announced that Ellis had accepted an appointment to serve as a special consultant to the Secretary of Agriculture. He said Ellis' work would place "special emphasis on building Town and Country U.S.A. so rural-urban balance can become, like rural electrification, not a dream, but a reality."

Freeman said, "The hand of Clyde Ellis is in the lights that blaze over rural yards that once were dark from dusk to dawn—five million of them across the land.

"It is in the steel plant in rural Congaree, S.C., and in hundreds of other plants that offer new hope and new directions to millions of Americans. . . .

"His hand is in history's greatest production achievement, that of the American farmers.

"His hand is in electric cooperatives formed or being formed in 25 countries throughout the world."

Vice President Humphrey, who escorted Ellis to the platform, called the occasion "a richly deserved tribute to a man who has given so much to so many."

"America is a better country tonight be-

cause of a fellow named Clyde Ellis," said the Vice President.

In a reference to the great esteem for Ellis in Washington, Humphrey said, "I've seen more Senators here tonight than I saw in the Senate today. I must say most of the House of Representatives seems to be here too."

Other speakers included Robert D. Partidge, acting general manager of NRECA, and Andrew Biemiller, director of legislation for the AFL-CIO.

A plaque was presented to Ellis by Alex Radin, general manager of the American Public Power Association, who called Ellis, "a giant in every sense of the word." The plaque was awarded by CIC. Entertainment included rural electrification folk songs sung by Joe Glazer, including one specially written for the occasion.

Master of Ceremonies Pat Greathouse, CIC chairman, read messages from some of those unable to attend: Harry S. Truman, Everett Dirksen, Mike Mansfield, John McCormack, Robert F. Kennedy, Tony Dechant of the National Farmers Union, George Meany of the AFL-CIO, Oren Lee Staley of the National Farmers Organization.

Finally, Ellis himself moved to the speaker's desk.

It was, he allowed, "a historic occasion—for it renders Clyde Ellis almost speechless."

But Ellis did do a little reminiscing.

And if there were those present who thought the affair was marking the end of Ellis' career, he quickly set them straight:

"There seems to be a rumor abroad that Ellis is retiring. That ain't so."

Those who know him recognize that his new work as a consultant to the Secretary of Agriculture, as well as his work as a special consultant to the NRECA Board of Directors and general manager emeritus will be but a part of the many activities Ellis will be involved in.

As the Vice President said: "He is a promoter of good causes and an organizer of good things—positive, persistent and persevering."

RURAL AREAS CAN BE DEVELOPED FOR INDUSTRIAL EXPANSION

Mr. MONRONEY. Mr. President, on many occasions I have joined my voice with those of many other Senators in efforts to slow the migration of our citizens from rural areas to the overcrowded cities.

I am pleased to be a cosponsor of legislation dedicated to this purpose, and was greatly pleased when the Senate approved my amendment to the economic opportunity program which would provide \$50 million for studies and planning methods of luring industry into the rural areas, thus providing jobs away from the troubled cities.

Many of the Nation's leaders have spoken again and again of the necessity of promoting rural development as a companion to urban redevelopment. Among these leaders have been our gracious First Lady, Mrs. Lyndon Johnson; our Vice President, Hon. HUBERT H. HUMPHREY; and Secretary of Commerce Alexander Trowbridge.

Another key leader in our efforts to answer the problems both of our rural areas and urban areas is Secretary of Agriculture Orville Freeman.

Secretary Freeman has been recognized as the "prime mover" in a "Symposium on Communities of Tomorrow," which was held in Washington on De-

ember 11 and 12, 1967, to discuss the future of urban and rural communities.

An article entitled "Urban Migration Reverse Sought," and subheaded "Far Reaching Rural Development Effort Needed," provides pertinent information on the "Symposium on Communities of Tomorrow." The article, as prepared by the Los Angeles Times Service, was published in the Sunday, November 19, edition of the Oklahoma Journal, of Oklahoma City.

As the scope of our efforts to solve rural and urban problems reach into the life of every American, 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:

URBAN MIGRATION REVERSE SOUGHT: FAR-REACHING RURAL DEVELOPMENT EFFORT NEEDED

WASHINGTON.—Ironically but inevitably, the ills of the nation's cities have focused new attention on the problems of rural America.

There is a developing effort to reverse the effects of the agricultural revolution based on machinery, chemicals and modern methods which in the past decade had pushed an estimated 10 million persons off the land.

A majority have headed for the central core of the cities in hopes of finding jobs and better lives. But, in an increasingly mechanized age, they found openings were few for workers who lacked the schooling and skills now required for most nonfarm jobs.

Students of urban blight are gloomy about chances for improvement until there are changes in the factors that are pushing rural families off the land and pulling them toward the cities. To bring the problem under control, many social scientists and politicians urge far-reaching efforts to develop the economic potential of the nation's rural hinterland.

There is enough interest in this approach so that it may well figure in the 1968 presidential campaign, probably as an element in both party platforms. The shape of concrete proposals is still developing.

The concept is sure to be explored at a carefully-prepared "Symposium on Communities of Tomorrow" to be held in Washington Dec. 11 and 12. While the affair is jointly sponsored by six executive departments, the prime mover is Agriculture Secretary Orville L. Freeman, who has hinted the meeting may be a first step toward a "national policy for urban-rural balance."

A factual background for the meeting may well be provided by the report of a presidential commission on rural poverty which is now under analysis at the White House.

There is speculation that the commission report and the symposium may help set the stage for a new administration program to be unveiled in President Johnson's State of the Union message. All officials will say now, however, is that they hope to stimulate new interest in the challenge and opportunity which rural America presents.

Freeman is the major prophet of the view that there is a potential for jobs and living space in rural counties and small cities which no longer exist in the metropolitan areas where some 140 million Americans live. Freeman is supported in approach, if not in detail, by experts of the Commerce Department's Economic Development Administration (EDA).

Both Freeman and EDA's economists start from the premise that it is both possible and desirable to influence the farm-to-metropolis migration which has, in half a century, converted the United States from an agricultural to an urban nation.

SENATOR HARRIS SPEAKS ON
FARM PROBLEM

Mr. MONRONEY. Mr. President, the agricultural economy of the United States faces very serious problems that challenge all of us because of their complexity and critical effect upon the entire world. It is very evident that fewer and fewer Americans are devoting the time and trouble to farm problems, and that an understanding gap is widening between the producers and consumers of food and fibers.

My distinguished and brilliant colleague, the Senator from Oklahoma [Mr. HARRIS], grew up on a farm and worked as a farm laborer in order to obtain his education. No Member of this body has devoted more time to farm economics than has Senator HARRIS since he came to the Senate in 1964. His insights into the down-to-earth aspects of farming match splendidly with his far-reaching knowledge of both domestic and foreign economic factors that bear so heavily on the question of future food crises that we all worry about.

On Monday of this week, Senator HARRIS spoke at the convention of the National Cattlemen's Association, in Oklahoma City. His address spans the breadth of the agricultural scene. It deserves the careful attention of all Senators and of all concerned Americans. I ask unanimous consent that his remarks be printed in the RECORD.

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

REMARKS OF U.S. SENATOR FRED R. HARRIS, BEFORE THE NATIONAL CATTLEMEN'S CONVENTION AT OKLAHOMA CITY, JANUARY 22, 1968

I want to talk on two subjects today, closely related yet somewhat different in nature. First, I want to say a few words about the American cattle industry and you, the producers of the highest quality beef in the world.

Cattle producers like all agriculturalists are gamblers. You gamble on the weather, whether it will or won't rain; whether the winter will be severe or mild; you gamble on disease; you gamble on agriculture itself because you never know if enough hay or feed grains will be produced to supply the market and what the prices will be; and, if this is not tough enough, you also have to gamble on what the market will be when your calves are ready to sell. Unfortunately, we have not yet determined ways to control the weather, though our scientists are working on it. Likewise with all the preventive medicines, we still cannot guarantee against disease. Furthermore, past experience has proved that no one can predict exactly what the hay and feed grain situation will be from year to year, and, last but not least, cattle won't wait for a price increase when they are ready for the market.

It is, therefore, necessary and appropriate that we, your government, and you, the producer, work together in the proper ways we can to maintain a market which will assure you a fair rate of return on your labor and investment as you carry out the business of producing enough beef of high quality to satisfy the demands of American consumers. Efforts are underway to assure the cattle producer of a fair deal and a fair price for his produce. I am happy that I have been able to take part in these efforts, and, although you are aware of most of them, I would like to review some of these efforts at this time.

IMPORT QUOTAS

First, several years ago it was recognized that steadily increasing amounts of imported beef were threatening the stability of the cattle industry in the United States. In 1964 the Congress enacted the Beef Import Quota Act, which at that time provided some protection to the American cattle producers from increased imports of large quantities of foreign beef. This Act was a step in the right direction, but, as we later learned, it did not provide sufficient protection needed in order to guarantee a healthy cattle industry in the United States. Therefore, in 1967, realizing that the situation facing the nation's livestock industry was disturbingly reminiscent of the conditions that existed in the dark days of 1963-64, I joined with my colleague, Senator Hruska, and 33 other members of the Senate in introducing legislation which would place further controls on beef imports and provide additional protection to the American cattle industry from imported beef products.

This legislation proposes six changes in the present import quota law which are basic to the continued stability of our domestic cattle industry.

First, the bill would wipe out the extra 10 per cent of imports now permitted to enter this country before quotas are legally applicable.

Second, the quota of beef to be imported into the United States would be set by the law itself; thus we would no longer have to rely upon the Secretary of Agriculture to estimate what the level of imports would be during any given year.

Third, the bill would change the period on which total quotas are based. The base quota in the present law, for total imports of fresh, chilled, and frozen beef, veal, and mutton, is set at 725,400,000 pounds, which was approximately the average annual importation of those products during the 5-year period 1959-1963. In the bill I co-sponsored the base would be set at 585,500,000 pounds, the average annual volume of imports during the period 1958-1962, a much more representative base period.

Fourth, the bill proposes that quotas be imposed quarterly, instead of annually as at present. This change would smooth out the flow of imports through the year, to prevent unduly high impact on the domestic market in any one quarter.

Fifth, the bill would give authority to the executive branch to impose quotas on the importation of other meat products, if necessary to prevent the damaging effect of increased importation of such products.

Sixth, the bill provides that any purchases of beef covered by the quota by the Defense Department for military personnel will be charged against the quota.

This bill does not make wholesale or major changes in present law and is not, therefore, inconsistent with a general, free trade, policy.

The bill is presently pending in the Senate Finance Committee, of which I am a member, and I have urged our Chairman to take action on it as quickly as possible. The same legislation has also been introduced in the House of Representatives, and I understand has the strong support of Congressman Wilbur Mills of the powerful Ways and Means Committee which has jurisdiction there.

DOMESTIC AND FOREIGN MARKETS

Import quotas are not the answer to all the problems facing our domestic cattle industries. Fortunately for the consumer, and unfortunately for the producer, we are able to grow and process more beef than the United States market demands. Beef production has doubled since World War II, and the quality of our beef is unmatched in any other country in the world. Consumers in the U.S. have grown accustomed to our choice beef, but that has not been true of

the rest of the world. American per capita consumption of beef in 1967 was up 2 percent over 1966, to a new high of 105.6 pounds per person. However, at the same time, beef production in 1967 also rose by 2 percent to a new record of 20.1 billion pounds. Therefore, per capita consumption increased by exactly the same percentage as U.S. beef production. These production figures, coupled with prices, continue to indicate that the American cattlemen are able to produce beef in far greater quantities than the current market demands. Thus, it is obvious that steps must be taken to expand the market for beef and beef products if we are to avoid continued depressed prices.

Americans are by no means in first place in the category of per capita meat consumption. Based on figures of several years ago, this nation lags behind at least 4 other cattle producing countries in the world in the per capita consumption of beef. For instance, New Zealanders consume in the neighborhood of 250 pounds of beef per person per year. Australians consume 220 pounds; Argentines has a per capita consumption of 220 pounds; and Uruguay consumes about 205 pounds per person. This would indicate that large gains could be made in the per capita consumption of beef in the United States and our efforts to promote the use of beef and beef products should be redoubled. However, regardless of the volume of domestic consumption history has proven that the American cattle producer can raise a great deal more beef than the domestic market can consume. This brings me to my second point, which is important to the future stability of the American cattle industry. We must concentrate on developing the potentials of the world market. On September 15, 1966, I stated on the floor of the Senate, ". . . estimates for latent demand for imported beef in Western Europe alone range somewhere between 500,000 and 1,000,000 metric tons per year for the six nations of Western Europe comprising the European Economic Community." Estimates of the total worth of this market go as high as \$750 million per year. Although the United States produces about one third of the world's beef, we presently account for only 2 percent of the world's exports. Both the Department of Agriculture and the American Meat Institute are to be commended for their past efforts in promoting variety meat exports. However, much remains to be done, and streamlined reporting of data on agricultural exports and imports, compiled and published annually, would permit small and large processors all over the U.S. to consider participation in these and other profitable foreign markets. In order to enable the American cattle industry to gain a broader view of export opportunities, I co-sponsored a bill introduced on June 16, 1966, which would require the Secretary of Agriculture to report to the Congress each year certain information relating to the import and export of agricultural commodities. This, of course, is not a complete answer to the need for development of export markets for United States beef.

Along with a better knowledge of market availability, we must also help stimulate foreign consumers to desire the quality beef produced in the United States, we must develop more efficient and economical methods of packaging and processing, and we must continue to improve shipping techniques in order to reduce freight costs. We have made significant breakthroughs in this latter area in the past two to three years. As a result of investigations into export markets for American beef, conducted by the Senate Select Committee on Small Business, of which I am a member, steamship lines reduced their rates to European markets by as much as 25 per cent in 1965, and similar action was taken by commercial airlines.

The big challenge in the future is whether we can develop the demand for our high quality beef in these foreign markets, and whether we can break down the political barriers which have traditionally plagued our efforts to develop export markets in the past. The former is primarily up to you, the producer, the latter is primarily the responsibility of your government. We must unite in order to produce the desired results.

ESTATE TAXES AND FINANCING

Let me talk a little now about this business of farming and ranching from a purely domestic standpoint. A fellow told me about ten years ago that in order to start from scratch in a farming operation and expect to break even, a person would have to be prepared to invest about \$75,000. I'm sure that figure has increased substantially today. Most of us don't have access to the amount of money necessary to start a farming operation, so one of the principal ways a young man can get into agriculture today is to inherit a family operation. Even then he often must sell part of the operation in order to pay estate taxes, and by that time, there may not be enough left to make a living.

After participating in investigations of federal estate tax problems of independent livestock producers conducted by the Select Committee on Small Business and after consultations with Mr. Bill McMillan, Executive Vice President of your organization, and with representatives of the National Livestock Tax Committee, I introduced on October 31, 1967, a bill to amend the Internal Revenue Code for the purpose of guarding against undue and unjust tax discrimination in the form of estate taxes on family farms, ranches, and small businesses. This bill, which is currently pending before the Senate Finance Committee, provides that estate taxes on family farms, ranches, and certain small businesses should be computed on earning value rather than on inflated market prices. In recent years the upward trend of inflated sales prices on farm and ranch properties, primarily caused by speculative investing in land, has produced higher and higher taxes at the death of the owners. Often the heirs have little or no cash to pay these death taxes, and the effect is to threaten the continuation of the traditional family ranch or farm which might otherwise continue as a going concern. As a comparison, the evaluation of business stocks and securities generally reflect their earning power, and, consequently, these stocks and securities can be sold upon the death of an individual without destroying a family business. Therefore, the estates of families consisting of farms and ranches or small businesses have in the past been discriminated against in comparison with those whose estates consist of marketable securities.

It is my understanding that similar legislation is to be introduced in the House of Representatives. I have urged the Chairman of the Senate Finance Committee to hold hearings on this legislation, and I am hopeful that action can be taken on it soon.

But with our ever increasing population and ever increasing demands for food, we cannot limit the farmers of the future to those who are fortunate enough to inherit an existing profitable farming operation. We must devise some means whereby our young men and women with a desire and aptitude for farming and ranching can have access to the capital required to begin a potentially successful operation.

This can best be accomplished, I feel, through long-term, low-interest loans for farmers and ranchers. I have co-sponsored a bill introduced by Senator Gaylord Nelson of Wisconsin which would make such loans available through the Farmers Home Administration. Under the provisions of this bill, young farmers would be able to obtain farm

loans at an interest rate of 4 per cent. Half of the mortgage would be amortized over 40 years, and the other half would be due and payable at the end of the 40 year mortgage period, with a provision for refinancing if necessary. Adequate long-term, low-interest financing is important to guarantee a healthy farm and ranch industry in the future.

Farmers and ranchers in recent years have been plagued by many difficulties involving prices, fluctuating markets, government restrictions, land costs and feed costs. These difficulties have certainly taken their toll among our farm and ranch population. In Oklahoma alone, the number of farms and ranches decreased by 6,000 between 1959 and 1964. This trend should be checked if possible, and I feel that the Young Farmers Investment Act is certainly a step in the right direction.

RURAL JOB DEVELOPMENT

America is undergoing a change at all levels and in every aspect of its economy. For instance, not too many years ago it took 75 per cent of our population to produce enough food and fiber to feed themselves and the other 25 per cent. Today, barely 6 per cent of our population produces enough food and fiber to feed an entire nation and still have plenty left over to export to less fortunate countries. Not too long ago, 75 per cent of our population lived on farms and in small towns and in rural communities. Today, 70 per cent of the people in the United States live on less than 1 per cent of our total land area.

Between 1950 and 1960, 11 million Americans moved from the rural areas and small towns into the city. It is somewhat shocking to realize that during the years 1950 to 1960, the entire growth of the American population occurred in the cities. Again, unfortunately, statistics indicate that this trend has continued and unofficial estimates based on Census Bureau data indicate that by 1985, 125 million people—one half of all Americans—will be living in three "strip cities," reaching from Boston to Washington, from Buffalo to Chicago, and from San Francisco to Los Angeles. This is a most distressing trend and one which, unless checked, holds serious portent for our country.

The lack of sufficient economic opportunity in rural areas and small towns in America has been one of the principle contributing factors to the migration of the rural people from their homes to the congested and overcrowded conditions of our already burdened metropolitan areas. Unfortunately, and regrettably, many of these rural-to-urban migrants lack the education and skills to compete in the technical labor markets of our urban centers. Therefore, many become residents of the city slums and ghettos, and great human resources are wasted. Many people who once made a real contribution to society suddenly become dependent upon it, unable to cope with the complexities of city life. Unless strong steps are taken to slow down and reverse this rural-to-urban shift in population the economy of rural America will continue to decline and the problems of urban America will continue to mount.

National policy, consciously and unconsciously, has encouraged our people to move from the rural areas and small towns into larger cities. This policy demands our attention, and I feel that in our efforts to find urgently needed solutions to the very serious problems of our urban centers, we have unfortunately overlooked the long-range contribution that full development of rural America can make.

We all recognize that it is far too late to save our cities by simply creating a better life in the country. However, we could certainly contribute to the solution of many of the

problems of urbanization by stabilizing or perhaps even reversing the current migration of thousands of unskilled people from rural America into the slums and ghettos of our metropolitan centers.

Furthermore, we have the technology and the resources to extend all the benefits of modern living to every American regardless of where he chooses to live.

The Vice President asked a very reasonable question in his address to the Future Farmers of America last November when he stated, "Is it reasonable and just that rural America should lose precious human resources while at the same time our cities grow ever larger, more congested, more burdened with slums?"

Continued migration of people from the small towns and rural communities of America can be traced almost exclusively to the lack of sufficient economic opportunity. Most of the problems of rural America would be immediately manageable if there were private jobs in sufficient number and the skills to perform those jobs. Private jobs are not now sufficiently available in rural America, and unless we make a concerted effort to attract private industries into the small towns and rural communities, these jobs will not become available now or in the future. Jobs are the central and foremost need in rural America. The availability of jobs would make it unnecessary for our displaced agriculturalists and agriculture workers to migrate to the cities in search of employment and income.

It is time that we give our citizens a real chance and a real choice to live and work and raise their families wherever they want to. A recent Gallup Poll shows that one-half of all Americans would prefer to live in rural areas and small towns, although only one-fourth actually do. The availability of gainful employment would surely allow more of these people to live in the more relaxed atmosphere and less crowded conditions of the rural areas and small towns of America. Recognizing this need, I introduced last year with Senator Jim Pearson of Kansas the Rural Job Development Act. This legislation calls for tax incentives for private industries to locate or expand job producing plants in the underdeveloped areas of the United States and train the people to do the jobs. The Rural Job Development Act would contribute a great deal toward the development of jobs and the modernization of rural America and toward meeting the continued problem of the rural-to-urban movement of our population. Twenty-three other members of the Senate joined in co-sponsoring the Rural Job Development Act and this alone, I feel, indicates that the policy makers of the United States are beginning to recognize the need to better utilize the untapped resources and opportunities of the small towns and rural communities of America which have long been the backbone of this great country.

The Rural Job Development Act does not necessarily represent the only answer to the question of bolstering the economy and bringing about the modernization of rural America. However, it does represent a beginning, and I feel it is time that we begin. It is a new approach, but we should remember the words of George Bernard Shaw, who wrote, "Some men see things as they are and ask, Why? I see things that have never been and ask, Why not?"

If we work together, if we dare to think anew, examine new ways of doing things, I am confident our country will be stronger and better for it.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

INTERFERENCE WITH CIVIL RIGHTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business may be laid before the Senate.

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business, which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill—H.R. 2516—to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

The Senate resumed the consideration of the bill.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. NELSON in the chair). Under the previous unanimous-consent agreement, the Senator from Virginia [Mr. BYRD] is now recognized.

REPORT ON FACTFINDING MISSION TO THE MIDDLE EAST

Mr. BYRD of Virginia. Mr. President, my primary purpose in a factfinding mission, January 8–16, to Greece, Turkey, Cyprus, Israel, and the United Arab Republic was to obtain information on the two major problems that gained world attention during 1967; namely, the Arab-Israel war and the Greek-Turkish dispute pertaining to Cyprus—and what dangers these pose for 1968. I sought to examine, too, the degree of Soviet penetration into the Middle East.

Varying and divergent viewpoints were reflected in discussions with a multitude of individuals, including the following: King Constantine of Greece; chief, Greek Armed Forces; Foreign Minister of Israel; chief of staff, Israel Army; president, Tel Aviv University; President, Cyprus Parliament; deputy commander, U.S. 6th Fleet; Foreign Minister, United Arab Republic; Spanish Ambassador to United Arab Republic; Ethiopian Ambassador to United Arab Republic; U.S. Ambassadors to Greece, Turkey, Israel, Cyprus, and Lebanon.

I am optimistic concerning Greek-Turkish relations; the same optimism does not extend to the settlement of the problems existing between Israel and the Arab Nations.

Indeed, I have found the situation in the Middle East cause for grave concern—and potentially explosive.

The problems of 20 years between Israel and the Arab Nations continue unabated. Indeed, attitudes appear to have hardened since Israel's military success last June.

With considerable help from the Soviet Union, the Arab nations are rapidly rebuilding, modernizing their armies, and recovering their confidence and morale.

Beyond the explosive Arab-Israel issue, there is the disturbing, even menacing rise of Soviet power and influence in that part of the world.

The Soviets have converted what appeared to be a stunning setback last June into a major gain. They are in a stronger position with greater influence today than at any previous time.

Ironically, these new Soviet gains ap-

pear to have been possible only with the Israel victory. So long as the Arab nations were strong, they were successful in resisting Soviet attempts at penetration.

But with the Arab defeat, the Soviets have been able to capitalize on Arab weakness and on the need of the Arab nations for military, economic, and diplomatic support.

Reports I received during my visit indicate that the armed forces of Syria, Egypt and Iraq have been almost completely resupplied by the Soviet Union, which is assisting in their retraining. Estimates are that these three Arab countries again have a numerical air superiority over Israel in the range of 2 to 1 to 3 to 1.

If personal conversations with the United Arab Republic's Foreign Minister can be taken at face value, an amazing confidence has been restored to a government which took a smashing defeat only 7 months ago.

There seems to be justification for such confidence.

Egypt economically seems to be doing surprisingly well. This, despite the fact that she has lost first, all revenue from the Suez Canal; second, virtually all of her heretofore important tourist trade; third, 40 percent of her oil which is under the Sinai Desert now controlled by Israel; fourth, 1 million tons of wheat and other grains previously supplied by the United States. To compensate for the grain loss, she has received 900,000 tons of grains from the Soviet Union and the Eastern Communist countries—and from Spain.

The Soviet Union has also greatly increased its advisory missions to Arab nations and has posted a fleet of warships of some six to 10 submarines and 36 to 42 surface vessels in the Mediterranean, apparently to stay.

For the past several months, and especially since the Israel-Arab conflict in June 1967, the Soviets have been increasing the number of surface ships, including new types, in the Mediterranean. These vessels have been utilizing port facilities in the United Arab Republic and in Algiers.

In addition to increasing their cruiser-destroyer forces—the Soviets have introduced an amphibious force with landing craft and special troops—marines or black berets.

The Soviets are building at least two aircraft carriers that will be suitable for use in antisubmarine warfare or in amphibious operations as helicopter landing platforms.

Thus, the Soviets are building a surface fleet that can spread its influence in direct competition to the U.S. 6th Fleet, although at the present time it is no match for our Mediterranean fleet.

Historically, Russia has sought access to warm-water ports, especially in the Mediterranean where it could link up with the major trade routes into Asia.

One of the principal objectives of British foreign policy through the era of the Pax Britannica was to prevent this Russian penetration of the Middle East. It appears now that the Soviets are achieving their long-sought objective—

one which the United States itself thwarted 20 years ago.

In a surprisingly frank discussion, the Foreign Minister of the United Arab Republic made no attempt to hide the fact that the Egyptian ports of Alexandria and Port Said have become regular and important ports for Soviet military ships.

In reply to my direct observation, he acknowledged the Arab nations' growing dependency on the Soviet Union.

In contrast to Soviet initiatives in the Middle East and the Mediterranean, this country has followed a wait-and-see policy, apparently relying in large measure on Soviet-American cooperation to secure a stable peace in the region.

But, while the United States observes an arms embargo to the area, the Russians are supplying huge numbers of Mig-21's and other modern equipment to the Arab nations.

This Soviet action threatens to disrupt the balance of power and the fragile peace now existing in the Middle East. The United States may have no other choice than to meet Israel's need for aircraft capable of matching the Soviet-supplied Mig's in the hands of the Arabs.

There is some risk in this action, but there could be greater risk in taking no action and allowing the balance of power in the Middle East to shift decisively to one side.

Our primary efforts, however, should be directed toward a permanent settlement of the deep issues which divide Israel from its neighbors. I am under no illusion that this will be easy.

For example, an impasse has been reached at the starting gate: The Arabs have refused to recognize Israel as a sovereign nation and will not conduct direct negotiations while Israel is holding Arab territory; the Israelis for their part insist upon direct talks before giving up any occupied area.

The Arab nations must realize that Israel is here to stay and that it must be recognized as a sovereign nation. Sooner or later, direct negotiations will be essential if a permanent solution is to be obtained.

The Jarring Mission, established by the United Nations, is, I feel, serving a useful purpose. It arranged a prisoner exchange and probably will be successful in freeing ships trapped in the Suez Canal.

But I am not optimistic about it being able to negotiate agreement on major issues, particularly so long as the arms race continues.

The developments in the Middle East have come rapidly and at a time when the United States has been preoccupied with the war in Vietnam. With the bulk of our fighting men tied down in Southeast Asia, and with casualties exceeding 100,000 for the last 2 years, it is understandable that we should give Vietnam top priority.

But we must not downgrade developments in the Middle East.

That area is of great strategic and economic importance to the free world, and the explosive possibilities are, in my judgment, real and continuing.

In terms of its natural resources, the Middle East is vital to the security inter-

ests of this country and its NATO allies. Two-thirds of the world's known oil reserves are located in that area and three-fourths of the oil available to the free world.

Geographically, the Middle East is one of the most strategic areas in the world, situated astride the major land, sea, and air routes linking Europe, Asia, and Africa.

From a military point of view, it safeguards the southern flank of NATO and protects the sea and air approaches across the South Atlantic to the Western Hemisphere. Control of this region by an enemy would constitute a grave threat to the security of Western Europe, a fact well recognized by Nazi generals during World War II.

Much of cold war history has been written around Soviet attempts to penetrate this area. In 1946, the Soviets occupied northern provinces of Iran, bringing about one of the first serious postwar crises with the West. This was followed a year later by the Communist insurrection in Greece, and by continuing Soviet pressure on Turkey to give up control over the Turkish straits guarding the entrance into the Mediterranean.

These latter events led to the Truman doctrine in 1947 and gave impetus to the creation of the NATO alliance in 1949. Turkey and Greece joined the alliance 2 years later.

Soviet pressure in the Middle East has continued and even increased with Soviet emphasis, after 1956, on making gains in underdeveloped countries.

The more one looks at the Middle East, the more one studies the developments there, the more convinced one becomes that a long, costly war in Vietnam reacts to the advantage of the Soviet Union.

While we are putting out a fire in the pantry, the Soviets are busy setting a fuse which could ignite a blaze in the rest of the house.

It is for this reason that I have been sharply critical of our conduct of the war in Vietnam. Our Government has shown little sense of urgency about bringing the war to an early and honorable conclusion.

It has refused to admit that a long war is advantageous to the Soviet Union; it has refused to shut off supplies going to the enemy through the North Vietnam ports; it has refused to bring effective financial and diplomatic pressure against allies which continue to trade with the enemy—in 1967 alone, 67 ships flying the British flag carried cargo to North Vietnam—and until recently, the administration was unwilling or unable to obtain effective troop support from Asian nations, with the exception of South Korea.

Events in the Middle East should govern any basic decisions regarding the North Atlantic Treaty Organization. It could be a serious mistake to diminish our power in Europe at a time when the Soviets are beginning to exert strong pressures in the Mediterranean.

Certainly, our worldwide commitments are such that maintaining 250,000 men in Europe is a severe strain on the national economy and on our balance-of-payments position. So I subscribe to many of the statements made in Senate Resolution 49.

But developments of the last few months in the Middle East, the growing Russian penetration of that area, the accelerated withdrawal of Britain from many of her worldwide commitments, and the independent, sometimes hostile policies of De Gaulle, lead me to question the wisdom of reducing our military strength in Europe at this time.

For these reasons, I am inclined to feel that any decision to reduce our forces in NATO, as proposed in the Mansfield resolution, should be preceded by a thorough appraisal of the long-range security threat represented by the Soviet activities in the Mediterranean and the Middle East, and the role of NATO in meeting that Soviet challenge.

NATO, and especially Greece and Turkey, has an important role to play in securing the peace and maintaining a balance of power in the Middle East.

That is why a war between Greece and Turkey over Cyprus would have such grave consequences throughout Europe and to the United States. Both are valiant allies.

Fortunately, the friction between Greece and Turkey over Cyprus has lessened considerably.

As recently as November, war between these two NATO allies seemed imminent. Now, the situation has cooled to a point where future cooperation appears possible. The indications are that both Greece and Turkey will continue to act in good faith.

Much credit for this development belongs to President Johnson's personal envoy, Cyrus Vance, who shuttled between Athens, Ankara, and Nicosia until agreements were reached, working closely with the excellent U.S. representatives in that area—Ambassador Phillips Talbot in Greece, Ambassador Parker T. Hart in Turkey, and Ambassador Taylor G. Belcher on Cyprus.

Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding rule VIII, I may be permitted to proceed out of order for 3 minutes.

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

THE PRESIDENT'S 1968 BUDGET CUTBACKS

Mr. BYRD of West Virginia. Mr. President, the President's 1969 budget has faithfully carried through the cutback enacted by the Congress in December in spending for fiscal year 1968. This measure, recommended by the administration, itself, was aimed at the twin dangers posed by threats to the American dollar from abroad and incipient inflation here at home.

Our December resolution called for, first, reductions in civilian agency obligations below the President's budget proposals by an amount equal to 2 percent of personnel compensation and benefits, and 10 percent of other controllable items; and, second, a 10-percent

reduction for the non-Vietnam programs of the Department of Defense.

The Budget Director testified that the combined impact of these reductions would be to cut spending for these programs by more than \$4 billion, and obligations by more than \$9 billion below the latest prior estimates presented to the Congress in August.

There are some who might be tempted to scoff at these efforts and to ask "what has happened to the cutback, in light of the fact that total 1968 expenditures are now estimated to be higher than ever before?"

The answer to these critics is very simple. There are certain expenditures of the Federal Government over which the executive branch has no control. Even the Congress cannot control them without basic changes in the underlying statutes. And much of this sort of spending is now estimated to be higher than forecast earlier. Examples are farm price supports, public assistance grants, and payments to the trust funds for medicare. These are the programs which have gone up—not the spending which is subject to the cutback.

We should all be crystal clear on one point: had the cutback not occurred, spending would, in fact, be more than \$4 billion higher in fiscal year 1968 than the budget we have just received indicates. The cutback was real. We must not allow the fact that other locked-in costs for other programs have risen override the fact that important cuts have been made with the support of the administration. Let us look at the President's 1969 budget in the same light.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

INTERFERENCE WITH CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Mr. STENNIS. Mr. President, the pending bill, H.R. 2516, is a matter of grave concern to me not because it attempts to protect the civil rights of only one group, but because the basis upon which the bill is predicated really amounts to a change in the form of our Government to a large degree and also sets up a special group of people to be protected by a special law applying to their rights, rights that should belong to everyone. Certainly, whatever protection is needed, if any protection is needed in addition to the present law, belongs to all people, no matter which group they may belong to.

This is a rather long and involved bill because of the constitutional questions involved and because of the complications involved in the proposed change. The matter has been well and ably presented by many Senators before it has become my privilege to speak on the matter.

The Ervin amendments—and I use the plural—represent the opposite in view and theory with reference to the form of our Government and the nature of proceedings to protect rights, and apply to everyone across the board, rather than just to a group. I certainly expect to support the Ervin amendments, and I commend the Senator from North Carolina highly for the work he has done and the fine presentation he has made.

Also, Mr. President, I wish to make clear that in attacking the bill, I certainly cast no reflection at all on the Senator from Michigan [Mr. HART], the author of the bill, who does a good job in presenting matters before the Senate. He is a hard-working, conscientious gentleman, who does a good job whenever he takes a problem under his domain, and he is eternally at work on something.

Mr. President, this bill really scrapes down to the bottom of the civil rights barrel. We are down about as far as we could go, I believe, in this type of legislation. If enacted, this bill would create a special class of citizens entitled to special Federal rights. It would create a whole array of vague, catchall crimes, easy to charge and almost impossible, in a measure, to defend against. It would invade the most fundamental rights of the States, and would thrust the Federal Government into the very heart of virtually all local law enforcement. It would overthrow long-established principles of constitutional law and radically alter the relationship between the States and the Federal Government, as well as the relationship of the citizen to the States and to the Federal Government.

Such heavy penalties for new legislation should be paid only where there is a compelling need, and there is none in the case of this bill. In the first place, Mr. President, every State of our Union now has a host of laws covering every criminal act that is covered by this bill. Many of these offenses are also prosecutable under existing Federal statutes.

More important, however, is the fact that the problem at which this bill is aimed seems steadily to be declining. The problem is declining. Fewer so-called civil rights crimes are being committed. They are of a less serious nature, and they are being prosecuted with increasing success. I believe that is true all across the board.

When this bill was first introduced as title V of the omnibus civil rights bill of 1966, one of the chief arguments advanced in favor of the bill by the then Attorney General, Mr. Katzenbach, was a recent series of notorious civil rights murders. The cases cited by the then Attorney General in his testimony before the Senate Judiciary Subcommittee on Constitutional Rights were those of Medgar Evers, Andrew Goodman, James Chaney, Michael Schwerner, Lemuel Penn, James Reeb, Mrs. Viola Luizzo, Jonathan Daniel, and Vernon Dahmer.

However, in every one of these cases, which were originally cited by the then Attorney General to justify this new legislation, the suspects have been indicted and brought to trial or are awaiting trial now under existing State or Federal law. These are not unsolved or unprosecuted crimes which can be used today to justify the large-scale Federal intervention contemplated by this bill.

These examples not only are out of date, but also, they are contradictory of claims that present laws are inadequate or are not being enforced. That is no small fact in this matter. In all those cases—and they were serious cases—at this time, less than 2 years later, the suspects have been indicted and have been brought to trial or have been indicted and are awaiting trial. It shows that there are undoubtedly laws covering the matters and that juries will convict in these matters. In all cases, the grand juries have indicted. That is the practical test. That is the test of tests—what is done at the ground level, so to speak, under present law.

If lax prosecution or lenient punishment of crimes of violence is any justification for new Federal legislation, then there is certainly more reason for a Federal antiriot law than for another civil rights law. While civil rights crimes are diminishing, riots have been increasing in frequency and destructiveness. Everyone stands in solemn and serious fear, so to speak, for what may happen this year, in the coming summer, with reference to both the frequency and the destructiveness of the riots that we fervently hope will not occur.

In contrast, the prosecutions for these riots have been markedly few and the punishment imposed has been extremely light.

For example, in the Watts riots of 1965, which destroyed millions of dollars in property and took more than a score of lives, 3,371 adults were arrested. However, less than two-thirds of these, 2,038, were convicted of even a misdemeanor. Of those convicted, better than half, 1,103, were released on probation. Of those given a jail sentence, almost half drew a term of 1 month or less, and only 36 received a jail sentence of 6 months or more. Out of more than 3,000 adults arrested in the riots, only seven were given a prison sentence.

I do not recall the statistics as to how many people lost their lives in that riot, but it was certainly considerable. More than a score of people lost their lives, and hundreds were seriously injured, and the very thought of the property damage is frightening.

If the magnitude of the problem and the failure of the State and local authorities to punish crimes of shocking violence are to be made the test of the need for Federal legislation, there is obviously a much greater need for Federal antiriot legislation than for another civil rights law. All the civil rights crimes taken together cannot equal the amount of death and destruction that occurred in the Watts riot. Yet, the convictions in those isolated civil rights cases have been more numerous and the punishment far more severe than in the cases of mass crime against a whole city of people.

One wrong does not justify another. I am not arguing that the Watts riot or any other riot justifies the commission of other crimes or excuses conduct that amounts to crime. My point is that there is no present need for the pending bill which derives its impetus solely from the label "civil rights." Certainly there is far more need in the other field. Even though it is not being ignored, certainly we are dragging our feet. Effective Federal and State law is on the books and is being enforced. It is gaining in ascendancy because it is superior and is being administered by the officers concerned. Convictions by juries are being obtained in cases that justify conviction. So that is one area which should now be given a chance to work, rather than to concentrate and center on a feeling of animus, almost, that has been generated in certain areas of the country on civil rights matters, while the greater evil is ignored.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the distinguished Senator from North Carolina. I know that a great deal of this trouble originated in his State, and his State did not deserve trouble of any kind. They have handled the matter in the very best way they could and in an almost exemplary manner. I am glad to yield to the Senator from North Carolina and to hear what he thinks about the matter.

Mr. JORDAN of North Carolina. Mr. President, I appreciate the kind remarks made by the distinguished Senator from Mississippi about our State. We did try very hard not to create a situation or permit a situation which would cause a riot.

I am sure the Senator remembers very vividly that just 2 or 3 months ago before we adjourned last fall—I do not remember the exact date—a group of people came here from New York and assembled in the gallery of the House of Representatives, and created quite a commotion over there.

They kicked our policemen, they struggled with them, they resisted arrest, and did all manner of things that would be normally classified as criminal acts. A great many charges could have been brought. This happened in the Capital City, the District of Columbia. Those persons were finally taken downtown before a judge. If I am not badly mistaken, and I do not think I am, a few of them were fined \$10 each. Then, they were permitted to sign a bond for \$10 and they were released on their signature, which was not a very reliable bond to start with. However, a \$10 bond or a \$10 fine, even if paid, is trifling enough to be almost an invitation to come back and do it again. In fact, I believe they said, "We will be back next week."

I agree with the Senator that we get terribly excited about something under the heading of civil rights, and yet right in the Nation's Capital, right in the Congress, in the gallery of the House of Representatives, we let a bunch of hoodlums take over, and then, I would say, go virtually scotfree.

I think the time has arrived in this country to stop talking about some of

these things that are very inconsequential, which have been remedied, as the Senator has pointed out and enforce some of the laws we have. We have laws which, if enforced, would take care of much of this problem.

I thank the Senator for yielding to me at this point.

Mr. STENNIS. Mr. President, I am delighted to yield to the Senator. His comment is very timely, it is logical, and it represents a commonsense point of view.

As I said, his State has in very fine fashion and from a practical standpoint completely met the problems that have arisen in that area, they are on their way to more advancement and development, and they do not feel, as I understand the Senator, the need for any new law.

The Senator referred to the march, protest, or massing of people here last fall. In my years here that was perhaps the saddest day that I ever spent on Capitol Hill. I came to the Capitol that morning to do some special work in a small office I have in the Capitol Building. I had to go around and through the back part of the city in order to get to Capitol Hill so that I might arrive at my office in the Senate Office Building. Then, I came over here, almost under police escort. I was a Member of this body, trying to get to my work here and I had to have a police escort right here on Capitol Hill.

When we got to the big doors in the front of the building we could not get in. They were closed. Those big iron doors were closed. A sign read, "No admission today." I had duties to do, as did others who were trying to do the same thing and trying to get to where they had a day's work and trying to discharge that duty and obligation the best they could.

We were told, "We are afraid of what is going to happen here today. We do not know what to expect." Incidentally, I had facts in my hand 2 days before—and I am not given to running and hollering "Communist" every day—which I have quoted in this body, indicating that this matter was planned beyond the borders of this country in part, and that simultaneously they would carry out demonstrations throughout other countries of the world. That very thing happened at the very hour and at the time my advance information said it would happen.

That is not all of the tragedy that is involved. It is easy to have hindsight. The tragedy is that nothing more was done to keep it from happening than we did. It is not altogether hindsight. I, along with others, suggested then that the demonstration be controlled as anything else is controlled. The idea of demonstrating is an American right or custom, but it is subject to being controlled.

My suggestion was: Do not let all of these hundreds of thousands of people congregate here where anything can happen; let them select 50 or 100 persons, as their representatives, and let that 50 or 100 persons march, shout, pray, or demonstrate and carry the banner symbolic of the remainder of them.

I think we should adopt a policy and pattern like that to preserve the right of

protest, even if it is not an honest protest, but preserve it at any rate. Let us regulate it, then everyone will not be afraid to come to town or unable even to come to his office right at the very heart of the Nation.

There is another thing I wish to mention here to complete my little picture. We are throwing away money right and left, and every other way, but as I understand, my recollection is that it cost nearly \$1 million—and it might have been \$100,000 but I believe it was more than that—to clean up the debris and replace everything the way it was, paint up and freshen up, restore sidewalks, shrubbery and other things.

Out of that effort came the assault on the Department of Defense and some of those people had such force behind them that they got beyond the guards, vaulted over the wall, and five or six of those persons got into the building, right in the shadow of the Capitol.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. JORDAN of North Carolina. I appreciate the Senator's remarks.

Just last week there was a group of people in town. I know several of them. It was an organization having its annual meeting here. Several of those people told me that they were in the tourist business. They organize tours and bring groups of high school boys and girls, and others, to visit Washington in the spring to see the Nation's Capital. One of those persons said, "Our business has fallen off badly." I said, "Is it an economic problem?" He said, "No. A lot of the schools have said they are afraid to let their children go to the city of Washington on account of the crime that exists there on the streets and otherwise."

That is happening all over the country. It is a terrible indictment of the Congress and the Government that they do not police the situation and insist on enforcement of the laws they have made so that schoolchildren can come here in a bus and walk with safety to the Library of Congress or to the Supreme Court, or any other institution that belongs to the Federal Government. We are going to have to do something about some of the things that exist so generally here and about the open demonstrations being carried out against the safety of the people. I commend the Senator from Mississippi for bringing that out in his remarks.

Mr. STENNIS. I thank the Senator from North Carolina very much. He has given the Senate vivid illustrations of what we are reaping from the whirlwind which has been created. Many other incidents besides the march last fall have irked me, incidents which I knew would spread throughout the country. At the same time, when the Senator from North Carolina and I complain about these things, the attempt is made to plow them under and say it is only someone from that Southern area who is complaining. Do not pay any attention to him, it just comes out of his political talk.

Of everything which happens in my State I do not always approve and am not proud. But I am proud of the fact

that the overall figures on crime show, according to J. Edgar Hoover's report, that in 1 recent year, on the basis of population, Mississippi had less crime than any other State in the Union. In another year it was second least, per centagewise, on a population basis, of any other State in the Union. That shows that only generally law-abiding citizens can make a record of that kind. I am very proud of that.

After the civil rights bill of 1964 was passed—even though the Senator from North Carolina and I, and other Senators, fought it to the limit all the way through—after the President had signed it, I issued a public statement to the people of my State, saying, "Like it or not, it is the law and the law must be obeyed; we cannot live by violence." That is also my attitude here. The so-called rights which the proposed bill would undertake to protect—and I am for the protection of the rights of all citizens—is the opposite way to go about it.

Now, Mr. President, to continue in reading my prepared remarks; the wholesale failure to bring rioters to justice, however, has not aroused the concern of those most critical of the failure to detect and punish to the fullest extent possible the author of every trivial incident remotely connected with civil rights. On the contrary, the very same forces which most vigorously support this bill, stoutly oppose antiriot legislation and contend riots are a matter of local law enforcement and no business of the Federal Government. Those who cry loudest for Federal vengeance in every civil rights crime or misdemeanor plead the most elaborate excuses for riots. Those who would put everyone accused of violating civil rights in a Federal penitentiary want to put every rioter on the Federal payroll.

That is what we have down our way some. Some of the rioters are on the Federal payroll, and it has been proved that some of them came to the rallies in Washington, D.C., while still on the Federal payroll.

This double standard makes it clear that the purpose of the bill is purely political. Its sole purpose is to make a showing on civil rights for the coming elections. It is a pound of flesh for political consumption.

I say elections—and use the plural. I do not except any of them. I am not pointing to my colleagues in the Senate, to Representatives in the House, or to the President of the United States. I am pointing to all elections. This matter is a red hot issue. The cry goes up, "We must make a showing."

I have been through many of the hearings relative to the cutting off of school money because there was not enough integration. When one hears the facts and sees the merits of the thing and the way they are cutting off some of the funds in the middle of the school year, with some of the funds going to colored children, and the way they are doing that, it convinces me it could not be for any other reason than to make a showing—trying to make a score, just as a baseball team would try to run up a winning score.

Although this bill is aimed at the

South, the fallout from it will eventually poison our whole society. It divides our people into specially favored classes. It undermines the Constitution which is the ultimate protection of all the people. It opens the way for dangerous new encroachments by the Federal Government on the rights of the States. It jeopardizes the liberty of every citizen with a dragnet of ill-defined crimes.

This bill openly admits what many have long suspected—the object of all this civil rights legislation is not to guarantee equal protection of the law to all, but to grant special rights to a few. In the name of eliminating discrimination this bill perpetrates the most monstrous discrimination. It demeans and down-grades the rights of all American citizens by declaring these rights will be protected only in the case of favored few.

As I have said, this favored few are those whom the prosecutors would claim were denied rights based upon color, national origin, or religion.

In effect, this bill denies these rights to the vast majority of the people by denying them any Federal remedy for their infringement. To say, as this bill does, that the right to vote will be protected from interference because of race, is to say also that it will not be protected in any other instance. Thus, what started out as a vital Federal right secured to all by the full power and authority of the National Government ends up as a special privilege assured only to a minority.

This is a blatant racial discrimination and can only divide and inflame the people. It is a disgraceful contradiction of the principles professed by the Federal Government. It is a dangerous precedent capable of far-reaching consequences. If the Federal Government can enact special criminal legislation on the basis of race, it can enact other types of legislation granting special privileges based on race; health, welfare, education, employment, tax, and other legislation can be tied to race for the purpose of affording special benefits to favored groups.

As I say, the Ervin amendments—I use the plural there—represent the very opposite approach. It is a far more complete covering of any right which might be infringed. Not on the basis of racial, religious, or national origin, but for all the people. Until now, the equal protection of the law has been the foundation upon which civil rights laws were purportedly based.

These laws have been generally accepted and obeyed by the people. With this bill, however, Congress explicitly rejects the principle of equal protection of the law and begins openly legislating on the basis of race. This is a new approach. From assuring equal protection of the law to enacting unequal laws is a sudden about-face.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. STENNIS. Yes, I am glad to yield.

Mr. LONG of Louisiana. Does this not work out to be a very strange paradox, that those who favor the pending bill would seize upon the equal protection clause of the Constitution to pass a law which denies equal protection? Because one says that this applies for the benefit

of Negro citizens, but does not apply for the benefit of all citizens, it obviously clearly discriminates against everyone except a Negro who had been mistreated by a white. Is it not a strange paradox that one would be denied the protection of the law because he is a white man being abused by a white man, when he would have the protection of the law if he were a Negro being discriminated against by a person of a different race?

Mr. STENNIS. The Senator is correct. It meets itself coming back and is a contradiction in terms. I am glad the Senator came in at that point in the debate, because the Senator from Louisiana is versed in these very principles. This proposal denies to many that which it purports to give to a few, which is opposed to the arguments made in the previous civil rights debates.

Mr. LONG of Louisiana. When we have riots, such as the Detroit riot, the Newark riot, the Cambridge riot, and the others, as far as an individual citizen who had been denied his life or property by this kind of mob is concerned, can the Senator, for the life of him, say why his protection should depend upon whether the person who was destroying the property was doing it because he was of a different race, or had some other unworthy motive?

Mr. STENNIS. There is no basis for enacting such a law. This is not a legal basis, but the feeling that has been sweeping the country has been that almost everything brought in here with a civil rights label must move and has to be passed. That feeling has been generated with new velocity year after year here. But I think it is going to be stopped now. The trend is going to be reversed. We see now where we are leading here—legislation for a few. But this legislation comes out and says so on its face. It is the first one that has done it.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. STENNIS. Yes.

Mr. LONG of Louisiana. When people see their cities have been put to the torch, their homes have been destroyed, their businesses have been looted, their people have been killed by hoodlums, criminals, people with records of many crimes in their backgrounds, all in the name of civil rights, is not that going to become very obnoxious to some people who always thought that if something had a civil rights label on it, it must be good?

Mr. STENNIS. Well, I think it is a painful revelation, and tragic, too, that it had to come about the way it did. But the happening of the riots the Senator mentioned, the destroying of people's homes, is a graphic illustration and a natural consequence that has come from this feeling that has swept through the country, the belief that anything connected with civil rights matters was of great good and virtue and should be supported. Now this thing has gone on and on, and so many have acted with immunity, and the laws that have been passed have applied to one section of the country only, that the people are beginning to realize what has happened in that respect, too. So I believe the high tide has already been hit and is being

passed. But we have got to keep this thing before the people, flying with our banners out, and the constitutional principles pointed out.

I thank the Senator for his contribution to the debate.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. JORDAN of North Carolina. I think the impression has been created by some of these riots we have had—the Senator, himself, has seen them on the television screen, and I have seen them, and the public at large has seen them—that it was all right for a colored man to break into a store and carry off a television set—because we have seen it happen over television—but if a white man did it, he would be prosecuted. This proposed law is about in line with the proposition that we will adopt one law for one person and something else for another person. It is about time legislation is passed to cover everybody alike. That is what the Constitution says, as I understand it. We should not make any exception for any particular color or race. We have done pretty well for some time with our Constitution when we proceeded on that basis.

Mr. STENNIS. The Senator is correct. He has correctly described what has happened.

I want to say one more word with respect to what the Senator from Louisiana said. I have been following events with respect to the appropriating of funds for schools. It is not an easy job for the Secretary of Health, Education, and Welfare. In 1966, we found, in looking over the way the Civil Rights Act of 1964 had been applied, that in applying the law with respect to money for the schools, the officials had not made any effort to apply the law anywhere except in the Southern States. They had not gone beyond that, with the exception of one little excursion into Chicago, where the lower authorities thought they should administer the law there. I suppose they thought they meant what they said when they said enforce the law, so they cracked down on Chicago and were going to withhold money because of discrimination in the schools there. Mayor Daley called the White House. The White House took it under advisement. That was nearly 2 years ago. It is still under advisement. The money went right on going into the schools. Nothing has been done.

Last September, a year ago, they said something would be done about that very thing. The appropriation bill was in conference. The Senator from Georgia [Mr. RUSSELL], the Senator from Alabama [Mr. HILL], and I were on the conference. A certain promise was made at that time. Another conference was had in November 1967, and they admitted they had not done one single thing to carry out their former promise. No school had been touched except in the South. The same law was passed, applying all over the Nation. They promised again they were going to apply the same rule in other areas of the country that they were putting to us.

I am not trying to stir up trouble for

the other schools, but I knew that when they tried to enforce the law in the North and the East, we were going to hear a reaction from the people, and that it would be reflected here on the floor and we were going to get more votes in getting amendments to rectify that matter.

I am going to follow it up. I am going to address them a letter in a few days. I am going to ask what they have done on that promise. I am not accusing anybody of bad faith—not yet—but they have certainly had a chance to carry out the promise they made.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. The Senator knows, does he not, that Martin Luther King and others did accuse people of violent mistreatment of Negroes, or at least extreme mistreatment of Negroes, in northern and eastern cities and other cities where elected officials advocate laws that affect the South? In fact, is it not true that some of the Negro leaders of this country have said that the rankest and most unjustified and most extreme discrimination against Negroes exists actually outside the South?

Mr. STENNIS. Yes.

Mr. LONG of Louisiana. Is it not true that those who would advocate laws applying only to the South would do nothing about the beam that is in their own eye while they look to see a mere speck of dust in their neighbor's eye?

Is the Senator aware of the fact that recently the Attorney General, under that voting rights bill, in Caddo Parish and a number of other north Louisiana parishes that adjoin it, undertook to put Federal registrars in those parishes, even though he could not show that a single citizen had been denied the right to register? Their offices had been opened at the courthouse, the books had been available to anyone, there was no charge that anyone had been discriminated against or denied the right to vote, but here was a case where Federal registrars were sent in merely because the Negroes had not shown the same interest in registering that the whites had, and therefore they had not registered to the extent that the Attorney General would like to have them register.

Did the Senator from Mississippi ever envision or even hear anyone contend that such a thing should be done, when we were voting on that voting rights bill some years ago?

Mr. STENNIS. No, I did not. To the contrary, we were, in effect, in substance, assured that that was not the object, and nothing like that would be done. Particularly, as the Senator from Louisiana says, there were no facts at that time to show that these things had happened, or to begin to show a need for it. But, again, they wanted to make a record.

Mr. LONG of Louisiana. Will the Senator yield for one further interruption? Then I will subside for a few minutes.

Mr. STENNIS. Surely.

Mr. LONG of Louisiana. In view of the fact that in a great number of Northern cities, the record shows that Negroes do not register and do not vote in the same percentage as their white counterparts

in those same cities, how can one justify appointing Federal registrars in Southern cities where such a result might occur, when Northern cities are excluded from the practice?

Mr. STENNIS. Well, it cannot be justified. That is the very point that we are insisting on here.

It is mighty easy to pass a bill, as the Senator from Louisiana knows, that is just going to affect six or eight States. This is another one bottomed on that same general principle. If we can ever get them, though, to apply the laws in all the States, I think we will present a different picture here.

By the way, the basis for the complaint that the Senator from Louisiana is now making about the failure to integrate the schools in other areas of the country was not our testimony. That was Martin Luther King's, as the Senator mentioned, but more, it was the official testimony of the Civil Rights Commission in one of their recent reports. I pointed out to the HEW people what this communication said, that there is more rampant segregation in schools in the North than there was in many areas of the South.

I thank the Senator.

Mr. LONG of Louisiana. If I recall correctly, we had one situation where the registrar's office was open; it was open for a full workday every day, including Saturday, and there were very few people coming in to register; and, as far as any charge of discrimination is concerned, this fellow not only had not discriminated against anybody, he had not turned anybody down, be they black or white.

But notwithstanding that, we still had a situation where the Federal Government insisted on putting Federal registrars in, under a law that applies to just six States. Can the Senator tell me what justice there is in treating a registrar that way, or treating a unit of government that way, when there is no basis whatever other than simply picking out six States and saying:

Well, we are not satisfied that the Negroes are showing sufficient interest in voting there, so we will put Federal registrars in?

How can one justify a law when there is no discrimination at all, anyway?

Mr. STENNIS. It cannot be justified, I say to the Senator. I am glad he pointed out the practice. It cannot be justified, but they just go on and do it anyway, because there is no restraining force, there is no restraining power, and they want to build up a record and show figures in columns to demonstrate their activity; and we will see those figures showing up in campaign literature and the claims that go out over the radio and television during the campaigns for the coming election. That is the best explanation I can give.

The abrupt reversal of principles represented by this bill is sure to disillusion the people and reopen painful old wounds which are slowly but surely healing. I sincerely hope the Senate will carefully consider its action on this bill and not needlessly stir up old resentments or incite new ones.

This bill is not only unnecessary and divisive, but it will also bring about dras-

tic and irreversible changes in our whole system of government. It is the last step in the complete centralizing of all power in Washington and the first step in the creation of a national police force. It transfers from the States to the Federal Government the basic responsibility for keeping the peace in the community. Every Saturday night fist fight with the slightest racial overtones, every interracial argument, even every school-yard tussle between boys of different races, would be subject to investigation by the Federal Bureau of Investigation, and prosecution by the Attorney General of the United States before a Federal district judge. Such a situation would appear merely ridiculous were it not so fraught with dangers to our liberty.

In order to take over these ancient duties of the States, a vast network of Federal agencies will be required. The forces of the FBI will have to be greatly expanded. They will have to be dispatched on a permanent basis to every city and town.

They will have to be constantly on the prowl in every community observing the activities of the citizens, collecting information on their attitudes, gathering evidence, and filing reports on all interracial quarrels of any kind. Possibly in anticipation of the passage of this bill and the heavy new burden it will impose on the FBI, the President announced in his state of the Union message that he would ask Congress "to add 100 FBI agents to strengthen the law enforcement in the Nation and to protect the individual rights of every citizen."

This bill and these 100 agents are only the beginning of a process which will end in the obliteration of the States and the establishment of national totalitarian government. If given this start, the Federal Government will steadily absorb more and more of the States' traditional law-enforcement functions. One hundred new Federal agents will increase to 1,000, then 10,000, and without end. State and local law-enforcement agencies will be forced into narrower and narrower jurisdiction.

Mr. President, on its face, that may seem an extreme interpretation of the application of this bill; but if this complete reversal in form and approach to legislation of this type is taken and is upheld by the courts—I cannot see how it could be—then that may well be the beginning of developments further and further in this field, and the predictions I make today would prove to be too small.

The power of the local law enforcement officers will shrink, their prestige will diminish, and they will disappear as an effective force for law and order. The protection of life and property at the local level will be left in the hands of the national authorities; and we have already seen, in the recent riots, how slow they are to act when political fortunes may be affected. And I underscore "may be affected."

Mr. President, in this connection, I recently engaged in a colloquy with the Senator from North Carolina. I do not believe I am given to boasting. I certainly do not wish to be. I point out, however, the charges made against us in my

area of the country; and I take this occasion to say that our law-enforcement officers, the statewide group, not long ago received a special commendation from the FBI with respect to how they operated and how they responded to some troublesome hours and days that we had there. The most knowledgeable people in the FBI were so impressed that they called me on the telephone to say so. I am very proud of that. It is in complete refutation of some slanted articles which have appeared in some periodicals and newspapers.

I believe I am a humble man—I do not say that boastfully—but I have made up my mind that I am going to do more to keep the record straight, or at least keep it bouncing.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. CLARK in the chair). Does the Senator yield?

Mr. STENNIS. I yield.

Mr. JORDAN of North Carolina. In that connection, I commend the Senator from Mississippi for putting that statement in the RECORD, because it certainly is true.

Last week, a young officer in one of our towns in North Carolina got in touch with me and wanted to know how he could get into the FBI school. He is now a policeman. He wanted to improve his law-enforcement ability. The FBI conducts a school—

Mr. STENNIS. And a mighty good one.

Mr. JORDAN of North Carolina. And a mighty good one. Many of the officers in our State have taken advantage of it. It is purely voluntary. They volunteer to go to the school. They have to go to school and study, and it is a good course. This shows that our officers do want to take advantage of the chance for improving their law-enforcement knowledge, so that they will know what they are entitled to do and what they are not entitled by law to do. They do not want to do things indiscriminately.

I refer now to some remarks of the Senator from Mississippi. Would not this bill, if carried out and if guidelines are set up as they have been set up in some of the other legislation, open the door wide for a national police force?

Mr. STENNIS. It certainly would open the door. It would be a question of how far we would go beyond this. But it would bring within the jurisdiction of the Federal Government so many different matters and actions that it would require a large police force, if they were going to police matters under their control.

Mr. JORDAN of North Carolina. And that would be completely under the Federal Government, apart from the State and local governments; and, as the Senator from Mississippi has pointed out, they would take over the entire police powers. Then it would be a matter of politics, as to who got these jobs and what laws they would enforce.

Mr. STENNIS. Yes.

That is one of the things that frightens me about this bill. It could very certainly develop in that direction and at the same time there would be a gradual drying up

or eroding of authority and prestige of the local law enforcement officer.

If the country is going to be turned into a national police state, we should at least have the decency to pay our respects to the Constitution, by doing it openly through a constitutional amendment and not stealthily by evasion and gradual encroachments.

The only thing that stands in the way of the evils which this bill will bring down on the people is the Constitution. To get around that great obstacle, the proponents of this bill simply ignore it. Knowing that the people would never willingly grant to the Federal Government by constitutional amendment the vast power claimed by this bill, the authors of it simply pretend that such power already exists. This is not only a slander on the Constitution but an affront to the intelligence of the American people.

Mr. President, the idea of solving that constitutional matter or question by ignoring it reminds me of an older lawyer and something he told me when I first started to practice law. In connection with certain very damaging testimony by a witness against his client, I said, "How do you explain away Mr. McCloy's testimony?" He said, "I am not going to explain it; I am going to ignore it."

I believe that is what the writers of this bill did; they ignored it.

One of the great strengths of the Constitution is the simplicity of its language which every citizen, whether trained in the law or not, can usually understand. That part of the Constitution which is drawn into question by this bill is the 14th amendment which is particularly clear on the issue involved. The applicable section provides that—

No State shall . . . deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law.

A further section provides that—

The Congress shall have powers to enforce, by appropriate legislation, the provisions of this article.

Thus the whole controversy which has been raised by this bill centers around the meaning of two words: "State," and, to a lesser extent, "appropriate." The proponents of the bill contend that "appropriate" legislation means "any" legislation, even legislation which itself violates the spirit, if not the language, of the equal-protection clause by enacting discriminatory laws for the special protection of a limited few. The inconsistency and inherent offensiveness of such an interpretation is enough to defeat it, but even if it is indulged for the sake of discussion, the entire argument soon founders on the word "State."

The advocates of this measure maintain that in order to enforce the prohibitions of the 14th amendment against State officials, the Federal Government may punish the criminal acts of private persons having no connection whatsoever with the State. In other words a provision aimed at the States is now turned against private citizens by interpreting the word "State" to mean "person."

We have seen some amazing interpre-

tations of the Constitution in recent years, but this one really surpasses them all.

This strange construction of so plain and well understood a word was not arrived at by any kind of devious logic. It is not based on any obscure legal history or on court decisions. It is simply boldly asserted, and every intelligent person is perfectly qualified to deny it. Any lawyer can refute it with a century of legal precedent.

From the adoption of the 14th amendment down to the present day, the Supreme Court has held that the amendment operates against the States and does not reach private individuals. In the very first case to consider the meaning of the 14th amendment, *United States v. Cruikshank*, 92 U.S. 542, decided in 1875 the Supreme Court said:

The 14th amendment prohibits a State from denying to any person within its jurisdiction the equal protection of the laws; but this provision does not . . . add anything to the rights which one citizen has under the Constitution against another.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. Mr. President, I wish to ask the distinguished Senator if this statement is not true. The thing that the people of this Nation are most concerned about domestically is the need for law enforcement and obedience of the laws. I have in mind particularly laws which exist on the State and municipal statute books to keep the peace and to maintain law and order in the communities.

I would ask the Senator if it is not true that this measure, rather than striking at those who organize these demonstrations and riots, destroying the rights of many citizens, and doing literally more than \$1 billion in property damages, would actually provide more help rather than less help to the people who do these things.

Is it not true that they would actually be encouraged by the bill rather than impeded in their activities?

Mr. STENNIS. I believe the Senator is correct. In substance, the Senator calls it a bill in reversal. It is a bill in reversal.

Mr. LONG of Louisiana. Does not the Senator think that the Congress, when it gave an ovation to the President's statement that he wanted to do something to enforce law and order and make the streets safe, was reflecting the view that their people hold that this type of disorder must come to an end and that something must be done about it?

I wish to ask the Senator if in his judgment that was not a spontaneous reaction of approval to what the President had said because the people feel the first thing that must be done domestically is to insist on law enforcement and the guarantee of the right of citizens to be safe in the streets.

Mr. STENNIS. I believe the statement of the Senator is unquestionably true. It was a fair demonstration and it was applauded throughout the Nation and applauded by the press. There has been a crying need and a crying out asking that

that position be taken for 2 or 3 years throughout most of the Nation. I am sorry that Congress has not responded better than it has. We did pass a bill that tried to cope with part of this lawlessness in the District of Columbia as early as September or October of 1966. That bill was vetoed. We passed a similar bill, one which was almost the same, and I am glad to say that it was signed in 1967. Perhaps we have made a start. That bill related to individual crime in the District of Columbia and it made some changes in procedural matters. I think that a bill of that nature should have nationwide application.

Mr. LONG of Louisiana. I wish to ask the Senator if he is aware of the fact that some of the more militant civil rights leaders, after they heard the President's speech, expressed great resentment that Congress rose and applauded the idea of safe streets and law enforcement, on the theory that the President was talking about them.

Mr. STENNIS. The Senator is correct. I said just before the Senator came into the Chamber, as I remember, that those who are for putting everyone accused of violating civil rights in the Federal penitentiary want to put every rioter on the Federal payroll. We have some people down our way who come here to parade, riot, and raise Cain, and at the same time they are on the Federal payroll, and drawing pay for that day. We have proved that.

Mr. LONG of Louisiana. I would like to ask the Senator, as a matter of putting first things first, if it would not be more appropriate that we act to do something about rioters—particularly those on the Federal payroll as well as those off the Federal payroll.

Also should we not assure that we keep them off the Federal payroll before we do something here to get the rioters even more protection under the law than they presently have.

Mr. STENNIS. It is our duty and our responsibility now. I hope that we can move right along. I know that the committee is working on the bill. I believe that it will pass. Certainly, it will have my support. I support the Ervin amendments to the bill which take the proper approach and would give protection to the people on racial discrimination and other charges. It does not confine it to racial or religious matters. Under the bill, as they wrote it, on religious matters, a Protestant could run over another Protestant as long as he wanted to, or a Catholic could run over a Catholic as long as he wanted to, presumably, and deny him his rights so far as the pending bill is concerned with impunity. They would have to get crossed up between the Masons and the Knights of Columbus before there could be any prosecution. That is not the right approach.

I thank the Senator from Louisiana very much for his comments.

In 1926—that was 42 years ago—in the case of *Corrigan v. Buckley*, 271 U.S. 323, the Supreme Court stated even more clearly and positively:

The prohibitions of the 14th amendment "have reference to State action exclusively,

and not to any action of private individuals" . . . Individual invasion of individual rights is not the subject matter of the amendment.

In 1948—22 years later than the case just cited—in *Shelley v. Kraemer*, 334 U.S. 1, the restrictive covenants case, the Supreme Court declared again:

The principle has become firmly embedded in our constitutional law that the action inhibited by the first section of the 14th amendment is only such action as may fairly be said to be that of the States. That amendment erects no shield against merely private conduct, however, discriminatory or wrongful.

Mr. President, we are not talking about what is right or wrong, or what the Constitution should do, say, or provide. We are talking about what the Supreme Court of the United States says it does say and does provide. Of course, that is the law until constitutionally overruled.

The same statement was again repeated by the Supreme Court in 1961—just 7 years ago—in the case of *Burton v. Wilmington Parking Association*, 365, U.S. 715 and also as recently as 1963—less than 5 years ago—the present Chief Justice, speaking for the Court, said:

It cannot be disputed—

I repeat that for emphasis:

It cannot be disputed that under our decisions private conduct abridging individual rights does no violence to the equal protection clause unless to some significant extent the state in any of its manifestations has been found to have become involved in it.

That means that in the denial of the equal protection clause, it just does not touch the case at all unless the State in some of its manifestations has been found to have become involved in it to some significant extent. Not just to an incidental extent, but to a significant extent.

I do not see how language can make anything any plainer than those words which state that, in effect, Congress has no constitutional grounds to legislate on those principles except as it may restrict or restrain a State in some of its subdivisions.

It makes no difference how small that subdivision might be, just as long as it is an agent of the State, but it does have to involve a State or some of its subdivisions before Congress has any right to base passage of a law upon those provisions of the Constitution. Otherwise, any words we place in a bill we pass in this Chamber would be in violation of those principles. They would be only words, that is all—just pieces of paper with words written on them.

Against the plain language of the amendment and the unvarying holdings of the Supreme Court for almost a hundred years, the only authority the proponents of this bill can muster to support its constitutionality are two lines of dicta from separate concurring opinions in the recent case of *Guest v. United States*, 383 U.S. 745 (1965). Those two lines, as I say, are dicta from separate, concurring opinions in the recent case cited.

Even in that case, however, Mr. Justice Stewart, writing for the Court, said:

It remains the Court's view today, that "The Fourteenth Amendment protects the

individual against *State action*, not against wrongs done by *individuals*."

Mr. President, I challenge—as others no doubt have challenged—the proponents of the legislation to furnish some authority which overrides, overcomes, and overrules the four or five cases I have cited by the Supreme Court ranging over a period of almost 100 years, beginning in Reconstruction times and coming on down to just 2 or 3 or 4 years ago, when they reiterated, over and over again, that the 14th amendment provides Congress with authority to proceed only against States or subdivisions of States.

Everything—law, logic, language, history, the Constitution itself, and just plain commonsense—argue against interpreting the word "State" to mean "person."

Mr. President it just cannot be. If Congress goes along with this absurd construction, which it must do to pass this bill, it will be joining company with both Alice in Wonderland and the Emperor who had no clothes.

If the political pressure for some legislation along these lines is really so great that it can be resisted by those who know better, then the wiser, more honorable, least humiliating course is to adopt the substitute bill offered by Senator ERVIN. It is a bill which accomplishes the legitimate purpose of the pending measure and avoids its defects. It does not discriminate against a majority of the people by favoring a special class. It protects the rights of all citizens equally. It does not depend on any ridiculous construction of the Constitution. It is founded on well established constitutional doctrine. All in all, it is more reasonable, most fair, and least dangerous of the two proposals, by far.

The Ervin substitute is basically the same as the original bill except that it is restricted to the protection of Federal rights and eliminates the requirement that interference with such rights be racially motivated before they are entitled to protection. These changes greatly strengthen and improve the bill in many respects.

By extending protection to all citizens in the enjoyment of their Federal rights, the Ervin substitute eliminates not only one of the most odious features of the bill but strengthens it at one of its weakest points. Even the Justice Department concedes that one of the most difficult problems in enforcing the original bill would be in proving beyond a reasonable doubt that interference with a protected right was motivated by race.

It is never possible to know with absolute certainty what secret thoughts occupy a man's mind at the time he commits a particular deed. It is largely a matter of guesswork based on circumstantial evidence, ambiguous statements, and conflicting inferences, of which courts and juries are justifiably skeptical. To make vindication of a constitutional right depend on such uncertainties is to impose a severe burden on the prosecution which more often than not it will be unable to carry.

The Ervin substitute avoids these difficulties and thus strengthens the law by

eliminating this element of the offense altogether.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. STENNIS. Yes; I am glad to yield.

Mr. LONG of Louisiana. If we are to pass an effective statute—I am not discussing whether it should be passed, but posing whether we should pass an effective one—can the Senator tell me how a court is going to be able to determine that fact beyond a reasonable doubt? After all, in a criminal case, as I understand the law, one must be found guilty beyond a reasonable doubt. Notwithstanding one's protestations that he committed an act just because he did not like the other man, because he disliked him as a person, or because he had had some previous dealings with him which had been very unsatisfactory, nevertheless, a jury, without any evidence to the contrary, could find as the material fact the fact that the man was of a different race was what primarily motivated the assault.

Mr. STENNIS. Well, it would be almost impossible, and very unlikely, that a court could do so accurately. The Senator and I and all of us know that fights and acts of violence occur in elections on the basis of how a man is voting. It is not so much the individual or his color, as getting crossed up and animus arising because of conflicting factions and factors of that kind, based on political differences, that ruckuses of that kind start. That is all eliminated by the Ervin amendment. It leaves race, religion, and national origin out.

Mr. LONG of Louisiana. Is there not enough difficulty imposed on the prosecuting attorney to prove that someone committed an unlawful act and injured the other person?

Mr. STENNIS. Yes.

Mr. LONG of Louisiana. As a practical matter, if we are trying to treat all citizens alike, what difference does it make what a person's motives are, if he has deliberately violated the other man's person and injured that person? Generally, it is his intent that controls—not his motive.

Mr. STENNIS. It just opens old wounds, as I said earlier, and makes almost impossible the application of the law, the way the bill is drawn. As I recall, the bill was reported out of the Judiciary Committee by the narrowest possible margin, by one vote. Is that correct?

Mr. LONG of Louisiana. Yes.

Mr. STENNIS. It shows a division of thought there.

Mr. LONG of Louisiana. It was my understanding that it was reported by only one vote, after the Senator from Pennsylvania [Mr. Scott] was flown back and cast his vote for reporting the bill.

Mr. STENNIS. His votes are always important, but it surely was important on the wrong side at that time.

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

Mr. STENNIS. Yes, I yield to the Senator from Alabama.

Mr. SPARKMAN. I was called from the Chamber temporarily. At about the time I left, the Senator from Mississippi

was saying something to the effect that the bill was drawn supposedly under the powers of the 14th amendment.

Mr. STENNIS. Yes.

Mr. SPARKMAN. Let me ask the Senator this question. When the several States voted on the adoption of the 14th amendment, does not the Senator feel that no one had any thought of this amendment applying to anything other than restricting States in the things that they might do?

Mr. STENNIS. That was the clear restriction. It so stated and it was soon thereafter so held, and the cases all the way down the line have held the same thing, even to this day. The Senator is correct.

Mr. SPARKMAN. By what authority do they feel, then, that this legislative proposal can rest on the basis of the 14th amendment?

Mr. STENNIS. The best way I can describe it is just to say that they ignored all those interpretations of the Constitution. They ignored the language of the Constitution. They say, "Well, it applies, anyway. These are wrongs we are talking about. They must have a remedy." The old equity idea that there is a remedy for every wrong, I suppose is what they have in mind. But it cannot be justified in reason or logic or law.

Mr. SPARKMAN. Is the Senator familiar with the Guest case?

Mr. STENNIS. Yes; I have read the Guest case. Speaking for the Court there, Justice Stewart said, if I may give the Senator the direct quotation:

It remains the Court's view today that the Fourteenth Amendment protects the individual against State action, not against wrongs done by individuals.

As part of that picture, there are two lines of dicta from separate concurring opinions in that Guest case expressing personal views, but Justice Stewart, writing for the majority, was clear.

Mr. SPARKMAN. In each instance the individual statement was dictum.

Mr. STENNIS. I beg the Senator's pardon?

Mr. SPARKMAN. The variant statements made by the Justices to whom the Senator refers, which have been claimed to be authority for this bill, in each case were purely dicta?

Mr. STENNIS. Purely dicta, not necessarily a part of the decision. That is proven by the fact that they joined Justice Stewart and others in composing a majority opinion.

Mr. SPARKMAN. The Senator is what I would call an expert—I think that would be a proper descriptive word—in the construing of the Constitution. Can a matter be safely predicated upon mere dictum?

Mr. STENNIS. It certainly cannot safely be done. The Senator used the right word. It really has no more strength or place in law than what a man might say just walking down the street. It would have just as much force behind it as what was said in a dictum.

Mr. SPARKMAN. It is an opinion freely expressed.

Mr. STENNIS. Yes, and not the controlling authority.

Mr. SPARKMAN. And not required to be decided by the case at all.

Mr. STENNIS. Yes. That is a good distinction the Senator makes.

Mr. SPARKMAN. Is it not true that this is the first time we have been asked to write criminal penalties, giving basic Federal criminal jurisdiction, in all the civil rights bills that have been passed in recent years?

Mr. STENNIS. Yes, I think so. There might have been some small ones, but nothing like this. Most of it was civil judgments and civil penalties, as the Senator stated, injunctive relief, and matters of that kind, that can be very severe, but at least it is a discretionary matter.

Mr. SPARKMAN. And in this case, I do not know how the Senator construes it, but this does not appeal to me as being properly called a civil rights bill. It is really a bill which changes the whole framework of our system of attaching guilt and imposing penalties, and it takes away from the States cases the jurisdiction of which, since the very beginning of this country, has belonged to the local governments and to the States; is that not true?

Mr. STENNIS. In language just as broad as language can be, it sweeps aside the customs, precedents, and practices of State legislatures, and the congressional viewpoint. I think it is the most far reaching in that way of any bill we have considered, but is basically wrong, to start with, in its basic constitutional concept, as the Senator from Alabama has pointed out.

Mr. SPARKMAN. I thank the Senator for yielding to me. I commend him and congratulate him upon the clarity of thought with which he has presented this matter today.

Mr. STENNIS. I thank the Senator. Along with many other Senators, I have benefited from the leadership of the Senator from Alabama, and the reading and hearing of his speeches.

Mr. President, under the Ervin bill it will not be necessary to prove whether the defendant sought to deprive a person of his right to vote because of his race or because of his politics. It will be sufficient to show that he willfully attempted to deprive the victim of his right regardless of the motive behind the act.

It would seem that guaranteeing the same rights and protections to all American citizens regardless of their race is a small price to pay for so great an advantage to the prosecution in enforcing the law. I cannot understand why the proponents of the original bill are reluctant to pay it. I hope that after they have considered it further they will recognize its worth and join in supporting the Ervin substitute.

By limiting the protection afforded by the bill to only those rights derived from the Federal Government, the Ervin substitute saves Congress the embarrassment of having to read the word "State" in the 14th amendment to mean "person." It preserves the sound and long established principles of constitutional law which have been observed without exception down to the present day. This is another great gain at small cost.

By taking this approach to the prob-

lem, it will not be necessary to strain the Constitution and further weaken its restraints on arbitrary governmental action and the usurpation of power by the Federal Government. The opposite course is so obviously contrary to the Constitution and settled law that it can only incite disrespect for law at a time when lawlessness is rampant. If the guardians of the law do not recognize its bounds and override the clear commands of the Constitution when it suits their purpose, the average citizen certainly cannot be expected to shun shortcuts when they are convenient to his ends. It is difficult to measure, but undoubtedly the great readiness of modern courts to overturn ancient laws, of executive agencies to ignore mandate of Congress, and of Congress itself to twist the Constitution, has contributed to the growing lawlessness and disrespect for authority which unhappily prevades the country.

I am very reluctant to admit that, Mr. President, but it is a fact. Once the dangerous and cynical view that the law is whatever the most powerful interests of the moment say it is becomes firmly established in high places, it will inevitably filter down to the lowest levels.

That doctrine, though, is no more dangerous than this argument that a person is entitled to commit acts that constitute civil disobedience if his conscience compels him to, or that his ideas of the injustice of present law justifies him in so doing. The one is at least as deadly as the other; and I think the doctrine of civil disobedience being justified is the more deadly, because it is dressed up in more respectable clothes. It is more insidious and more deceptive, and, therefore, it is more dangerous. Congress ought to be the first to set its face against this view and set an example for the Nation by adhering strictly to the letter and the spirit of the Constitution. This is what the Ervin substitute does.

By confining its scope to Federal rights, the Ervin substitute also avoids a vast and potentially unlimited expansion of the Federal police power and the corresponding absorption and destruction of States' rights. And when I say rights, I mean responsibilities also. It is based on the recognized authority of Congress to protect and enforce rights arising from the Constitution on laws of the United States, which, unlike the theory underlying the original bill, retains the traditional and desirable restraints on the limitless extension of Federal power.

This is an advantage which should be given due weight in considering the relative merits of the Ervin substitute and the original bill. At a time when the grip of the Federal Government is growing tighter and the States are paralyzed by bureaucratic regulation, redtape, and delay in Washington, responsibility in the vital area of law enforcement should not be needlessly transferred to the Federal Government where it will meet with the same fate. Freedom of action and prompt response at the local level are essential to effective law enforcement. To try to police the Nation from the Capital City will surely lead to a further breakdown of law and order throughout the country.

For many reasons, therefore, the Ervin substitute is greatly to be preferred over the original bill. It achieves basically the same purposes and avoids the pitfalls. It deserves the support of everyone who is genuinely concerned for the civil rights of all the people and of those who wish to prevent further civil wrongs from being committed against some of the people in the name of civil rights.

As an alternative to the iniquitous bill as originally proposed, drawn, and reported, I hope that the Ervin substitute will prevail.

Mr. President, as a further comment on the practical aspects of the situation with which we are confronted, the proponents of this bill have laid great stress on the fact that this legislation is urgently needed. This need, according to the proponents, arises from the fact that racial violence is allegedly widespread in the South, and local law-enforcement officers are indifferent to the problem.

In an effort to make these charges stick, and show a need for this legislation in the present time, the proponents of the bill have been forced to resurrect old cases as far back as 1963. Even these stale examples, however, failed to demonstrate the indifference of local law-enforcement officers. Of the eight crimes committed in the period 1963 through 1965 which have heretofore been cited to support the need for this legislation today, six were followed by the arrest and prosecution of the suspected offenders.

That is, 75 percent of these cases were solved and brought to trial. Only 25 percent remained unsolved. This is just the reverse of the national average for the solution of serious crimes. In 1966, fewer than 25 percent of the serious crimes reported to the police were cleared by even an arrest, much less a prosecution, while more than 75 percent went completely unsolved and unprosecuted.

When we come down to modern times in search of some reason to justify this extreme bill, we find two examples given. One is the bombing death in February 1967 of Wharlist Jackson, at Natchez, Miss. The other is the bombing on March 12, 1967, of three Headstart buildings, one in Mississippi and two in Alabama.

The first thing to be noted about these two incidents is that they are both already covered by existing Federal law. Section 837 of title 18 of the United States Code makes it an offense to transport the explosives necessary to carry out these crimes in interstate commerce. It further provides that mere possession of such explosives creates a rebuttable presumption that they were transported in interstate commerce. Finally, it imposes heavy penalties up to life imprisonment on any one convicted of committing these crimes.

Thus, the failure to solve these crimes is not due to any lack of authority on the part of the Federal Government. Furthermore, if any unfavorable conclusions regarding the diligence and determination of local law-enforcement officers can be drawn from the fact that these crimes have gone unpunished, they are equally applicable to Federal officials.

In truth, however, a vigorous effort has

been made by local authorities to discover those responsible for the death of Wharlist Jackson. Immediately upon the commission of this crime, the local government posted a \$25,000 reward for the guilty parties and the local plant at which he worked offered an additional \$10,000. I frankly do not know the status of the investigation of the three Headstart bombings, almost a year ago, which are being cited as necessitating this vast expansion of Federal power. However, I do have a newspaper article reciting a series of 30 bombings and attempted bombings, including two as recently as this month, in the space of 2 years. These bombings are concentrated in one small area and are obviously related. Although an intensive investigation has been conducted by local authorities, they have not been able to make one single arrest.

Here are 10 times as many unsolved bombings as the proponents of this bill have cited to support this bill. Yet the bill is purposely drawn to exclude these cases from Federal investigation and prosecution. The reason the bill is so drawn is because these bombings are connected with labor troubles in the oil and construction industries. If three bombings add up to the need for national legislation then certainly 30 would seem to require at least equal treatment. The problem is the same in nature and greater in magnitude—only the politics of the situations differ.

Mr. President, the newspaper article which refers to the bombings was published in the Commercial Appeal of Memphis, Tenn. under date of January 18, 1968.

I also have a list of the bombings and the places at which they occurred. The list covers a period of 2 years and was also published in the Commercial Appeal of Memphis, Tenn. under date of January 18, 1968.

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

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

(Note.—Two years ago Wednesday, a Lafayette, La., service station was dynamited, the first of 30 bombings and attempted bombings of industrial facilities in Southwest Louisiana. The dynamitings were still going on this month, without any indication of imminent arrests. United Press International came up with some surprising information in an extensive look into the dynamitings.)

(By Carroll P. Trosclair)

LAFAYETTE, La., January 17.—Authorities have several prime labor suspects and a valuable piece of evidence in the two years of dynamitings that have plagued the Southwest Louisiana oil industry. But there are still no arrests on the horizon.

These facts have been established from reliable sources:

The suspects "hang on" to the labor movement, but are thought of more as hoodlums than laborers.

They have threatened police, including the Lafayette police chief and his family.

Authorities have a lengthy recording in which a relative of one suspect details—in Cajun French—many of the 30 dynamitings and attempted bombings. However, they are holding up use of the recording because they fear for the informant's life.

A second informant was killed in an auto

accident shortly before he was scheduled to provide police with additional information.

The investigation has suffered from a lack of cooperation between local and state police agencies. One investigator has threatened another with arrest and one has ridiculed information obtained from a Lafayette informant.

The dynamiters, operating in the midst of extensive labor trouble in the oil and construction industries, have eluded Gov. John J. McKeithen's Labor Rackets Commission, state police, sheriffs in eight parishes and the Lafayette and Lake Charles Police Departments.

Nearly a year ago Governor McKeithen vowed the saboteurs would be arrested and the bombings would halt.

"We're going to catch those fellows and they're going to be sorry," the governor said.

Wednesday was the second anniversary of the start of the dynamitings. No arrests have been made by either state or local officials.

"The investigation is still going on, at least in our department," Lafayette Police Chief Eastern Dupuis said.

"Yes, we do have suspects, but not enough evidence to bring them to court."

He said there were some things about the investigation he could discuss. He could not make a statement regarding the tape recording provided by an informant.

"We have cooperated with other agencies and have provided our information to parish and state officials," he said. He believes his organization has accomplished more in the investigation than any other group.

Under questioning about connections between the dynamitings and labor disputes, Dupuis said, "In my opinion, some of the evidence we have relates to the labor problems.

"Some of the suspects are union people and some of them are not union people."

Dupuis also said some of the suspects come from outside Lafayette. "There are as many from other parts of the state as there are from here."

He noted the bombings have extended from Lake Charles to Baton Rouge. Some sources believe the rash of bombings reported in Baton Rouge are not connected to those in Southwest Louisiana.

Meanwhile, the dynamitings have continued, from Lake Charles to the Lafayette area, causing several hundred thousand dollars worth of damage to oil wells, to cars and trucks operated by industry supervisors, to pipelines, draglines, a service station and other petroleum industry equipment.

The wife of one supervisor found two homemade bombs—made of 20 sticks of dynamite—in her back yard when she went out to hang clothes one morning.

Two firms have closed down in the midst of the bombings and labor trouble. The labor disputes have been accompanied by threats to individual workers, blocking of plant entrances, and anonymous phone calls.

At least two sheriffs have been defeated in political campaigns that zeroed in on the labor troubles.

One officer said the dynamiters have quit operating in Lafayette for a while because of the extensive pressure applied there by the new Association for Industrial Improvement, a businessman's organization which has hired and coordinated the work of private investigators.

The officer said the dynamitings will continue throughout Southwest Louisiana until the oil and construction companies either pay off the dynamiters, bring them to justice, surrender to labor demands or have the dynamiters handled by other criminals.

The recordings provided by the Lafayette informant said the sabotage could be stopped if the oil companies pay one man \$100,000. This, the suspect's relative said, would be much cheaper than the planned two million dollars in dynamite damage.

In a weird twist to the investigation, the

dynamiters appear safest with the Lafayette police informant alive. Police are holding back the recording rather than risk the man's life.

The hope of convicting anyone for the past 30 incidents grows dimmer as the trail grows colder.

"We know who they are," Detective John Hebert said, "but we'll have to catch them in the act now."

The identity of the suspects is something of an open secret here. The recording is known to city and state police and other persons.

"The suspects themselves know they are under surveillance," R. D. Lowe, secretary of the Association for Industrial Improvement, said.

Police have warned that the suspects are usually armed and considered dangerous. At least three of the suspects have girl friends who are known prostitutes. The suspects distrust one another and even quarrel over their girls.

One officer said most of the suspects "are on pills."

The saboteurs—there may be as many as a dozen—have several ways of obtaining dynamite illegally, from Lake Charles to Baton Rouge. One supplier reportedly steals it from his employer.

As much as \$80,000 in rewards has been offered for information leading to the arrest and conviction of the dynamiters. So far no one has claimed the reward.

Last March the Lafayette Central Labor Council issued a statement denying organized labor was involved in the sabotage.

"We will never turn to tactics such as these for future successes in bettering the working people of our organizations," the union said.

Lowe said, however, "A group of hoodlums is hanging on the labor movement in Southwest Louisiana. The suspects are more criminals than they are laborers."

TWO YEARS OF BOMBING LISTED

Dynamitings and attempted bombings in Southwest Louisiana in the last two years:

1966

Jan. 16—Service station dynamited in Lafayette.

March 9—Tractor dynamited in Lafayette Parish.

April 9—Construction company car dynamited at Lafayette motel.

July 13—Dragline dynamited in Breaux Bridge.

July 20—Truck dynamited at Lafayette apartment house.

July 20—Dynamite planted near auto in Breaux Bridge.

July 20—Dynamite planted at Breaux Bridge home.

Aug. 12—Truck dynamited in Lake Charles.

Nov. 5—Ditchdigger dynamited at Lafayette.

Nov. 5—Backhoe machine dynamited in Lafayette.

1967

March 11—Well dynamited in Acadia Parish.

March 11—Well dynamited in Cameron Parish.

March 11—Well dynamited in Jefferson Davis Parish.

March 11—15 sticks dynamite planted at Cameron Parish well.

March 12—Box of dynamite found at Cameron Parish well site.

March 12—25 sticks dynamite found at St. Martin well site.

March 13—25 sticks dynamite found at Vermilion Parish well sites.

March 13—35 sticks dynamite found at Calcasieu well.

March 14—Attempted dynamiting of Vermilion Parish well.

March 14—35 sticks dynamite found at Vermilion well site.

June 8—Gulf States utility transformer dynamited in Lafayette Parish.

Aug. 24—Bulldozer dynamited in Vermilion Parish.

Aug. 24—Dragline dynamited in Vermilion Parish.

Sept. 6—Foreman's car dynamited in Vermilion Parish.

Oct. 5—20-inch pipeline dynamited in Vermilion Parish.

Oct. 14—Truck dynamited in Arcadia Parish.

Nov. 1—Vent pipe on gas line dynamited in Calcasieu Parish.

Nov. 29—Arson attempted in St. Landry Parish.

1968

Jan. 7—Lake Charles dragline damaged with homemade bomb.

Jan. 7—Lake Charles night club damaged with homemade bomb.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I yield to the Senator from North Carolina.

Mr. JORDAN of North Carolina. Mr. President, the Senator from Mississippi brought out the very point that I wanted to make.

Is it not correct that the Federal Bureau of Investigation was called in on two unsolved bombing cases, and is it not also correct that the FBI has not yet been able to solve those cases?

Mr. STENNIS. The Senator is correct, as I understand it.

Mr. JORDAN of North Carolina. I know of one case where the FBI was called in, in which the crime has not been solved. The Federal Bureau of Investigation is an arm of the Justice Department. We think a great deal of the FBI, and I know that Department is doing everything in its power to apprehend those who are responsible for that crime.

The facts that I have cited strengthen my belief that we do not need any additional laws in order to protect the people of the United States. We can use the existing laws and departments and agencies of the Government, including the Federal Bureau of Investigation—and there is none better—and the local officials, wherever they might be. I think that then we will get along all right.

I stress that it was not the fault of the local officials that these crimes have not been solved. Once in a great while a crime remains unsolved for a great length of time, but this is the exception. The criminals are usually brought to justice speedily.

The local officials are not to blame. They are doing the best they can. They have offered rewards and have done everything that they can do. They have called for Federal help. The Federal officials have not been able to solve the crimes. However, that does not mean that the local officials, wherever they are, are not doing the best they can to solve those crimes.

Mr. STENNIS. The Senator is correct. There is no way to solve all of the crimes, whether they are local or Federal.

I frankly have cited some of these cases. Some of them occurred in my State, and some occurred in a neighboring State.

These cases are being used by the proponents of the pending measure in their arguments. However, when we turn this

thing around and look at it as it really is, the cases are, in large part, clearly not based on any racial trouble. An unwillingness is shown on the part of many of the proponents of the pending bill to tackle the matter when labor violence is involved.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. Mr. President, as I recall, some several years ago we had in Louisiana a situation in which a Negro deputy was murdered, so far as we could determine from the nature of the crime. Everybody in Louisiana did his very best to apprehend the culprit. We suspected that the one who committed that crime might have had a motive that was at least related to racial conflict. However, the fact that the man who was killed was a deputy of the sheriff's police force would show that the sheriff certainly would want this man to be brought to justice.

The Governor of the State offered a reward from his own personal money for anyone in private life who could help. We were certainly ready to welcome help from anybody.

I assume that the State of Mississippi and everybody concerned did all that they could to cooperate and help in the cases to which the Senator refers. However, it was one of those cases, as sometimes happens in the case of murder, in which the culprit could not be found.

The Senator is aware, I believe, of the statistics placed in the RECORD by some of the prior speakers to the effect that there are a great many more unsolved murders occurring in Northern States than in Southern States.

Mr. STENNIS. I know that is true as a general proposition. I do not have any statistics on it, frankly. However, I know that statement is correct.

Perhaps the local officers are not to blame for this. We have not eliminated criminal intent. We cannot eliminate crime merely by approaching the matter on a racial or regional basis. It is ridiculous.

Mr. LONG of Louisiana. The Senator will find some of the facts concerning the high degree of unsolved murders in northern States compared to southern States, I believe in the initial presentation of the senior Senator from North Carolina [Mr. ERVIN], in which presentation he disclosed those facts.

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

Mr. STENNIS. I yield.

Mr. SPARKMAN. Mr. President, the Senator from Mississippi may have discussed what I consider to be a fatal defect of the original bill, and that is its vagueness.

Will the Senator agree with me that it is vague in its terms? The Senator has presided over courts of law. He is an expert on constitutional law. What is the meaning of the words "interfere with" or "threaten to interfere with"? Does the Senator believe that as the term is used in this bill, it is free from the charge of vagueness?

Mr. STENNIS. The Senator has given an excellent illustration.

Under the old interpretations, before

you could have a valid criminal charge against a person, the words used by the legislation had to have exact and positive and definite meaning, which excluded vague interpretation or any remote possibility of vague interpretation, but had to hit it right on the nailhead, one might say. Otherwise, the law was void because of uncertainty, because a man was not even put on notice as to the charge against him.

The Senator has pointed out a defect of enormous proportions in the pending bill.

It is vague in another way, if I may illustrate. The Senator from Alabama referred to this the other day, in his own speech. Under the terms of this bill, a remote village in a remote State can enact an ordinance—say, an ordinance on open housing, on a racial subject—and it would come under this language, in its sweeping, broad terms, and there would be a Federal criminal penalty for one who is tried and convicted. Such a law is not in effect at present.

Mr. SPARKMAN. The Senator is correct.

Mr. STENNIS. But under the terms of this bill, it would be born later.

Mr. SPARKMAN. It is incorporated.

Mr. STENNIS. It is incorporated by reference. Even assuming that it would not have a future application, just as to the present application, if a racial element is alleged to be involved in a building code, that would make it a Federal crime.

I thank the Senators from Alabama, Louisiana, and North Carolina for their contribution to the debate.

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

Mr. STENNIS. I yield.

Mr. HART. I thank the Senator for yielding.

I was necessarily absent from the floor for a few minutes. As I returned, I heard the fleeting end of an exchange between the Senator from Mississippi and the Senator from Alabama. It reminded me that on Wednesday last, the Senator from Alabama, in a principal speech in support of the Ervin amendment and in opposition to the committee bill, had argued that the committee bill would have the effect of enforcing State open housing laws. I believe I should explain this point very briefly.

In comparing H.R. 2516 with the amendment proposed by the Senator from North Carolina [Mr. ERVIN], the Senator from Alabama stated that only the committee bill would involve what he termed the "enforcement of fair housing standards." It was argued that the bill would penalize those who, on grounds of race, religion, or national origin, would forcibly interfere with a person seeking to enjoy the benefits of an FHA or VA program. This, I am pleased to concede, is true. This statute would not have, however, the far-reaching effect that is apparently foreseen by the Senator from Alabama.

Section 245(a)(3) provides that any person who knowingly interferes, by force or threat of force, with another because of race, color, religion, or national origin, and because he seeks to participate in a benefit, program, or facility

provided or administered by the United States or by any State, shall be subject to criminal penalties. Thus, where the evidence shows that an attack was based on the victim's race, religion, or national origin, and that the interference was because the victim sought to enjoy the benefit of housing, the statute would apply if the house were insured by the FHA or VA.

But a racially motivated attack upon the owner of an FHA-insured or VA-guaranteed home for any reason other than the owner's enjoyment of the rights of home ownership would not be covered. Ownership of the home would have to have some relation to the reason for committing the crime.

It should also be pointed out that section 245(a)(3) would cover intimidation of the prospective owner of an FHA or VA insured home, and that, under some circumstances, subsection (e) would punish intimidation of the seller or the official authorized to afford FHA or VA benefits.

It is crucial to distinguish between the effect of this criminal statute and the effect of a civil fair housing law, although I would hope that we will soon enact the fair housing law as well. A fair housing law would require persons to deal in housing without regard to race, religion, or national origin. This criminal statute would require merely that a person not violently interfere with another's right to live in a home, where that home was financed or insured by a Government agency. This bill would not prohibit a private individual from himself using economic power discriminatorily. Rather, it says he must not use violence to interfere with another's rights or to make others do likewise. Surely, the opponents of the committee bill would not condone such violence.

Thus section 245(a)(3) has no bearing on the exclusion of FHA and VA housing from the scope of title VI of the 1964 Civil Rights Act; nor does it affect the 1962 Executive order on housing. This bill does not establish a right to equal access to housing. It does not forbid non-violent discrimination in housing. It simply declares that the Federal Government will not condone acts or threats of force to prevent the peaceful enjoyment of benefits which Congress or the executive branch have already affirmatively made available to this Nation's citizens.

Mr. STENNIS. Mr. President, I am ready to yield the floor, but before I do so, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The clerk will call the roll.

The bill 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.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of 10 U.S.C.

9355(a), the Speaker had appointed Mr. ROGERS, of Colorado; Mr. FLYNT, of Georgia; Mr. MINSHALL, of Ohio; and Mr. BROTHMAN, of Colorado as members of the Board of Visitors to the U.S. Air Force Academy, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of 10 U.S.C. 4355(a), the Speaker had appointed Mr. TEAGUE, of Texas; Mr. NATCHER, of Kentucky, Mr. RHODES, of Arizona, and Mr. PIRNIE, of New York as members of the Board of Visitors to the U.S. Military Academy, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of 10 U.S.C. 6968(a), the Speaker had appointed Mr. FLOOD, of Pennsylvania; Mr. MACHEN, of Maryland; Mr. LIPSCOMB, of California; and Mr. MORTON, of Maryland, as members of the Board of Visitors to the U.S. Naval Academy, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of 14 U.S.C. 194(a), the Speaker had appointed Mr. ST. ONGE, of Connecticut, and Mr. WYATT, of Oregon, as members of the Board of Visitors to the U.S. Coast Guard Academy, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of 46 U.S.C. 1126(c), the Speaker had appointed Mr. CAREY, of New York, and Mr. BURKE, of Florida, as members of the Board of Visitors to the U.S. Merchant Marine Academy, on the part of the House.

AUTHORITY FOR SECRETARY OF THE INTERIOR TO ENGAGE IN FEASIBILITY INVESTIGATIONS OF CERTAIN WATER RESOURCE DEVELOPMENTS—CONFERENCE REPORT

Mr. JACKSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1788) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The bill clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1788) entitled "An act to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the amendments of the House to the text and title of the bill; and agree to the same.

HENRY M. JACKSON,
CLINTON P. ANDERSON,
T. H. KUCHEL,

Managers on the Part of the Senate.

HAROLD T. JOHNSON,
JAMES A. HALEY,
ED REINECKE,

Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

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

Mr. HANSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

Mr. LONG of Louisiana. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The rollcall was continued.

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

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

Mr. JACKSON. Mr. President, the managers on the part of the House at the conference on S. 1788, to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments, voted to recede from the disagreement of the House to the Senate amendment to the previous House amendments.

When the bill, S. 1788, first passed the Senate it authorized the Secretary of the Interior to conduct investigations to determine the feasibility of four potential reclamation projects. Such authorization is required by section 8 of the act of July 9, 1965—79 Stat. 213, 217. The bill was amended in the House to include two additional feasibility investigations and to provide for the preparation of a reconnaissance report—a step which is normally preliminary to a feasibility investigation—on what was described as the "California coastal diversion project," consisting of subsurface offshore conveyance of water from the Eel-Klamath River areas to an appropriate terminal point in southern California.

Upon return of the bill to the Senate, the Senate in effect concurred in the first of these amendments—that providing for additional feasibility investigations—but declined to accept the second—that providing for the reconnaissance study. The Senate was not opposed to this particular reconnaissance study, but we based our disagreement on the belief that specific authorization for a study of this type might set an undesirable precedent. We believe it is wrong to attempt to set priorities for reconnaissance surveys by statute. The Secretary of the Interior is already authorized to make these surveys under his general investigative authority, subject to availability of funds.

It was the unanimous belief of the members of the conference committee and the recommendation of the members from the House that the House should recede from its disagreement to the Senate's amendment to the House amendments to S. 1788. In so doing, all members of the conference committee agreed that acceptance of this amendment to the amendments is not to be taken as in any way indicating a lack of interest in seeing the reconnaissance sur-

vey go forward. On the contrary, it was agreed by the conferees that, particularly in view of its relation to certain feasibility investigations authorized in section 2 of the act of September 7, 1966—80 Stat. 707, 710—the survey should be given a priority position by the Department of the Interior and the Bureau of Reclamation. It is our hope that the Department will submit a report on its study to the two Houses of Congress not later than December 31, 1970.

Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

INTERFERENCE WITH CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Mr. LONG of Louisiana. Mr. President, those of us who rise in objection to H.R. 2516 do so in a sincere effort to preserve the American constitutional and legal system for all Americans of all races and all generations. This measure comes before us at a time of never-ending agitation on racial subjects by both designing and sincere men, impairs our national sanity and diminishes in substantial measure the capacity of our public men to see the United States steady and to see it whole. It is as indefensible a legislative proposal as was ever submitted to any legislative body in this country. The bill before this body today is based on the rather strange thesis that the best way to promote the civil rights of some Americans is to set them off as a privileged group entitled to special treatment by Federal authorities and in so doing, reduce the supposedly sovereign States to meaningless entities on the Nation's map.

In urging passage of H.R. 2516, the proponents advance as their justification an insulting and insupportable indictment of a whole people.

They say that southern officials are generally faithless to their oaths as public officers and for that reason can and should be justifiably denied their right and duty to protect the rights of our citizens guaranteed them under our laws.

If this bill should be allowed to slip by Congress and successfully run the constitutional gauntlet, it would vest in a single fallible human being, namely the temporary occupant of the office of the Attorney General, regardless of his character or qualifications, autocratic and despotic powers which have no counterpart in American history and which are repugnant to the basic concepts underlying and supporting the American constitutional and legal systems. H.R. 2516 has as its stated purpose to create a whole new sphere of jurisdiction for action in enforcement and vindication of the civil rights of private persons at public expense, and to confer upon the Attorney General the despotic power to grant or withhold the supposed benefits of the new procedure at his uncontrolled discretion.

In consequence, the bill offends the basic American concepts that ours is a

government of laws rather than a government of men and that courts are created to administer equal and exact justice according to certain and uniform laws applying alike to all men in like situations.

H.R. 2516 is deliberately designed to vest in the Attorney General the autocratic and despotic power to supersede the State laws duly enacted by State legislatures in the undoubted exercise of the legislative power reserved to the States by the 10th amendment. As a consequence, the bill is wholly incompatible with the constitutional doctrine of the sovereignty and indestructibility of the States. Even apart from this consideration, H.R. 2516 is inimical to proper Federal-State relations because it proposes to place in the hands of the Attorney General a legal club by which he can browbeat State and local officials into submission to his will and thus assume control of what are essentially State or local governmental matters.

We would do well to appraise at its full value the everlasting truth embodied in Daniel Webster's assertion that:

Whatever government is not a government of laws is a despotism, let it be called what it may.

Consequently, our ancestors based the governmental and legal systems of America upon these fundamental concepts:

First. That our Government should be a government and not a government by men—a government in which laws should have authority over men, not men over laws.

Second. That our courts should administer equal and exact justice according to certain and uniform laws applying in like manner to all men in like situations.

In writing our fundamental legal document those great Americans at the Constitution Convention of 1787 comprehended in full measure the everlasting political truth that no one man or set of men can be safely trusted with governmental power of an unlimited nature. To prevent the exercise of arbitrary power by the Federal Government, they inserted in the Constitution of the United States the doctrine of the separation of governmental powers.

In so doing, they utilized the doctrine of the separation of powers in a twofold way.

They delegated to the Federal Government the powers necessary to enable it to discharge its limited functions as a central government and left to the States all other powers. It was this use of the doctrine of the separation of powers which prompted Chief Justice Salmon P. Chase to make these memorable remarks in his opinion in *Texas v. White* (7 Wall 700):

Not only, therefore, can there be no loss of separate and independent autonomy to the States through their union under the Constitution, but it may be not unreasonably said, that the preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government. The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States. (*Texas v. White*, 7 Wall 700.)

In their other utilization of the doctrine of the separation of powers, the members of the Convention of 1787 vested the power to make laws in the Congress, the power to execute laws in the President, and the power to interpret laws in the Supreme Court of the United States and such inferior courts as the Congress might establish. Moreover, they declared, in essence, that the legislative, the executive, and the judicial powers of the Federal Government should forever remain separate and distinct from each other.

Since the two governments, Federal and State, exist within the same territorial limits, it is obviously indispensable to the proper functioning of both of them for each of them to exercise its powers in such a manner as not to interfere with the free and full exercise of the powers of the other.

History makes it crystal clear that the Constitution of the United States would never have been ratified by the requisite number of States if they had not been assured that it would be so amended as to embrace the principle enunciated by the 10th amendment.

The amendment declares that—

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

The legislatures of the several States have adopted laws which I dare say adequately cover all of the wrongdoing which the bill before us today purports to correct.

Happily for America, one may search the legislative annals of our country without finding anything corresponding to the monstrous proposal that a single Federal executive officer, to wit, the Attorney General, should be given the autocratic and despotic power to supersede valid State laws in particular cases to be selected by him. It is submitted in all sincerity that the proposal is utterly repugnant to the constitutional doctrine of the indestructibility and sovereignty of the States.

Congress itself is without authority to nullify State statutes enacted by State legislatures in the undoubted exercise of the legislative powers reserved to the States by the 10th amendment, and that Congress cannot delegate to a Federal executive officer an authority not possessed by it.

It would be well for our country if those who advocate this unprecedented proposal would pause and ponder these words from the Supreme Court decision in *Carter against Carter Coal Co.*

Every journey to a forbidden end begins with the first step, and the danger of such a step by the Federal Government in the direction of taking over the powers of the States is that the end of the journey may file the States so despoiled of their powers, or—what may amount to the same thing—so relieved of the responsibilities which possession of the powers necessarily enjoins as to reduce them to little more than geographical subdivisions of the national domain. It is safe to say that if, when the Constitution was under consideration it had been thought that any such danger lurked behind its plain words, it would never have been ratified.

That is the Supreme Court of the United States speaking, Mr. President.

The contents of the bill before the

Senate today carries implicit in it, unwise and unwarranted tampering with this constitutional concept of divided governmental authority. This does violence to one of the hallowed principles on which this Government is constituted and has so long endured. Before taking such a drastic step we would do well to ponder these eloquent words of Daniel Webster:

Other misfortunes may be borne, or their effects overcome. If disastrous wars should sweep our commerce from the ocean, another generation may renew it; if it exhausts our treasury, future industry may replenish it; if it desolate and lay waste our fields, still, under a new cultivation, they will grow green again, and ripen to future harvests.

It were but a trifle even if the walls of yonder Capitol were to crumble, if its lofty pillars should fall, and its gorgeous decorations be all covered by the dust of the valley. All these may be rebuilt. But who shall reconstruct the fabric of demolished government? Who shall rear again the well-proportioned columns of constitutional liberty?

Who shall frame together the skillful architecture which united national sovereignty with State Rights, individual security, and Public prosperity?

No, if these columns fall, they will be raised not again. Like the Colosseum and the Parthenon, they will be destined to a mournful and melancholy immortality. Bitter tears, however, will flow over them than ever were shed over the monuments of Roman or Grecian art; for they will be the monuments of a more glorious edifice than Greece or Rome ever saw—the edifice of constitutional American liberty. (Daniel Webster, 1832).

As just one example of a number of absurdities in this bill, let me cite the following:

Some Members of the House of Representatives, in an effort to assure that the bill contain nothing in its provisions which would in any way hamper the national guardsmen and law enforcement officers, engaged in the fulfillment of their responsibility for keeping the public order. These people, who have been on the front lines of numerous riots and disorders in recent years, deserve every bit of aid we can give them in performing their thankless task. To do anything which would further tie the hands of those sent into pitched battle to quell these senseless riots would be the very height of folly.

Realizing this, the House added a floor amendment to this bill which said:

Provided, however, That nothing within this section shall be construed so as to deter any law enforcement officer from lawfully carrying out the lawful duties of his office or enforcing lawful ordinances and laws of the United States or their political subdivisions.

Mr. President, one searches in vain in the bill before us for any such guarantee. In fact, I find nothing in the language of the Committee version of H.R. 2516 which in any way seeks to keep this entangling web of legal double-talk anything which would keep this bill from snaring the local officials and thwarting their efforts to keep the peace.

Let me cite an example of what could develop should this bill unwise be written into law. My example comes from a case which grew out of a Negro demonstration in Baton Rouge, La., a few years ago. Known as Cox against Louisiana, this case—which was mentioned on this

floor prior to the time of this debate—was ultimately decided by the U.S. Supreme Court.

In this case, the Supreme Court reversed the Louisiana Supreme Court which has affirmed the conviction of the appellant Cox as a leader of a large group of some 2,000 Negro students who had assembled near the courthouse in Baton Rouge, in protest of the arrest the previous day of other Negro students for picketing stores that maintained segregated lunch counters.

In their march on the courthouse, the mob of 2,000 was halted near the courthouse by officers and were told by the police chief to stay on the west side of the street, where they sang songs, displayed banners, clapped their hands, and listened to a speech by Cox. The sheriff construed as inflammatory Cox's concluding remark to "sit in" at downtown lunch counters and ordered dispersal of the mob.

When it was not forthcoming, officers dispersed the mob and arrested Cox the next day for disturbance of the peace, obstructing public passages, and courthouse picketing—all of which was contrary to the State law. It was brought out in the record that the exhortations of the mob had elicited responses from the students who were in jail. Cox was convicted and it was affirmed until the Supreme Court of the United States reversed the conviction.

The Court held that the breach of the peace statute was unconstitutional because of vagueness—get this, Mr. President—vagueness in its overly broad scope and that because local officials had allowed other groups on occasions to parade, there was no unlawful obstruction of traffic or the streets. Thus, the Court ruled that Cox and the whole group were lawfully assembled.

An appropriate question can be raised as to what could have happened had the present civil rights bill, H.R. 2516, been in effect when the sheriff broke up the mob and arrested Cox.

This would have been not only an attempt but an actual interference with persons because of race, and so forth, attempting to engage in the activities covered in the bill, and Cox made a speech along this line which is protected specifically in the bill. This in itself could be up to a 1-year crime for anyone who interfered with Cox and his followers. If there were any allegations of club swinging, and so forth, in breaking up the mob the 10-year felony aspects of the instant bill would apply. Tear gas was used, and that might be called bodily injury, depending on how that term would be construed in the courts.

As a matter of fact, to my certain knowledge in that particular case, the police used police dogs to back the mob off. I would assume that in some particular instances the dogs might have torn some persons' trousers, or at least come in contact with them, but no one was seriously injured, and the sheriff preserved the peace and enforced the laws, which, insofar as he knew, were valid up to that time, and were laws which previous Supreme Courts of the United States would have held valid.

Under such a law, half of the Baton Rouge Police Force could have been thrown into jail and/or fined for performing the duty which the laws of Louisiana imposed on them.

Such a situation would be ridiculous and completely intolerable. To the already intimidated and hamstrung law enforcement officials of this Nation, such a law would appear to prove that the last vestiges of sanity have been removed from the rules they live by.

Just what does it presage—this bill that would make it a Federal crime to interfere with or "intimidate" anyone seeking to exercise his rights in the form of voting, running for office, or other such prerogatives? If this pending legislation should become law, then a Federal prison term might become the consequence of interference with such activities.

At first blush, this might not seem unreasonable. At least, not to me. For I believe that activities are basic tenets of the free democratic system, and should not be tampered with. But the great danger with legislation of this type is not the underlying ideal or motive, but the machinery which it creates and utilizes to effect such an ideal.

As the Senator from North Carolina [Mr. ERVIN] has already so ably pointed out in this debate, it is folly to believe, with respect to civil rights enforcement, that the Department of Justice is always just. My concern is that this measure could be misinterpreted and stretched by some overzealous Federal official as a vehicle for intrusion into every city, county, and State in the Union in areas ranging from elections to juries.

And my greatest immediate concern is the unwitting stumbling block it could place before State and local officials in their honest attempts to detain and prosecute the incendiary rabble-rousers who seem bent on destroying the great cities of America.

Mr. President, as I pointed out earlier, my best information on this subject is that we have today about 50,000 vacancies on police forces in the United States. These vacancies exist because the police have been discouraged from doing their jobs. They have not received the kind of public support to which they are entitled. Further, they are not even adequately compensated in pay. But even more than that, they are frustrated when they seek to enforce the law, as a result of decisions that they have seen recently from the Supreme Court—decisions which further and further have protected the criminal from society, rather than moving in the other direction, the protection of society from criminals. The police arrest these culprits or criminals only to see them turned loose by technicalities, particularly technicalities invented in recent years by the Supreme Court of the United States.

So it is difficult to attract competent people to apply for law-enforcement jobs and qualify themselves to take over these positions.

Here we have a proposed law before us that would make it even more difficult, especially in Southern States, to have people with knowledge take those jobs. Why, because they would have a duty to protect society on one hand, and

then, on the other hand, be required to act at their peril in the event the court did not uphold the statutes they would be asked to enforce. It is bad enough to turn the culprits loose, but this law would cause, not the criminal, but the police officer, to be put in jail or fined because he was doing his duty in enforcing the laws of the State or ordinances of the city.

In addition, Mr. President, to the extremely valid points that some of my colleagues have made against this bill, I recently came across a column by the nationally syndicated columnist, Mr. James J. Kilpatrick, which appeared in the Washington Star of November 2, 1967. Mr. Kilpatrick raises questions that I believe all of us here today should take the time to ponder:

There was a time, in the earlier days of the Republic, when such debates were everyday affairs. They come along quite seldom now. The general theory seems to be that the Congress can enact whatever laws it pleases; not much is heard of the old doctrine, spelled out in the Tenth Amendment, that the powers of the federal government are limited by the Constitution.

Addressing himself to the deficiencies of the bill, Mr. Kilpatrick continues:

On the face of it, the House bill seems plausible. On closer examination, it becomes evident that the measure goes far beyond the powers of Congress. The bill would establish an entirely new class of federal crimes based in part upon the enforcement of a non-existent federal right, i.e., the right to be protected from acts of private discrimination. No such right is known to the law. The Fourteenth Amendment surely does not convey it.

The bill's punitive provisions, ranging up to life in prison, would be triggered when any person by force or threat of force interfered with another person by reason of his race, color, religion, political affiliation, or national origin.

Mr. President, how far do people propose to go with some of these things? I can recall so well in days of politics in my own State when it was almost traditional at election time for both sides to have a good, first-class fist fight around some of the ballot boxes on election day. The State administration would be supporting one candidate and the city administration would be supporting another, and the State wanted to see to it that the city policemen did not interfere with the polls, and the city policemen wanted to see that the State officials did not interfere with the polls. The result was that they would have a first-class donnybrook. This, of course, over a period of time we have managed to iron out, but it could conceivably happen again.

But of what possible interest is it to the Federal Government that a hotly contested election between two different groups, one a city organization and another a State organization, both Democratic, have a first-class, knockdown fight? Of what possible interest should that be to the Federal Government? Yet here we have a proposed statute providing that, because of a difference in religion or political affiliation, the Federal Government must step in and act because someone has interfered, by force, with another person. It was never even

suggested, so far as I can recall, that because one man might be a Catholic and the other might be a Protestant, it was any concern of the Federal Government that they became involved in a fracas, which would be the proper concern of the Federal Government and the Federal courts and the Attorney General should intervene.

Continuing the quote of Mr. Kilpatrick:

But force is not defined, and interfere with is not defined. The bill applies to all employment by any private employer, thus leaping beyond the boundaries of interstate commerce fixed in existing law.

As Senator Ervin points out, the House bill creates a special class even in areas, such as voting rights and federally financed activities, where a valid congressional power can be acknowledged. Thus it would be a crime for a white man to threaten a Negro seeking to vote, but it would not be a crime for a white man to threaten another white man seeking to vote.

Why? If the right to vote is sacred, why should it be a crime for one to threaten another merely because of race? Why should it not be a crime merely to threaten another man? Is this not an assault—subject to both civil and criminal sanction?

I continue to quote Mr. Kilpatrick:

The bill would protect a Negro rabblerouser on a federally subsidized campus; it would not protect a Navy recruiter or a member of the Cabinet on the same campus.

In brief, despite some qualifying language inserted on the floor of the House, the administration's proposal is tailor-made for Negro extremists who would be protected, by reason of their race, from the natural consequences of extremism.

As I say, as concerned as the people of this country are about Stokely Carmichael or H. Rap Brown, here is a bill to help Stokely Carmichael and H. Rap Brown carry on their conduct and to stir up hatred and ill will among people of their race and put cities to the torch, as has been known to happen in the past with men of this type of attitude.

I was particularly pleased to note that Mr. Kilpatrick cited the fine arguments that the distinguished Senator from North Carolina [Mr. ERVIN] has propounded to enlighten the Members of the Senate as to such ill-advised legislation.

Let me take this opportunity to express my gratitude to the Senator for his tireless efforts over the years in bringing to the attention of the Senate the grave dangers posed by such plastic interpretations of the Constitution.

In the 19 years that I have served here, I have fought these measures with all my will.

Even so, I have often relied on the legal wisdom, insight, and advice of those who have served on the committee and had an opportunity to study the problem, such as the Senator from North Carolina [Mr. ERVIN].

His experience has given him the extraordinary ability to cite, in the most succinct of terms, the constitutional fallacies of these so-called civil rights bills. As this debate began more than a week ago, the Senator discussed the pending bill with such clarity that it bears at least reference:

This is a criminal statute without parallel in this Nation, he warned. It is a criminal statute which would make criminality depend either upon the race or the religion or the national origin of the alleged victim of the acts or threats of the accused.

This bill would be a very dangerous statute for a government which found it to be politically profitable to practice tyranny, because it would create literally hundreds of new crimes which do not exist either under Federal law or the laws of the States. I say that because it would provide whoever, whether or not acting under color of law, by force or threat of force, does certain things under certain circumstances.

So we would have a statute, for all practical purposes, saying this: If a white man uses force or threat of force against a colored man because of racial motivations and because he is engaging in one of these activities, or if a colored man uses force or threat of force against a white man because he is seeking to engage in one of these activities and because of his race, religion, or national origin, then it is a case for the Federal court; but if a white man uses force or threat of force to keep another white man from exercising his constitutional rights or his legal rights, the Federal court would have no jurisdiction; and if a colored man should use force or threat of force to keep another colored man from exercising his constitutional or legal rights, the Federal court would have no jurisdiction.

Is it not absurd to make the jurisdiction of a court depend, not upon the character of the acts committed, but upon the race or the religion or the national origin of the accused or of the prosecuting witness? Why should we fragmentize our society on the basis of race, religion, or national origin and give the Federal courts jurisdiction where there is a difference between the prosecuting witness and the accused in those respects, but leave the cases in the State courts where no such differences exist, but where the acts committed are identically the same?

What the Senator from North Carolina argued, and what I am saying, is that the rights of all Americans should be protected—and that is what his substitute amendments would achieve.

It is absurd and unwise to put on the statute books a law that allows local authorities to prosecute a white man accused of killing another white man, but calls for the long arm of the Federal Government, should they be of different race. Indeed, under this law, it would be a local matter if a Baptist were to intimidate another Baptist; but let him intimidate one of his Methodist neighbors, and Uncle Sam would have a duty to intervene.

In my years here, I have seen far more insidious civil rights bills, but I have never come across one with such a low enforceability quotient.

Imagine, if you will, some of the ludicrous situations that could arise under its provisions. It was the distinguished Senator from Florida [Mr. HOLLAND] who has talked already about the heinous murders of some years ago in Philadelphia, Miss. Two of the victims were white, the other a Negro. It is safe to assume the murderers were white men.

Under this law, an unprecedented mess would be wrought in trying to prosecute the murderers.

As I best understand it, those men who killed the Negro would be subject to Federal prosecution. But those who murdered the white boys would be prosecuted only by the State or by existing

Federal machinery. Or, in a case like this, when it is unknown who did the actual firing, would they all be prosecuted under State law, then again under this new gadget that the collective mind of the Justice Department has contrived?

Never before have so many put their heads together to concoct such a clumsy, slapdash scheme to guarantee unequal justice under the law.

Those Senators from the North and East are not the only ones whose consciences have been offended and stung by such monstrous crimes as the one I have described. It is an understatement for me to say that all thinking and decent Americans deplore such an act. No reason or emotion in the world can excuse such conduct.

But my great fear is that in reacting emotionally to such things as the violation of those three men's civil rights, we are apt to create laws that erode the rights of other Americans.

Another situation that could arise easily under this proposed law intrigues me even more than the one I have just cited.

Mr. HART. Mr. President, will the Senator yield very briefly?

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may yield to the Senator from Michigan without prejudice to my rights.

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

Mr. HART. Mr. President, I regret interrupting the able and always interesting Senator from Louisiana, but to return again to that case in Philadelphia, Miss., I repeat the answer I made last week in the exchange with the Senator from Florida and the Senator from North Carolina: The bill that the committee reports does cover the deaths both of the two white men and of the one Negro. I doubt, even if I obtain unanimous consent to have the language of the bill printed in the RECORD, that we will not hear the same argument tomorrow; but I ask unanimous consent to have printed at this point in the RECORD section 245(b) of the committee reported bill.

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

§ 245. Interference with civil rights

Whoever, whether or not acting under color of law, by force or threat of force—

(b) knowingly injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with any person (1) to discourage such person or any other person or any class of persons from lawfully participating or seeking to participate in any such benefits or activities without discrimination on account of race, color, religion, or national origin, or (2) because he is or has been urging or aiding others to so participate, or is or has been engaging in speech or peaceful assembly opposing any denial of the opportunity to so participate;

Mr. LONG of Louisiana. Will the Senator read that?

Mr. HART. Yes. It makes it a crime for anybody, by force or threat of force—

Mr. LONG of Louisiana. From what

page is the Senator reading, may I ask? I am trying to find what the Senator is reading.

Mr. HART. Let us begin with page 7 of the bill, section 245, and excerpt a little for purposes of both brevity and simplicity:

Whoever, whether or not acting under color of law, by force or threat of force—

Then turn to page 9, line 7:

(b) knowingly injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with any person (1) to discourage such person or any other person or any class of persons from lawfully participating or seeking to participate in any of the benefits described in items (1) through (8) in section (a).

The bill goes on to provide: "or because the person that is interfered with has been aiding others to participate, or is or has been engaged in speech or peaceful assembly opposing any denial of the opportunity to participate."

As I understand the situation in Philadelphia, Miss., two northern white men had been actively encouraging citizens of that county in Mississippi to register to vote. And they, together with a Negro, were shot down on the road. A conviction was obtained in that case under the old conspiracy statute.

The case made was that there had been a decision on the part of a group of whites, as the Senator has said, "to stop this business of these northerners, these outside agitators, coming in here and getting these people to register to vote."

The Senator is probably a better judge as to whether that effort was successful or not. However, my hunch is that there was a very substantial fallout effect from the murders and that there was very much lessened support for the registering and voting of people from that community.

However, whatever the effect—whether the killing of those men did or did not have the effect of deterring people from exercising their rights to register—that was the purpose of the killing of both the whites and the Negro. That would be proceeded with as a Federal crime in the Federal court under the committee bill.

Mr. LONG of Louisiana. Mr. President, we were discussing the general subject and the Senator had to leave the floor when I responded to the comment he made a few days ago. Perhaps he did not read my response.

It has not been established at all that these persons were intimidated or that they were interfered with to discourage them or any other person from lawfully participating or seeking to participate in any such benefits or activities without discrimination because of race, color, religion, or national origin.

It is obvious that they were not trying to discourage them from conducting that activity. They killed them. We could not distinguish whether they wanted to discourage them or not. That would have nothing to do with it.

The bill goes on to say: "because he is or has been urging or aiding others to so participate, or is or has been engaging in speech or peaceful assembly opposing

any denial of the opportunity to so participate."

That was not proved. What was proved in this case, as I understand it, was that these people were killed. And when someone takes the life of another, we do not have to prove what was in the back of his mind. About all we have to prove is that he did not have a justifiable basis upon which to kill another person, but that he did it knowing what he was doing, and that he did not do it accidentally but did it, according to the legal language, with malice aforethought, which usually implies that he knew what he was doing when he killed the other man.

Nobody has proved to this date that what was in the back of the minds of these people when these men were killed was that these men had been urging people to participate in certain conduct. That was not established at all.

For all we know, they might have done it because the man who was the head of the Ku Klux Klan told them to do it. Perhaps he said, "Here is your job. You do it."

How would we know that? That is one of the points that has been made here. A statute, to make any sense, should not try to discern between unworthy motives as to what is responsible for the crime. It should seek to say that it is a crime to do so-and-so, and if the individual has the requisite intent, then he is guilty of such a crime.

The other day we talked about this subject, and I suggested that when the Ku Klux Klan burned a cross on the mayor's front lawn, if we are going to pass a law of this kind, we ought to protect the mayor with some provision of that kind.

The Senator then said that the mayor would be covered. However, that is not so. The mayor would have to be covered under the theory that the mayor was or had been urging people to participate or was or had been engaged in speaking or peaceful assembly opposing any denial of the right to participate.

However, Mr. President, I myself have known what it is to find that somebody was upset because there was an act in the State legislature having to do with whose name ought to be at the head of the ballot—whether it ought to be the name of President Johnson or Gov. George Wallace. And, perhaps I might have taken the attitude that the traditional party leader's name ought to be used rather than the name of someone selected by a State group.

If one gets a Ku Klux cross burned on his lawn, that situation would not be covered by the proposed statute. However, that burning of the cross would be an invasion of one's privacy. It would tend to terrorize one's wife and children.

Some time ago we had an unpleasant incident occur on the premises of our home. We did not know who was responsible. However, we can reasonably assume that it resulted from views expressed by me with reference to certain legislative measures in the Senate.

Even though I might be on the opposite side of a bill from the Senator from Michigan, one who might feel very strongly opposed to my position might

want to burn a cross on my lawn and say that I should have done more than merely oppose the bill. They might say that I should have gone the limit and engaged in a fist fight on the floor of the Senate, for example.

As a matter of fact, some of the Senators from Southern States frequently find that some members of the extreme segregationist party are up in arms and outraged at us because we take a reasoned and moderate approach to a problem, even though we do take the opposite view from that of the Senator from Michigan. We differ, but we differ in somewhat different ways.

I recall some time back when we were discussing a civil rights matter that I explained that I had been urging all of the local officials to cooperate in registering the qualified Negro voters in my State. I said that in these civil rights debates we should not be required to justify the action of any local official who declined to register qualified Negro voters.

That statement caused an emergency meeting of half of the citizens councils in Louisiana. They denounced me for the attitude I took, and said that on the merits my views were similar to those of the Senator from Michigan.

With the procedure as to who should do it or how it should be done, I did not agree; I felt that on the merits no qualified person, regardless of his color, should be denied the right to vote.

But at that particular time, in some parishes, few Negroes were permitted to vote. There was a meeting of the local officials, and they unanimously signed a resolution condemning the junior Senator from Louisiana for making the statement that, on the merits of the question, he thought those who differed with him on the measure were right, but that he merely differed as to who should do it and how it should be done. It is not at all unusual for things like that to happen.

The other illustration that I gave the Senator would not be covered at all; that is, when a klansman is indicted for violating the law. That has happened. A klansman went before a regular public official, a man who held a minor office. In Louisiana, we would call it a police jury office. The klansman went to that respected citizen, who, I believe, if I correctly recall the story, was a minor official in the parish government. The klansman asked the official to sign a bond so that he could be released from jail. The local official did not sign the bond, and a couple of days later his house was dynamited. But the local official was not trying to get anybody the equal protection of the laws; he just did not trust the credit of the man who wanted him to sign the bond. And he would not have been protected for a moment by this bill. If you are going to pass a bill of this sort, it seems to me that the fellow who did not want to sign on the bond for the Ku Klux Klansman should be protected, also. He certainly would not be protected under this bill; and if he would, will the Senator from Michigan kindly point out how.

Mr. HART. We always hate to be the device which encourages extended debate

and to keep willing participants in the extension of the debate, so let me reply very briefly.

In most of the actions—indeed, I venture to say in every one of the acts of violence or threats of violence that this bill would reach—there is a violation of State law.

I would assume—though I certainly do not know Louisiana law—that trespass on a mayor's property or anyone else's front lawn and the structuring of a cross and the burning of it would be a violation of State law.

Mr. LONG of Louisiana. I am not sure it is, frankly, but I assume it is.

Mr. HART. Let us make that assumption.

Generally speaking, law enforcement is colorblind. But sometimes it is not. We attempt, by this bill, to supply Federal jurisdiction for those situations where it has not been provided. Let us hope that very soon it will be colorblind everywhere. But whenever it is not colorblind, in these areas we make provision.

The Senator from Louisiana, who earlier was bewailing the extension of Federal criminal law to the point where we would have a national police force, now is arguing for the extension of the bill so as to cover every violation, every intrusion, and—as earlier the Senator from Mississippi said—every scuffle in a schoolyard. We believe that would be unwise, imprudent, and unnecessary.

(At this point, Mr. HOLLINGS assumed the chair as Presiding Officer.)

Mr. LONG of Louisiana. If one is going to enact meaningful legislation, he should not discriminate. We are talking about a section against discrimination. If we are going to do it equitably, we should do it for everybody and to everybody. We should not do it for some and to some. Everyone should be treated the same. So I am making the argument against discrimination in this case.

I believe it would be better to junk the entire statute and forget about it; but if we must pass the bill, it does seem to me that everyone should be protected under the bill instead of just a few.

I was visiting just a few days ago here with the mayor of Baton Rouge, and his visit brought to mind an incident—or, should I say, a series of incidents.

The mayor of that city has several times taken a position that he thought that justice, honor, and his conscience required him to take as an elected official of that city. On some three occasions, the Ku Klux Klan visited his home to burn a cross on his lawn.

If that man is to be intimidated and discouraged from his duty as he sees it, it seems most patently correct that he would be denied the benefits of this proposed law because he is a white man being intimidated by white men. Why should it be necessary that he be a Negro to be protected in the right of doing his duty as his honor and his conscience require him to do it?

I hope it will not test the patience of other Senators for me to cite another incident that occurred in Baton Rouge. I believe it serves the same illustrative point.

Recently, a dedicated member of the

school board sat with other members of the school board, and he felt that they had no choice but to go along with a court order requiring them to integrate. They had exhausted all of their legal remedies. They had no other choice, and they would have to think in terms of complying with the court order.

Some time in the next day or so, members of the Ku Klux Klan called at his home when he was not there, and they terrified his wife and children—intimidating the man and scaring his family because he was doing what he felt his duty required of him as an elected public official. Why should the proposed statute require that there must be an incident of a black man threatening a white man or a white man threatening a black man, when it is wrong in any event?

Over 100 years have passed since the terrible and bloody conflict which divided this country in bitter camps, each side fighting and dying for causes which it held dear.

From that low point in our history we have become a strongly united people, forming the greatest Nation in all the world. Along with such a development, terrific responsibility has become an integral part of the duties of this Nation, and of every individual fortunate enough to live within this country. As a united people, side by side, we have fought in two gigantic world wars. Every responsible person in this country today must realize that, had the North and South become separate nations in the 1860's, ultimate reunification of our people would nevertheless have been compelled by subsequent unforeseen and unsuspected circumstances.

Faced by today's inner problems and outside enemies, a unification of this country now is indispensable if we are to continue as a nation.

As we thus strive for a continuation of this vital unity, it becomes the duty of everyone of us in this body to study the proposed legislation, the reasons, if any, for such legislation, and to determine in our hearts and minds what should be done in the best interest of our country. If we are seriously to do this, I think it becomes imperative that we consider history; previous legislation on this subject; the evils that proponents claim this legislation will cure, and the actual curative powers of the suggested remedies. It is also absolutely necessary to study the constitutionality of the proposed legislation.

The 13th amendment simply provides that neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to its jurisdiction, with the added provision that Congress shall have power to enforce that amendment by appropriate legislation.

The 14th amendment might be divided into four parts: First. That all persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and the States wherein they reside.

Second. No State shall make or enforce

any law which shall abridge the privilege or immunities of citizens of the United States.

Third. Nor, shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Fourth. Congress shall have power to enforce, by appropriate legislation, the provisions of that amendment.

It should be abundantly plain that part 2, enumerated herein, applies to State action only, and to citizens of the United States only. The word citizen becomes of prime importance.

Only in part 3 of that amendment herein, is it made applicable to any person and certainly that part refers to State action.

It follows that, with reference to part 4, Congress does have the power to make appropriate legislation, covering the provisions of the 14th amendment, but certainly such legislation must be in conformity to the amendment itself.

The 15th amendment simply provides:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Further, it provides that Congress shall have power to enforce this amendment by appropriate legislation. The power that Congress has to enact legislation under the 15th amendment is to legislation in behalf of citizens of the United States as defined in the 14th amendment, so that no citizen will be deprived of his right to vote, or that such right be denied or abridged by the United States or by any State, because of the race, color, or previous condition of servitude of that citizen.

It certainly must be noted that the 15th amendment applies to any citizen of the United States who is denied his rights, or had had his rights abridged by State action, on account of his race, color, or previous condition of servitude.

This amendment says nothing whatever about "unwarranted economic pressures" or "social" aspects, and says nothing whatsoever concerning "religion." As a matter of fact, constitutional amendment 1 provides:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

Thomas Jefferson and the other fathers of our Constitution would be appalled to find that Congress had entertained any idea of legislating to any extent whatsoever upon religion or prohibiting the free exercise thereof.

Shortly after the War of the States, Congress did enact certain civil rights bills. These measures were enacted over the violent protest of the President of the United States, and that is a matter of history. The majority of these laws were enacted at a time when 11 Southern States had no representation in Congress. Over the years a number of these statutes were nullified by decisions of the Supreme Court. In one such case, *United States against Cruikshank*, the Court said:

The 14th amendment prohibits a state from denying to any person within its jurisdiction the equal protection of the law; but this provision does not any more than the one which precedes it, and which we have just considered, add anything to the rights which one citizen has under the Constitution against another. The equality of the rights of citizens is a principle of republicanism. Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle, if within its power. That duty was originally assumed by the States; and it still remains there.

The Court has further said the 14th amendment does not invest Congress with the power to legislate upon subjects which are within the domain of State legislation or State action. That it does not authorize Congress to create a code of municipal law for the regulation of private rights; but to provide modes of redress against the operation of State laws, and the actions of State officers, executive or judicial, when these are subversive of the fundamental rights specified in the amendment.

In the case of *United States against Stanley, et al.*, the Court said:

And so, in the present case, until some State law has been passed, or some State action by its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the 14th amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation, can be called into activity; for the prohibitions of the amendment are against State laws and acts done under State authority.

On page 14, the Court wisely said:

If this legislation (meaning civil rights legislation of 1875) is appropriate for enforcing the prohibitions of the amendment, it is difficult to see where it is to stop. Why may not Congress with equal show of authority enact a code of laws for the enforcement and vindication of all rights of life, liberty, and property? If it is supposed that the States may deprive a person of life, liberty, and property without due process of law (and the amendment itself does suppose it), why should not Congress proceed at once to prescribe due process of law for the protection of everyone of these fundamental rights, in every possible case, as well as to prescribe equal privileges in inns, public conveyances, and theaters? The truth is that the implication of a power to legislate in this manner is based upon the assumption that if the States are forbidden to legislate or act in a particular way on a particular subject, and power is conferred upon Congress to enforce the prohibition, which gives Congress power to legislate generally upon that subject, and not merely power to provide modes of redress against such State legislation or action. The assumption is certainly unsound. It is repugnant to the 10th amendment of the Constitution, which declares that powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

On page 17 of this decision, the U.S. Supreme Court made this pertinent observation:

The wrongful act of an individual, unsupported by any such authority (State authority), is simply a private wrong, or a crime of that individual; an invasion of the rights of the injured party, it is true, whether they affect his person, his property, or his reputation; but if not sanctioned in some way by the State, nor not done under State

authority, his rights remain in full force and may presumably be vindicated by a resort to the laws of the State for redress. An individual cannot deprive a man of his right to vote, to hold property, to buy and sell, to sue in the courts, or be a witness or a juror; he may, by force or fraud, interfere with enjoyment of the right in a particular case; he may commit an assault against the person, or commit murder, or use ruffian violence at the polls, or slander the good name of a fellow citizen; but, unless protected in these wrongful acts by some shield of State law or State authority, he cannot destroy or injure the rights; he will only render himself amenable to satisfaction or punishment; and amenable therefore to the laws of the State where the wrongful acts are committed.

This case can be read with much profit, and with assurance that neither the 13th nor the 14th amendment authorizes legislation except as against State action, and can never descend to the individual in any State. It should be a matter of interest that these cases just referred to and discussed were rendered on October 15, 1883, and at a time when many of those who had a part in the passage of the 13th, 14th, and 15th amendments were living.

Now, Mr. President, from this short elementary recitation of the constitutional law covering the matter before the Senate today, it must become evident to those willing to see the facts that the measure we are being asked to vote for could not itself pass a valid test of constitutionality. It violates the Constitution by going beyond the limits prescribed by the 14th amendment. It violates the spirit of the 14th amendment to the Constitution by extending certain protections to certain classes of citizens while ignoring other citizens similarly situated.

In pointing up how this so-called civil rights bill discriminates against certain classes of people or against certain classes of activities, let me quote my colleague from North Carolina on this subject when he spoke of it in the 1959 civil rights hearings. The Senator from North Carolina [Mr. ERVIN], who has well presented the case against the bill before us today, was at that time discussing with the then Attorney General Rogers some proposed civil rights legislation in which the Attorney General would sue in behalf of certain persons denied equal protection of the laws and in which it would be a Federal crime to oppose with violence school desegregation. And he was stating how this legislation sought rights for some while neglecting the rights of others and punished some and neglected the punishment of others. I now quote the distinguished Senator from North Carolina [Mr. ERVIN]:

The two pending bills do not seem to be concerned about securing the equal protection of the laws for all people. They are concerned solely with certain selected groups. . . . doesn't the due-process clause of the Fifth Amendment prohibit Congress from passing a law applicable to some people and not applicable to other people in exactly the same situation?

These bills—S. 456 and S. 810—restrict the power of the Attorney General to bring suits for the benefit of persons who have been denied the equal protection of the laws on account of certain things, and not on account of other things. They don't apply to all

in the same situation—to all denied the equal protection of the laws.

To pass these bills would be just about as bad constitutionally as to pass a law providing that the federal government should sue at taxpayers' expense to secure the equal protection of the laws for redheaded people, but not for baldheaded people. I can't see how the federal government can pick out certain groups and make them the favorites of the law under constitutional provisions which apply to all people equally.

I also think it will be unwise from now on until such time as the last lingering echo of Gabriel's horn trembles into ultimate silence for the Congress to pick out special groups of people and make them favorites of the law in a country whose proud boast it is that everybody stands equal before the law.

What I wonder about it why you pick out one group of citizens in this bill and exclude all other groups of citizens in like circumstances doing the same thing and provide for the punishment of one group, but all the other group to remain exempt.

You say that the people that resort to violence to prevent the enforcement of a particular kind of a decision of the Federal court shall be guilty of a Federal criminal offense, whereas other people who resort to violence to prevent the enforcement of other decrees of the Federal court shall not be punished by Federal courts for a crime.

To those of us who fervently wish to, at long last, see the end of the racial strife which divided our people, eroded our institutions, inflamed our passions, and preoccupied our national life for so long, it is distressing to see once again efforts, motivated by honest intentions, which would rekindle the worst fears of racial consciousness which today we are well on the way to overcoming without the assistance of Federal bayonets or the FBI.

Good will and tolerance in the South have grown and are growing voluntarily under the leadership of the good people of both races, and should continue to increase, provided there is not the continued interference by the Federal Government. Unfortunately, there has already been too much interference.

And so I say, Mr. President, if the Senators who propose this type of legislation are really sincere, if they are acting from truly altruistic considerations, and are not merely making a grandstand play motivated by political considerations, then they will reconsider, study the facts, and have the courage to withdraw this unnecessary, meaningless, and dangerous proposed legislation.

By and large, the people of my part of the country have shouldered the responsibility of setting their communities on the path of progressive moderation. Racial integration is a fact in the South. Our people have made great strides in setting aside old prejudices and are putting their every resource to bringing about a social and economic renaissance which holds promise of a better life for every citizen, regardless of his race.

We of the South have been much maligned for our opposition to the various civil rights proposals down through the years. By their proponents we have been accused of the grossest of things. But the one thing of which no one can justifiably accuse us is a lack of sincerity in our dedication to our Constitution and the freedoms which it guarantees. Southern

Senators and Representatives hold honored positions in the history of this country, and their contributions to the good of the Nation are too great to be detailed at this time.

It is always with a certain amount of regret that I hear of someone questioning the motives of southerners in their resistance to civil rights legislation. My prime motivation in opposing all such legislation has been the abiding hope of preserving for the people the constitutional principles upon which this Nation was founded. For perseverance in this regard, I am prepared to put my record alongside that of any Southern Senator.

One will search in vain to find that my remarks have ever been disrespectful of the Negro or unsympathetic to his problems. It would be folly to contend that some of the most misguided of southerners have not exploited and mistreated the Negro, but my colleagues know very well the record of the Senator from Louisiana on this matter. And I am proud to say that has been the attitude of other members of my family in public service, including my father. We have always believed the Negro's thinking was very much akin to that of other less-privileged Americans, and we have constantly sought to provide him, along with other less-privileged Americans, the social and economic opportunity and capability to improve his lot.

I number among my good friends many Negroes whose good will I esteem and appreciate. I have discussed this subject with them many times and do not know of a single one who considers me intolerant of, or indifferent to, their natural desires to improve their situation and attain all the benefits our society has to offer.

Few people in this country are dedicated to keeping 20 million Negro Americans at a subservient and inferior social and economic level; indeed, most of us would like to see the Negro advance and take his rightful place, fully enjoying all the rights and privileges of American citizenship. The question that locks this great body in argument year after year is how best to approach that goal. Negroes have made phenomenal progress in this country in the past few decades, but I for one question whether such measures as that before us today will accelerate or impede that progress.

Surely, Mr. President, this bill's proponents are conscious of these very conspicuous shortcoming that I and some of my colleagues have tried to bring to light during the course of this debate.

I believe they do, but they apparently are willing to gloss over these failings in their unending quest to placate and pamper this minority group. The truth is that, though such a law has been proved unnecessary, matters have reached the point that the administration must undertake some gesture, I suppose, no matter how idle, to keep its stock high among Negro militants.

The Federal Government, through its permissive attitude in recent years, has only itself to blame for the spiraling disregard for the law now so rampant in this country.

The hundreds of senseless riots which have seriously scarred scores of our al-

ready ailing urban communities have their origins in the less destructive but morally corroding "civil disobedience" demonstrations of a few years ago.

Just as a single diseased cell develops into a killing cancer, so has the entreaties of a misguided few to ignore those laws one does not agree with, spawned a widespread disregard for law and order generally. The material and inevitable result has been the ultimate in lawlessness, wanton killing, and senseless, destructive rioting in the streets.

We might trace this ominous development from a so-called civil rights march led by Dr. Martin Luther King in the streets of Birmingham in March of 1963. At that time, Dr. King addressed a tense crowd with inflammatory words saying that they should "break the laws which one considers unjust."

At the time of this act, Dr. King was defying a court order as he led a march of more than a thousand Negroes, marching, singing, and shouting through the streets of Birmingham, Ala.

For his efforts, Dr. King was charged with violation of a city ordinance in parading without a permit and also with defying a State court injunction against demonstrations.

There had been a great deal of opposition in the Birmingham Negro community of more than 100,000, since the demonstration came just as a new and moderate city administration was taking office in that city.

From the Birmingham jail, where he landed for his efforts, King wrote an inflammatory letter which gained wide recognition in its pleas for Negroes to disobey those laws they felt to be unjust.

Many Negroes reacted to this dubious leadership by setting off a string of racial demonstrations throughout the United States. An article in the Shreveport Times of July 31, 1963, lists 135 communities in 32 States plus the District of Columbia where these racial incidents took place. To quote this article:

There have been many more than 135 demonstrations—in some cities they take place day after day and several times a day.

Demonstrations range in scope from Hampton, Va., where two Negroes were escorted from a privately-owned amusement park, to Detroit where more than 100,000 paraded downtown in a massive walk for freedom.

Generally, however, the number of demonstrators ranged from a few dozen to several hundred, though in some, participants were numbered in the thousands.

In possibly a dozen of the communities, the only demonstration held was a memorial march or service for Jackson, Miss., NAACP leader Medgar Evers. On the other hand, some, including Cambridge, Md., and Savannah, have been under virtual siege.

In New York City, seven demonstrations, including a sit-in at governor's office, were held in two-day periods (July 9-10). In addition to several Negro demonstrations in Atlanta during the period covered, white citizens on July 1, picketed several restaurants which recently had admitted Negroes.

In what must go down as the outstanding non sequiter of all time, Dr. King's contribution to the disruption of the internal peace and good will of a nation of 200 million people resulted in his being tapped for the Nobel Peace Prize in 1964.

Mr. President, can you imagine that? Here is a man who starts a drive to put the great cities of America to the torch by urging people to disobey laws, saying, "If you think the law is unjust, you should not obey it." Having started this trend, Dr. King received the Nobel Prize for his efforts.

In Dr. King's acceptance speech, he told the world, "I accept this prize on behalf of all men who love peace and brotherhood." But one must consider the results—not just the words.

What we once called demonstrations turned by 1965, under preachers of violence by Negro leaders, to what can only be described as riots or criminal disorders. Statistics tell the story of how these riots developed in succeeding years to a national shame and a veritable catastrophe, for the relations between people of different races.

In 1965, five major riots occurred; two in the South at Bogalusa, La., and Selma, Ala. The other 1965 major riots were in Philadelphia, Chicago, and in the Watts area of Los Angeles. Out of this violence 36 people died—three of these law officers and 33 civilians. A total of 1,206 persons were injured. The types of crimes committed covered sniping, looting, vandalism, arson, interference with firemen, and a host of others. Police made 10,245 arrests. The property damage during these 1965 riots amounted to over \$40 million.

In the following year of 1966, the riots spread to 20 different serious incidents. Ten persons were killed, 467 persons injured. Over 2,000 arrests were made. The toll in property damage was over \$10 million.

With the 1966 experience as a point of reference, the press began predicting early in 1967 that in the coming summer months, the country would be torn with racial strife on a much larger scale. To quote the magazine, *U.S. News & World Report*, of May 1, 1967:

The summer of 1967 is likely to be another "long, hot summer" of rioting and racial conflict.

That is the forecast from many people in positions to know the situation all across the country.

Last year, it is remembered, was a record riot year, with outbreaks in 38 cities—small cities as well as big ones.

This year, it is reported, the mood among Negroes is no better and may, in fact, be worse. Their leaders are described as growing more militant.

"Black power" advocates such as Stokely Carmichael are accused of stirring Negro youth to anger.

Violence already has erupted this spring: in Nashville, after a series of Carmichael speeches; in Cleveland, the scene of a massive riot last summer; in Louisville, and in Massillon, Ohio.

I pause at that place in the quotation to point out that this bill will protect Stokely Carmichael, when he goes to these places, sowing the seeds of hatred, violence, murder, sniping, arson, the worst of violence. The last thing the people of America want is the passage of a bill that would benefit Stokely Carmichael in his conduct.

I continue the quotation:

To get a first-hand report of the nationwide situation and outlook, "U.S. News and

"World Report" sent members of its staff into potential trouble spots in all parts of the country. They talked to national and local Negro leaders, officials and police in more than 25 cities.

What this survey showed was widespread alarm.

In some cities there is optimism that outbreaks will be avoided. Even optimists agree, however, that the potential for racial trouble exists and it would take only a spark—such as the arrest of a Negro—

Mr. President; this is indeed a very prophetic article—to set off an explosion.

That means a legal arrest of someone who should be apprehended—would end in a holocaust.

Further quoting:

Virtually all the causes of Negro bitterness that existed last year remain—and other irritants are found to have been added. New battlefronts are seen developing, with danger spreading more widely—from Negro neighborhoods into white areas of big cities, from large cities to smaller towns and from coastal areas into the midlands.

Danger also is believed to be growing that more whites will turn to violence—fight back against rioters or attack Negro demonstrators. This could lead to growing bitterness among people of Puerto Rican and Mexican backgrounds who feel that their problems are being neglected while Negroes get aid.

Where are riots most likely to erupt?

"Hardly any community in this country can call itself immune to trouble this coming summer," says Floyd McKissick, national director of the Congress of Racial Equality (CORE), which has 200 branches in 43 states.

It was Mr. McKissick who called the turn last spring by naming in advance eight cities where riots occurred and predicting the likelihood of trouble in as many as 40 cities.

One can only surmise that Mr. McKissick and some of his associates did their best to make sure riots would occur in the cities which he designated had the possibility of having riots.

This year, when asked to name the most likely trouble spots, Mr. McKissick told U.S. News & World Report:

"Cleveland stands out like a very sore thumb. Nearly every city in New Jersey is in bad trouble. I'd bet that New Jersey will never get through the summer without trouble."

"Among other cities, I'd name New York, Detroit, Omaha, Kansas City, St. Louis and especially East St. Louis, Chicago—

Where Dr. King did his best to stir people up—

Gary, Ind., San Francisco and Oakland, Los Angeles, of course, and also Washington, D.C."

The Rev. Dr. Martin Luther King, Jr., warned on April 16 that at least 10 cities are "powder kegs" that could "explode in racial violence this summer." He named among those cities: New York, Cleveland, Chicago, Los Angeles, Oakland, Washington and Newark, N.J.

As head of the Southern Christian Leadership Conference, Dr. King says:

"I'll still preach nonviolence with all my might, but I'm afraid it will fall on deaf ears. The intolerable conditions which brought about racial violence last summer still exist."

Roy Wilkins, executive director of the National Association for the Advancement of Colored People (NAACP), told U.S. News & World Report:

"I will not say that we are going to have a 'long, hot summer,' or that there are explosive spots in this country, because, honestly, I don't know. I can't name any cities that are more explosive than others."

"But I know that in urban concentrations where one of three Negro teen-agers is unemployed you have the potential for irresponsible violence—violence that is illegal, not traceable to any one spark or underlying reason."

The spread of rioting into smaller cities last year is widely read as a warning of more widespread trouble this year.

"The danger spots are no longer confined to the ghettos in large Northern cities, nor to the suburbs around big cities," says Mr. McKissick.

"The danger exists in any city where there are sizable numbers of Negroes whose hopes have been denied and who feel they are pawns in this system. The danger is spreading to smaller towns in many parts of the country."

In the past, major riots have occurred outside the South. This year Dr. King reports he is fearful of riots in Southern cities, and Mr. McKissick says:

"I wouldn't name any one city in the South as a danger spot. But I wouldn't gamble on any city being safe—even in the South."

It was in Nashville, a Southern city, that the riot season of 1967 got off to an unusually early start on April 8.

Jackie Robinson, first Negro to play baseball in the major leagues, warns that rioting this year is likely to move out of Negro neighborhoods into white areas of big cities. He put it this way: "If we don't end our problems, I'm very much concerned with what could be a very hot summer—riot in Harlem or in Watts, but a hot summer on 42nd Street; in Beverly Hills and in the suburbs."

Why? Mr. Robinson reports this:

"People have been saying to me, 'Why should we run around shooting and looting in our areas? If we are going to create the problem, we'll create it in other areas.'

"In riots of past years, white people have tended to stay away from the scene, leave the trouble to police and National Guard troops. Direct confrontations between white mobs and black mobs have been largely avoided. This year, in some cities, you hear talk that things will be different. If rioting starts, says Jackie Robinson, 'I think whites are definitely at the point where there's going to be fighting back.'

"When Negroes demonstrated against rejection of an open-housing ordinance in Louisville in mid-April, they were heckled and stoned by whites.

"Dr. King talks of leading new Negro marches into white neighborhoods of Chicago and Cicero, Ill., where similar marches drew white attacks last year."

As a matter of fact, Mr. President, I am fully convinced that when marches of this sort are organized, it is the intention of those who organize them to provoke just that kind of reaction. If they do not provoke it, they do not get the publicity they seek; so they have to provoke it in order to gain the kind of recognition and attention that they desire.

"Revival of the Ku Klux Klan in some areas of the country is stirring fear of provocative action by whites."

I pause here, Mr. President, to say that there is evidence these Ku Klux Klan klaverns actually were organized because of this very thing. These people move forward, encouraging Negroes to demonstrate, to violate the rights of others, and to refuse to obey the laws that they do not like; and persons, finding themselves imposed upon, organize to defend

themselves against it. I suppose sooner or later people will find it necessary to organize in all parts of the country to defend themselves against the kind of mischief some of these activities create.

Unfortunately for all Americans, the prediction of racial violence for the summer of 1967 came true in full measure. In a total of 76 major incidents spread over practically every State in the Union, North, South, East, and West, wholesale Negro violence was an almost nightly affair in the streets of our cities. Nearly 100 persons were slain.

Here is a situation where, in the last year, nearly 100 people were killed. Nearly 2,000 were injured. Police reported 4,289 cases of arson alone. Over 16,000 rioters were arrested. The estimated property loss was in the neighborhood of \$160 million. The estimated economic loss to riot-torn businesses was over \$504 million.

Here is Congress, talking about passing a law which deals in part with the deaths of three civil rights workers in Mississippi. However, their culprits have been prosecuted under existing State and Federal law and found guilty by a jury, and yet Congress now proposes to completely ignore this situation that the whole Nation is stirred up about, which, in 1967 alone, resulted, as I have stated, in 100 people being killed and 2,000 injured, 4,289 cases of arson, 16,000 rioters arrested, property damage in the neighborhood of \$160 million, and economic loss to riot-torn businesses of \$504 million.

That is something the public of this country is very much concerned about. Mr. President, as a matter of putting first matters first, I shall insist, before we come to a final vote on this matter, that the Senate have an opportunity to vote on doing something about these riots. Think of that: 100 people killed, 2,000 people injured—many of them innocent bystanders. Consider also that this kind of mischief required the police and the National Guard to arrest 16,000 rioters.

Mr. President, that is more than a whole division of U.S. Army. What are we coming to in this country?

I have here, Mr. President, a proposed amendment that I will send to the desk, after I have read it, and ask that it be printed so that it will be available so that Senators can consider it.

This proposal would strike at the very thing which really concerns the people of this country: the rights and the safety of 200 million Americans whose property and whose very lives have been seriously endangered in the year 1967 and prior years as a result, in my judgment, of this doctrine, first proposed and advocated by Martin Luther King and his group, that one should not obey the laws that stand in the way of alleged "civil rights"; if one does not like the law, just disobey it. That advocacy enhanced by the Nobel Peace Prize in my judgment has in large measure brought on all these riots and presented the need for action.

Let me read what I believe should definitely be in this bill, whether it is there as a substitute for the original bill or as an amendment to it. I would say this, in

my judgment, is even more essential than the Ervin amendment. In fact, I think this amendment, either as such or as a substitute for the bill, would be a good bill, or, as an amendment, would put some good in here to offset some of the mischief I find in the present bill.

The substantive provisions of my amendment reads as follows:

AMENDMENT NO. 517

TITLE II—CIVIL OBEDIENCE

SHORT TITLE

SEC. 201. This title may be cited as the "Civil Obedience Act of 1968".

CRIMINAL PENALTIES FOR ACTS COMMITTED IN CIVIL DISORDERS

SEC. 202. (a) Title 18, United States Code, is amended by inserting after chapter 101 thereof the following new chapter:

"Chapter 102.—Civil Disorders

"Sec.

"2101. Civil Disorders.

"2102. Definitions.

"2103. Preemption.

"§ 2101. Civil disorders:

"(a) (1) Whoever (A) travels in commerce or uses any facility or instrumentality of commerce with intent to incite or instigate a civil disorder, or (B) incites or instigates a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function; or

"(2) Whoever (A) travels in commerce or uses any facility or instrumentality of commerce with intent to teach or demonstrate to any other person the use, application, or making of any firearm or explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that the same will be unlawfully employed for use in, or in furtherance of, a civil disorder, or (B) teaches or demonstrates to any other person the use, application, or making of any such firearm, device, or technique knowing or having reason to know or intending that the same will be unlawfully employed for use in, or in furtherance of, a civil disorder which may in any way or degree obstruct, delay, or adversely affect commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function; or

"(3) Whoever transports or manufactures for transportation in commerce any firearm, or explosive or incendiary device, knowing or having reason to know or intending that the same will be used unlawfully in furtherance of a civil disorder; or

"(4) Whoever (A) travels in commerce or uses any facility or instrumentality of commerce with intent to commit or threaten to commit any unlawful act of violence against persons or property in furtherance of a civil disorder, including, but not limited to, sniping or shooting at persons with any firearm or using any explosive or incendiary device to destroy or damage property, or (B) commits or threatens to commit any such unlawful act of violence against persons or property in furtherance of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any Federally protected function; or

"(5) Whoever (A) moves or travels in commerce or uses any facility or instrumentality of commerce with intent to commit or threaten to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer engaged in the performance of his official duties incident to and during the commission of a civil disorder, or

(B) commits or threatens to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer engaged in the performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any Federally protected function; or

"(6) Whoever, in the course of or incident to the occurrence of a civil disorder, unlawfully takes anything of value (A) from any establishment if such establishment sells or offers for sale to interstate travelers a substantial portion of the articles, commodities, or services it sells or if a substantial portion of the articles or commodities which it sells have moved in commerce (B) from any commercial warehouse, building, or other structure if a substantial portion of the articles or commodities contained therein have moved in commerce or are intended for use in an establishment which sells or offers for sale to interstate travelers a substantial portion of the articles or commodities which such establishment sells, or (C) from any automobile, truck, or other motor vehicle which is engaged in commerce; or

"(7) Whoever uses any firearms to snipe or shoot at any person or motor vehicle moving or traveling on, or within the limits of any highway (including the entire right-of-way of any highway) located on the Federal-aid primary system or the Interstate System, as designated pursuant to title 23 of the United States Code, or throws or uses any brick, rock, or object of any kind with intent to impede or interfere with any person or motor vehicle moving or traveling on, or within the limits, of any such highway—

"Shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

"(b) Nothing contained in this section shall make unlawful any act of any law enforcement officer which is performed in the lawful performance of his official duties.

"§ 2102. Definitions

"For purposes of this chapter:

"(1) The term 'civil disorder' means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual.

"(2) The term 'commerce' means commerce (A) between any State or the District of Columbia and any place outside thereof; (B) between points within any State or the District of Columbia, but through any place outside thereof; or (C) wholly within the District of Columbia.

"(3) The term 'facility or instrumentality of commerce' includes, but is not limited to, the United States mail, telephone, or telegraph.

"(4) The term 'federally protected function' means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof; and such term shall specifically include, but not be limited to, the collection, and distribution of the United States mails.

"(5) The term 'firearms' means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive; or the frame or receiver of any such weapon.

"(6) The term 'explosive or incendiary device' means (A) dynamite and all other forms of high explosives, (B) any explosive bomb, grenade, missile, or similar device, and (C) any incendiary bomb or grenade, fire bomb, or similar device, including any device which (i) consists of or includes a breakable container including a flammable liquid or

compound and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and (ii) can be carried or thrown by one individual acting alone.

"(7) The term 'fireman' means any member of a fire department (including a volunteer fire department) of any State, any political subdivision of a State, or the District of Columbia.

"(8) The term 'law enforcement officer' means any officer or employee of the United States, any State, any political subdivision of a State, or the District of Columbia, while engaged in the enforcement or prosecution of any of the criminal laws of the United States, a State, any political subdivision of a State, or the District of Columbia; and such term shall specifically include, but shall not be limited to, members of the National Guard, as defined in section 101(9) of title 10, United States Code, members of the organized militia of any State, or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, not included within the definition of National Guard as defined by such section 101(9), and members of the Armed Forces of the United States, while engaged in suppressing acts of violence or restoring law and order during a civil disorder.

"§ 2103. Preemption

"Nothing contained in this chapter shall be construed as indicating an intent on the part of Congress to occupy the field in which any provisions of the chapter operate to the exclusion of State or local laws on the same subject matter, nor shall any provision of this chapter be construed to invalidate any provision of State law unless such provision is inconsistent with any of the purposes of this chapter or any provision thereof."

(b) The table of contents to "Part I—Crimes" of title 18, United States Code, is amended by inserting after

"101. Records and reports..... 2071"
a new chapter reference as follows:

"102. Civil disorders..... 2101"

Amend the title so as to read: "An Act to prescribe penalties for certain acts of violence or intimidation and for certain acts committed in civil disorders, and for other purposes."

Title II contains the substantive provisions of the proposed amendment and is entitled "Civil Obedience Act of 1968." It is designed to give balance to the pending civil rights bill by recognizing that not only do citizens have rights which may have to be protected but citizens have obligations and duties to respect the rights of others.

Title II enumerates certain acts occurring during civil disorders which constitute Federal crimes and become punishable by imprisonment or fines or both.

The following acts relating to or committed during civil disorders would be considered as Federal crimes—the term "civil disorder" means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual:

First. Intention to incite a riot by an individual, traveling in commerce, or actually inciting a riot which adversely affects the free flow of goods or interferes with a governmental function such as the mails.

Second. Intention by persons traveling in commerce to teach other individuals

how to discharge a gun or to use any other dangerous weapons with the purpose in mind to create a civil disorder or engaging in such acts so as to adversely affect the free flow of goods in interstate commerce.

Third. The transporting or moving of firearms, so-called Molotov cocktails, or other dangerous weapons for use in connection with riots.

Fourth. Sniping or shooting at persons or using so-called Molotov cocktails during a riot which impedes or delays the free flow of goods.

Fifth. Interfering with the lawful performance of the duty of a fireman or police officer during a civil disorder. This would also include any assaults attempted on members of the National Guard units and members of the Armed Forces—such as those activated during some of the summer riots in 1967.

Sixth. Looting during a civil disorder from establishments engaged in the sale of or stocking interstate goods as well as looting from any automobile, truck, or other motor vehicle engaged in commerce.

Seventh. Sniping and shooting at any person or automobile or other motor vehicle which is traveling on a Federal-aid highway. Also throwing bricks or rocks or any other object with the intent to interfere with the travel of that person or vehicle on such highways.

Conviction of any of the foregoing crimes would subject the individual to a fine of not more than \$10,000 and imprisonment of not more than 5 years, or both.

In the event that a murder results from any of the foregoing acts, the State law would necessarily become operative and the penalties prescribed by the State for such a murder would come into play.

Title II also contains a protection clause for law enforcement officers which specifically exempts them from the criminal penalties should any of their actions during a riot result from the lawful performance of official duties. This protection is designed to give police officers of the country assurance that lawful performance of their duties will not subject them to conviction of the Federal offenses contained in title II.

It is important to note that this proposed amendment reaches both the individual who travels between States as well as the individual who resides in a specific State.

It achieves this objective by making it a crime for an individual traveling between States to intend to incite a riot, to assault, or to interfere with lawful authority.

On the other hand, an individual who resides in a State and who engages in sniping, looting, arson, or any of the other criminal acts set forth in the amendment need only interfere by his actions with goods shipped in interstate commerce or activities of a governmental nature to be guilty of the proposed prescribed Federal crimes. This amendment therefore would reach not only the Rap Browns and Stokely Carmichael but individuals whom they persuade to engage in riotous action and who otherwise

might not be subject to criminal sanctions.

There are a number of other thoughts which occur to me concerning ways in which our citizens can be safe on the streets and protected from the violence and mischief that they have suffered as a result of the hatred and ill will existing between races, hatred and ill will that has been stirred by such people as Stokely Carmichael, Rap Brown, Mr. McKissick, and others.

I shall perhaps enlarge my proposal later, to make these people responsible for what occurs as a result of their conduct, and to try to make those people themselves liable for civil damages, as well as criminally liable, for the great injury they have done to society. I invite other Senators to review my proposal and perhaps consider offering suggestions on how to expand it to afford greater protection to our defenseless and unprotected citizenry.

A matter comes to mind that might be considered. It happened in my hometown recently. After the inflammatory speeches of Rap Brown and Stokely Carmichael, while most of our Negro community did not heed them, a few people seemed to have been stirred up by them, to the extent that we have had sniping at cars traveling on the interstate highway and brickbats being thrown through windshields of cars traveling on the interstate highway.

Recently, at one of the principal street corners, where a great deal of traffic passes, some young Negroes kept throwing rocks at cars, until finally one of the rocks hit a white boy on a motorcycle and killed him. That was a very unfortunate event. The people who did it have been arrested. But the people who are responsible for it, who are fundamentally responsible for it, are not so much the persons who threw those stones as are the Carmichaels and the Rap Browns, who stirred those people to engage in that type of conduct and persuaded them that that is what they should do.

If we are going to seek to pass a civil rights bill, it should be a bill that would protect the public from irresponsible rabble rousers, instead of a bill that would protect such persons from the public.

So we have an opportunity here to strive to protect everybody's civil rights—the rights of 200 million people, rather than the rights of a limited number.

Mr. President, I have quite a bit of material that I should like to discuss. I believe it will take several hours, and I do not believe I should seek to do it all at this late hour, because not many Senators will be present in the Chamber to hear it.

Therefore, I ask that the amendment I discussed be received and printed and lie on the table.

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

ADJOURNMENT

Mr. LONG of Louisiana. Mr. President, if no other Senators desire to speak at

this time, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 3 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, January 30, 1968, at 12 o'clock meridian.

NOMINATIONS

Executive nomination received by the Senate January 29, 1968:

U.S. DISTRICT JUDGE

Edward J. Schwartz, of California, to be U.S. district judge for the southern district of California, vice James M. Carter, elevated.

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

Shelton C. Alexander, Theodore, Ala., in place of S. E. Harding, retired.

ARIZONA

Benjamin A. Munoz, Solomon, Ariz., in place of M. W. Kempton, retired.

CONNECTICUT

Joseph G. Vallo, Canton, Conn., in place of W. G. Adams, retired.

Ralph G. Gidlund, Canton Center, Conn., in place of G. C. Case, retired.

FLORIDA

Astrid O. Mascoe, Bokeelia, Fla., in place of C. C. Knight, deceased.

Harry E. Cathell, Elfers, Fla., in place of E. A. Boyd, retired.

Leo A. Acree, Kissimmee, Fla., in place of F. S. Ledbetter, Jr., retired.

INDIANA

V. Thomas Fettig, Seymour, Ind., in place of I. R. Love, deceased.

IOWA

Maurice L. Clark, Panora, Iowa, in place of D. D. Dygert, decline.

MISSOURI

Rex L. Luallin, Conway, Mo., in place of J. C. Smith, retired.

Ernest Wing, Sunrise Beach, Mo., in place of L. J. Thickstun, retired.

NEW YORK

Edgar J. Yelle, Au Sable Forks, N.Y., in place of J. J. Murphy, retired.

Richard W. Dennenly, Great Neck, N.Y., in place of J. O. Kline, deceased.

Frank V. Farsetta, Pearl River, N.Y., in place of J. V. Lynch, retired.

Florence E. Green, Piffard, N.Y., in place of Anna Torcello, retired.

Mason A. Gossco, Shandaken, N.Y., in place of F. P. Platz, deceased.

NORTH DAKOTA

Donald L. Hertz, Mandan, N. Dak., in place of J. J. Murray, retired.

OHIO

Paul R. Behun, Campbell, Ohio, in place of John Galida, retired.

Karl R. Maul, New Washington, Ohio, in place of Joseph Yanka, retired.

VIRGINIA

Marion H. Meador, Jr., Cumberland, Va., in place of G. W. Garrett, retired.

WISCONSIN

Carol M. Hudson, Green Valley, Wis., in place of Lydia Sievert, deceased.

Arthur C. Howell, Palmyra, Wis., in place of M. L. Sollars, resigned.

Robert W. Walton, Platteville, Wis., in place of L. V. Newman, retired.

Bradford S. Croeker, South Milwaukee, Wis., in place of W. J. Corry, retired.