

until Monday, January 22, 1968, at 12 o'clock noon).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MADDEN: Committee on Rules. H. Res. 997. Resolution to grant additional travel authority to the Committee on Public Works (Rept. No. 1055). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 1032. Resolution providing for the consideration of H.R. 8696, a bill to amend section 408 of the National Housing Act, as amended, to provide for the regulation of savings and loan holding companies and subsidiary companies (Rept. No. 1056). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FEIGHAN:

H.R. 14697. A bill to amend the Renegotiation Act of 1951, and for other purposes; to the Committee on Ways and Means.

By Mr. ANNUNZIO:

H.R. 14698. A bill to provide for orderly trade in iron ore, iron, and steel mill products; to the Committee on Ways and Means.

By Mr. BLACKBURN:

H.R. 14699. A bill to amend the Federal Food, Drug, and Cosmetic Act to prescribe penalties for the manufacture, possession, and sale of LSD and other hallucinogenic drugs by unauthorized persons; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER:

H.R. 14700. A bill to amend section 1823 of title 28, United States Code, to authorize the payment of travel expenses for certain witness service; to the Committee on the Judiciary.

By Mr. HAYS:

H.R. 14701. A bill to provide certain increases in annuities payable from the Foreign Service retirement and disability fund, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LENNON:

H.R. 14702. A bill to amend section 2304 of title 10 of the United States Code to require anyone contracting with the United States under that section to certify that the contract price does not exceed the highest price, per unit basis, of that contractor to any other purchaser similarly situated, and

for other purposes; to the Committee on Armed Services.

By Mr. LONG of Louisiana:

H.R. 14703. A bill for the relief of the city of Natchitoches, La.; to the Committee on the Judiciary.

H.R. 14704. A bill for the relief of the city of Port Allen, La.; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 14705. A bill to amend title 38 of the United States Code to provide that monthly social security benefit payments shall not be considered as income in determining eligibility for pensions under that title; to the Committee on Veterans' Affairs.

H.R. 14706. A bill to amend title II of the Social Security Act to eliminate the reduction in disability insurance benefits which is presently required in the case of an individual receiving workmen's compensation benefits; to the Committee on Ways and Means.

By Mr. SHIPLEY:

H.R. 14707. A bill to amend section 602 of title 38 of the United States Code to provide for certain veterans a presumption of service connection for mental disorders which develop within 5 years after separation from service; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas:

H.R. 14708. A bill to amend chapter 37 of title 38, United States Code, to remove certain requirements with respect to the rate of interest on loans; to the Committee on Veterans' Affairs.

By Mr. UTT:

H.R. 14709. A bill to amend the Internal Revenue Code of 1954 with respect to the estate tax treatment of certain interests created by community property laws in employees' trusts and retirement annuity contracts; to the Committee on Ways and Means.

By Mr. BLACKBURN:

H.J. Res. 984. Joint resolution to provide for the designation of the second week of May of each year National School Safety Patrol Week; to the Committee on the Judiciary.

By Mr. NIX:

H.J. Res. 985. Joint resolution authorizing the President to proclaim the period January 22 through 27, 1968, as Sickle Cell Anemia Week; to the Committee on the Judiciary.

By Mr. PERKINS:

H. Res. 1026. Resolution providing for the expenses incurred pursuant to House Resolution 218; to the Committee on House Administration.

By Mr. DAWSON:

H. Res. 1027. Resolution providing for the expenses of conducting studies and investigations authorized by rule XI(8) incurred by the Committee on Government Operations; to the Committee on House Administration.

By Mr. LONG of Maryland:

H. Res. 1028. Resolution expressing the sense of the House of Representatives with respect to U.S. ratification of the Conventions on Genocide, Abolition of Forced Labor, Political Rights of Women, and Freedom of Association; to the Committee on Foreign Affairs.

By Mr. RODINO:

H. Res. 1029. Resolution expressing the sense of the House of Representatives with respect to U.S. ratification of the Conventions on Genocide, Abolition of Forced Labor, Political Rights of Women, and Freedom of Association; to the Committee on Foreign Affairs.

By Mr. TEAGUE of Texas:

H. Res. 1030. Resolution providing for expenses incurred pursuant to investigations authorized by House Resolution 101; to the Committee on House Administration.

H. Res. 1031. Resolution amending House Resolution 101, 90th Congress, to authorize the Committee on Veterans' Affairs to conduct an investigation and study with respect to certain matters within its jurisdiction; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BARRETT:

H.R. 14710. A bill for the relief of Munzia Platina; to the Committee on the Judiciary.

By Mr. BRINKLEY:

H.R. 14711. A bill to authorize the Secretary of the Army to quietclaim certain real property in Muscogee County, Ga.; to the Committee on Armed Services.

By Mr. CAREY:

H.R. 14712. A bill for the relief of Edita Agbayani; to the Committee on the Judiciary.

H.R. 14713. A bill for the relief of Mercedes Zingapan; to the Committee on the Judiciary.

By Mr. CLEVELAND:

H.R. 14714. A bill for the relief of Giuseppe D'Acquisto; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 14715. A bill for the relief of Erasmo D'Angelo; to the Committee on the Judiciary.

H.R. 14716. A bill for the relief of certain Filipino nurses; to the Committee on the Judiciary.

By Mr. MacGREGOR:

H.R. 14717. A bill for the relief of Arturo M. Santos; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 14718. A bill for the relief of Lea Gross; to the Committee on the Judiciary.

SENATE—Thursday, January 18, 1968

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

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

Eternal Spirit, amid the tensions of these terrific days, we seek in Thy presence a saving experience of inner quiet and certainty.

In these days, full with destiny, grant that those who here speak to the Nation, and for the Republic, may be true to their high calling as servants of the common good.

We come in deep anxiety concerning the world the next generation will inherit from our hands.

In the crises of our times join us with those, who across the waste and wilderness of human hate and need, preparing the way of the Lord, throw up a highway for our God.

As Thy servants in this temple of democracy, give us courage and strength for the vast task of social rebuilding that needs to be dared if life for all men is to be made full and free.

We ask it in that Name which is above every name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, January 17, 1968, be dispensed with.

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

ATTENDANCE OF SENATORS

The following additional Senators attended the session of the Senate today: BYRD of Virginia, HILL, KENNEDY of Mas-

sachusetts, McGovern, Murphy, Talmadge, and Williams of New Jersey.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session,

The 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.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 234) for the relief of James W. Adams and others, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 4030. An act for the relief of Yong Chin Sager; and

H.R. 12555. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of pension, and other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 964) for the relief of Roberto Perdomo, and it was signed by the Vice President.

HOUSE BILLS REFERRED

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

H.R. 4030. An act for the relief of Yong Chin Sager; to the Committee on the Judiciary.

H.R. 12555. An act to amend title 38 of the United States Code to liberalize the provisions relating to payment of pension, and for other purposes; to the Committee on Finance.

CONVEYANCE OF CERTAIN REAL PROPERTY TO THE ALABAMA SPACE SCIENCE EXHIBIT COMMISSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent, despite the unanimous-consent request which was granted for the distinguished Senator from Alaska [Mr. GRUENING], to be recognized immediately after the approval of the Journal, that the Senate now proceed to the consideration of Calendar No. 906, S. 793.

The VICE PRESIDENT. Is there objection to the request of the Senator

from Montana? The Chair hears none, and it is so ordered.

The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 793) to provide for the conveyance of certain real property of the United States to the Alabama State Science Exhibit Commission.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services, with amendments, on page 1, line 4, after the word "Army", strike out "shall" and insert "is authorized to"; and at the top of page 2, strike out:

Sec. 2. The real property referred to in the first section of this Act is more particularly described as follows:

A tract or parcel of land lying in section 8, township 4 south, range 1 west of the Huntsville meridian, Madison County, Alabama.

More particularly described as beginning at the northwest corner of section 9, township 4 south, range 1 west, thence south 1 degree 56 minutes 28 seconds west 60.01 feet;

thence north 88 degrees 54 minutes 58 seconds west 7,485 feet to a point;

thence south 82 degrees 27 minutes west 133.23 feet to a point on the south right-of-way line of Alabama Highway Numbered 20, the true point of beginning of the tract herein described;

thence from said point of true beginning and running with the south right-of-way line of Alabama Highway Numbered 20 south 88 degrees 54 minutes 58 seconds east 486.00 feet to a point;

thence leaving said right-of-way line south 1 degree 47 minutes 41 seconds east 479.83 feet to a point;

thence south 78 degrees 13 minutes 26 seconds west 885.26 feet to a point;

thence north 86 degrees 20 minutes 40 seconds west 109.79 feet to a point;

thence south 10 degrees 13 minutes 58 seconds west 212.10 feet to a point;

thence south 0 degrees 49 minutes 06 seconds east 108.56 feet to a point;

thence south 21 degrees 24 minutes 33 seconds east 89.47 feet to a point on the north right-of-way line of an easement owned by the Tennessee Valley Authority;

thence with said easement north 87 degrees 46 minutes 22 seconds west 1,321.60 feet to a point;

thence leaving said easement north 11 degrees 47 minutes 56 seconds west 465.04 feet to a point on the south right-of-way line of Alabama Highway Numbered 20;

thence with said highway right-of-way line north 72 degrees 10 minutes 20 seconds east 1,207.00 feet to a point;

thence continuing with said highway right-of-way north 70 degrees 19 minutes 10 seconds east 170.09 feet to a point;

thence continuing with said highway right-of-way north 72 degrees 10 minutes 20 seconds east 289.44 feet to a point;

thence continuing with said highway right-of-way north 82 degrees 27 minutes 00 seconds east 312.39 feet to the true point of beginning and containing 35.01 acres, more or less.

And, in lieu thereof, insert:

Sec. 2. The real property referred to in the first section of this Act is generally described as follows:

A certain tract or parcel of land containing 35.69 acres, more or less, lying and being in the northwest portion of Redstone Arsenal, in the north half of section 8, town-

ship 4 south, range 1 west, Huntsville meridian, Madison County, Alabama, lying south of the centerline of Bob Wallace Avenue, southeasterly of the southern right-of-way line of Alabama Highway 20, and northerly of a TVA power transmission line. The exact description of which is to be determined by an accurate survey and approved by the Secretary of the Army.

So as to make the bill read:

S. 793

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to section 3 of this Act, the Secretary of the Army is authorized to convey without monetary consideration to the Alabama Space Science Exhibit Commission (an agency of the State of Alabama) all right, title, and interest of the United States in and to the real property described in section 2 of this Act for use as permanent site for the Alabama Space Science Exhibit.

Sec. 2. The real property referred to in the first section of this Act is generally described as follows:

A certain tract or parcel of land containing 35.69 acres, more or less, lying and being in the northwest portion of Redstone Arsenal, in the north half of section 8, township 4 south, range 1 west, Huntsville meridian, Madison County, Alabama, lying south of the center line of Bob Wallace Avenue, southeasterly of the southern right-of-way line of Alabama Highway 20, and northerly of a TVA power transmission line. The exact description of which is to be determined by an accurate survey and approved by the Secretary of the Army.

Sec. 3. The conveyance provided for by the first section of this Act shall be subject to the condition that the real property so conveyed shall be used by the State of Alabama as a permanent site for an Alabama Space Science Exhibit to display suitable public exhibits of United States weaponry and allied subjects, developments of the National Aeronautics and Space Administration, and space-oriented exhibits of other United States Government departments, agencies, and instrumentalities and if such property is not used for such purpose, all right, title, and interest in and to such real property shall revert to the United States, which shall have the right of immediate entry thereon, and to such other conditions as the Secretary of the Army may prescribe to protect the interest of the United States.

The amendments were agreed to.

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

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

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 925), explaining the purposes of the bill.

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

EXPLANATION OF THE BILL

The bill S. 793 would authorize the Secretary of the Army to convey without monetary consideration to the Alabama Space Science Exhibit Commission all right, title, and interest of the United States in approximately 35 acres of land at Redstone Arsenal, Ala. The conveyance will provide that the property is to be used by the State as a permanent site for the Alabama Science Exhibit

Commission to display suitable public exhibits of U.S. weaponry, developments of National Aeronautics and Space Administration, and space-oriented exhibits of other governmental departments; should the property not be so used, then title to revert to the United States; and be subject to such other conditions as the Secretary of the Army may prescribe.

The land involved in this bill is within the Redstone Arsenal Military Reservation, Madison County, Ala., and is situated on the northern boundary of the arsenal bordering Alabama Highway 20 and Madison Pike. The property comprises approximately 35.69 acres of unimproved land acquired in fee by the Government in 1941 at an apportioned cost of \$3,230. While this area is not considered excess, it is used only for incidental recreation and could be made available for purposes of this legislation.

In 1965 the Legislature of the State of Alabama established the Alabama Space Science Exhibit Commission (2 Ala. Stat. 1044) for the general purpose of providing and operating facilities to display exhibits, in cooperation with the Department of the Army and the National Aeronautics and Space Administration, of the technological development of military rocket weaponry and space sciences. The State legislature also authorized, by constitutional amendment and public referendum, the issuance of State bonds in the amount of \$1,900,000 to be used for the construction, equipment, and operation of buildings and other facilities for the science exhibit. However, no part of these funds may be used for the purchase of a site, it having been assumed in the early planning and formation of the Commission that a site on Redstone Arsenal would be made available by reason of the proposed consolidation of exhibits by Federal and State agencies. In this latter connection, the Department is of the opinion that existing laws relating to the disposal of Federal property are not sufficiently clear to authorize the Secretary of the Army or the Administrator of General Services to convey, without consideration, these lands to the State for the proposed use. S. 793, if enacted, would provide for the requisite authority.

In furtherance of its program, the Commission employed the firm of Economic Research Associates to make a comprehensive evaluation study for the economic development of the overall project, its construction, exhibits, and operation. This study was closely coordinated with representatives of Army and NASA at Redstone Arsenal and proposed in brief that (1) facilities be constructed in yearly increments of a cost upwards of \$1,700,000; (2) exhibits will reflect the historical and future development of military weaponry and NASA space technology in cooperation with these agencies; (3) present public exhibits of Army and NASA will be consolidated in this exhibit; and (4) operation and management of exhibit will be in cooperation with Army and NASA.

The construction and operation of the proposed Alabama Space Science Exhibit would result in benefits to the Department of the Army. Currently, the Army Missile Command operates a temporary exhibit area at Redstone Arsenal, using three old air-inflated structures, not readily accessible to the general public. Transfer of this exhibit to the proposed area would result in a savings of upwards of \$45,000 per year. The Marshall Space Flight Center of NASA likewise operates a separate limited display area at this installation also open to the public. It is believed that the potential mutual benefits to the Federal and State agencies and the public fully warrant the restricted conveyance of lands proposed in this bill.

Fiscal data

The enactment of this bill will have no effect on the budgetary requirements of the Department of Defense.

Departmental position

The Department of the Army on behalf of the Department of Defense as a general rule does not support conveyance of property without compensation. In view, however, of the pertinent circumstances outlined above, enactment of the present bill as amended is supported as an exception to said policy.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, pending the arrival of the distinguished Senator from Alaska [Mr. GRUENING], I ask unanimous consent that there be a brief period for the transaction of morning business until he arrives in the Chamber, and that when he completes his remarks, there be another period for the transaction of morning business, with a time limitation of 3 minutes.

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

TRIBUTES TO SENATOR RICHARD B. RUSSELL, OF GEORGIA, ON HIS 35 YEARS OF SERVICE IN THE SENATE

Mr. TALMADGE. Mr. President, it is with great pleasure that I note that this month marks the completion of 35 years of service in the U.S. Senate by my colleague, the distinguished senior Senator from Georgia.

No other Senator in modern history has compiled so long and outstanding a record of dedicated and devoted public service as has DICK RUSSELL. From the day he first entered this Chamber up to the present time, his every action has been dictated by his unswerving belief in the principles of sound constitutional government. He has always been guided by these principles, and his aim has always been to serve the best interests of the people of Georgia and of the United States. He has done so, and our country today is better because of his presence in this Chamber.

I congratulate Senator RUSSELL on this occasion and wish him many more years of service.

The Atlanta Journal, on January 16, published an article written by Jack Spalding, the editor, which describes Senator RUSSELL's record of service. I bring this article to the attention of the Senate and 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:

SENATOR RUSSELL: HE HAS SEEN IT ALL AND HEARD ABOUT IT, TOO

(By Jack Spalding)

Richard B. Russell of Barrow County has served in the Senate from Georgia for 35 years this month.

He is an extraordinary man and has had an extraordinary career. Through intelligence and seniority he has become one of the most powerful men of his age. His grasp of Senate procedure and his willingness to work 14 hours a day for fun and 24 hours when the going gets tough, has made him unbeatable in that group.

He has been suggested for the presidency by members of his party (the Democratic) and it is one of the ironies of the age that an accident of birth has been the big thing which kept him out of the White House.

Sen. Russell is a Southerner and a Georgian. His generation has not been able to

adapt itself to changing views on the racial question and the flexibility of the Constitution. This has kept him and other Southerners at a level beneath their merit.

At the same time this intransigence has served the country. Change for the sake of change is not good. Change, particularly radical change, should come with the sort of deliberate speed that gives the majority time to adjust.

Sen. Russell has resisted civil rights bills with all his skill. Young liberals therefore are sincerely upset by him. Nevertheless the Senator's resistance may result in sounder legislation of that type and perhaps less damage to the structure of the country.

We are a country torn over this matter. Sen. Russell did what he had to do in good conscience and because he believed the processes by which we seek the millennium will do harm. It is the old argument of the means and the ends again, and the senator has objected to the means.

The odd thing in the liberal view of Sen. Russell is that so few young liberals know the senator was something of a liberal firebrand when he was young himself. Fashions in liberalism change, and Mr. Russell was very liberal in his way and for his day.

He was elected governor in 1930 on a reform ticket, a slender young figure of youth and progress. Georgia suffered from even more archaic government then, and he drove us into the present for a period. Many of his reforms endure, including the formation of the University System of Georgia. Other reforms have attracted barnacles as time rolled along and the state is ready for another young Dick Russell to shake up the Capitol and knock out the deadwood again.

Sen. William J. Harris died in 1932 and Gov. Russell sought the nomination against U.S. Representative Charles Crisp. Rep. Crisp was powerfully connected here and in Washington and the result was a bitter campaign. In it, Russell was the champion of the underdog, the foe of the vested interests and was considered something of a rural Bolshevik by a lot of our better city people.

He won, and he has gone on and up since. He has been right in the middle of some of the most stirring events of this era, and helped raise the current President.

Sen. Russell has the assurance and security that should make him immune to the criticisms of those who can't understand why he doesn't change. He should be immune but he isn't and this sensitivity is distressing for he does a thorough job of keeping himself hidden from those who would admire him if they knew him better.

Thirty-five years in the Senate, and as a leader of the Senate at that, have given this senator a view of the world and the succession of people who come and go at the top which cannot be equalled by any living man.

I do not know what the Senator does with his spare time or even if he has any, but if he sat down and started dictating his memoirs today he would be remembered to the end of civilization as one of the great historians.

Mr. ELLENDER. Mr. President, I wish to join my good friend, the junior Senator from Georgia, in complimenting the senior Senator from Georgia. I know of no Member of the Senate who has done more for this country than has DICK RUSSELL. I have been a Member of the Senate for more than 31 years, and he and Senator HAYDEN are the only two Senators who outrank me in seniority.

I believe that Senator RUSSELL is one of the finest Senators we have ever had. Throughout his long and distinguished career he has worked to protect the rights and responsibilities of our States and our American way of life. I am certain that the training and preparation he received while making his political

mark as the youngest governor of Georgia many years ago have served him well in his efforts on behalf of the States during his career in the Senate.

As I said, I have served with the senior Senator from Georgia for many years now. I have been beside him on many occasions as we sought together to educate the Nation concerning several pieces of ill-advised legislation. In each of these struggles, Senator RUSSELL's conduct and leadership have been such as to make me proud that we are both Southerners.

I wish him many more years in a long and happy life.

Mr. WILLIAMS of Delaware. Mr. President, I should like to join my colleagues in paying respect to the senior Senator from Georgia and in recognizing him as one of the outstanding Members of the Senate, a great American, and a man who has served his State and his country well for so many years.

Mr. MANSFIELD. Mr. President, I join wholeheartedly with my distinguished colleagues in the fine tributes they have paid to the distinguished senior Senator from Georgia. No man has served more capably or more ably in this body. No man has equaled his contributions to making the Senate a better place in which to serve and to carry out the duties which the office of a Senator includes.

I am delighted that Senator RUSSELL has been restored to full health. He looks well—in fact, as well as when I first came to the Senate 16 years ago. I know he has all of his vigor, all of his stamina. It is to the Senate's benefit that we have a man of Senator RUSSELL's stature and capability serving among us as an adviser, as a counselor, as a guide, as a man whom we can look up to, and as a man who has served his country with such great distinction.

Mr. CARLSON. Mr. President, I wish to associate myself with the remarks that have just been made by several Senators concerning the outstanding service of our great friend, the distinguished senior Senator from the State of Georgia, Senator RUSSELL.

Soon it will be my privilege to have completed 30 years of service in Congress. During all this time I have looked to Senator RUSSELL as the leader in the field of sound government and in the strengthening of our Nation. I have followed him with great respect throughout these years. He is really a stalwart in Congress and in the Nation. His sound, constructive views and his dedication to the fundamental principles which were basic in the founding of our Nation make him an invaluable Member of the Senate. His presence in the Chamber gives one a feeling of security. I wish for him many more years of service in the Senate.

Mr. SYMINGTON. Mr. President, I should like to associate myself with the remarks of the junior Senator from Georgia.

It has been my privilege to know Dick RUSSELL for approximately a quarter of a century. I have served with and for him on the Committee on Armed Services, of which he is chairman, for 15 years.

Those of us who have watched his quiet but firm hand know well that the

security and wellbeing of the United States in these troubled times is in part due to his wisdom, his integrity, and his constant effort to obtain all the facts incident to our resources and their application.

It has been a rare privilege to have him as a friend. The United States is a better Nation because the people of Georgia have sent him to the Senate as long as the people of any State ever sent any representative to this body; with only two Senators in our history equaling his length of service.

Mr. SPARKMAN. Mr. President, I join my colleagues in paying tribute to our good friend, Dick RUSSELL.

Approximately 5 years ago, we celebrated his 30th anniversary in the Senate. I like to see these 5-year periods roll around. I hope there will be several more such 5-year periods when we can rise in the Senate and commend him.

I can say nothing more than has already been said. As a matter of fact, it simply becomes cumulative. We cannot say too much in praise of this man, because he has been a pillar of strength in the Senate and in this country as a whole.

Mr. President, I, too, in my modest way, pay tribute to him and say that I am grateful, as I know the people of the Nation are grateful, that he has been serving all of us during this long period of time, a whole generation of wonderful service. I hope that that service will be prolonged for a long, long time.

Mr. MUNDT. Mr. President, I desire to join Senators on both sides of the aisle in speaking a few words of salutation to our distinguished colleague, Senator Dick RUSSELL, on the 35th anniversary of his service in the Senate. I am sure that nothing can be said which has not already been said as a tribute to his great leadership on the floor of the Senate.

I recall that at one time it was rumored that he might be a candidate for President on the Democratic ticket, and for the only time in my life I found myself endorsing a Democratic candidate for President of the United States.

I suspect that maybe it was because Senators on my side of the aisle felt so highly of him that he did not attain the nomination being talked about, but I am sure the country would have been better off if we had at some time had 8 years of leadership by Dick RUSSELL in the White House.

He has been a great inspiration for all of us, and he has set high standards for us to follow. I think the Georgia team of RUSSELL and TALMADGE is stronger because of the fine captaincy of Captain RUSSELL; but I am sure that his junior colleague, Senator TALMADGE, has some pretty firm guidelines of his own, which all of us applaud.

Mr. President, it so happens that tonight I shall be speaking in Atlanta, Ga. Before that convention audience I shall be happy to reiterate what I am saying now on the floor of the world's most distinguished legislative body.

Mr. PASTORE. Mr. President, I am happy and honored to join Senators in paying tribute to our friend and a dean of the Senate, the distinguished Senator from Georgia, RICHARD RUSSELL.

The number of years I have been in public life is equivalent to the number of years that he has been a Member of the Senate. That is a long time. During 18 of those years I have been his colleague in the Senate.

I dare say that I have never met a man who is more gentle and kinder in demeanor, yet so strong and so firm in character and conviction. We who are younger than he have many times looked to him and up to him for counsel and advice.

Senator RUSSELL became a member of the Joint Committee on Atomic Energy at the time of its inception. Today I am honored to be the chairman of that Joint Committee. We lean heavily upon the counsel and experience of this great man. I am associated with him on the Committee on Appropriations. Here again, I dare say, there is no Member who is more articulate, more profoundly involved, and more conscious of his responsibility to the Senate and to his country than Dick RUSSELL.

I do not know how much longer he intends to stay in the Senate, but I do hope that as long as he stays he will be in excellent health. All of us will lean heavily upon the help he can give us.

I congratulate Senator RUSSELL on his 35 years of service. My only prayer at the moment is that the good Lord will give him many more years of service and health.

Mr. GRUENING. Mr. President, I am more than happy to join Senators in their tributes to the senior Senator from Georgia, Dick RUSSELL.

I believe I can say advisedly that no Member of the Senate is more respected and loved on both sides of the aisle than he. His wisdom and his kindness endear him to all. We who came to the Senate long after he did have profited by his kindly advice and his ever-willing helpfulness.

I hope he will be with us for many years to come. He is a great man, who adorns the Senate, and is an outstanding Member by the common consent of this body.

Mr. KUCHEL. Mr. President, I happily join with my distinguished colleagues in saluting a great American on the celebration of this unique anniversary in public service. The phrases which have been used during the last few moments and are being used now on this subject come from the hearts of each Senator.

Senator RUSSELL is a man who is able, articulate, dedicated, of high character, and devoted to his country, and who stands for the right as he sees the right.

I have listened, as other Senators have, as the distinguished senior Senator from Georgia has spoken his views on American foreign policy and American defense. I have listened to him as he has, with consummate skill, managed the legislation that has carried with it the prodigious amounts of money for the defense of this country and our way of life. He has earned the respect of all of us.

It has been said that Dick RUSSELL could have written the rulebook of the Senate. Some of us whose views have been rejected on occasion by the great abilities he has demonstrated as a parlia-

mentary leader would hasten to agree with that statement. Mr. President, no one is more able in this body as a Senator, and no one is held in higher respect than DICK RUSSELL, of Georgia.

I, too, wish for you many, many happy returns of health and happiness with your friends.

Mr. HOLLAND. Mr. President, Senator RUSSELL is our dear and beloved neighbor and is so regarded by the people of the State of Florida. I personally have known Senator RICHARD RUSSELL since he was the Speaker of the House of Representatives in the Legislature of Georgia. I believe he was the youngest man ever to serve in that capacity. Later he served 2 years as the Governor of Georgia, and I believe that again he was the youngest man to serve in that position of high responsibility.

We celebrate today the fact that he has served, and served with great distinction, for 35 years in the U.S. Senate. I pay tribute to him and I want to be regarded as one of those who admire him in a superlative way. I hope he will be here for many, many added years to help the Senate, the Congress, and the people of the United States to survive the perils and to solve the heavy problems which confront us.

Mr. President, in the field of agriculture there is perhaps no Senator in the history of our Nation who has served so greatly the cause of the farmer.

We all know that for many years he was chairman of the subcommittee that deals with appropriations for agriculture. For a short time, I served under his tutelage and marveled at the grasp he had of problems of agriculture in general in all parts of the country, particularly his understanding of the difficulties in which the so-called small farmers were finding themselves. He rendered service of the highest character and greatest importance to the agricultural community of our Nation.

In the position he has occupied for so long as chief handler of matters affecting our military security, it is proper to say that there is no Senator who knows as much about the problems of our security, as much about the composition of our military forces and keeps himself as well informed about what we need to do and what we are doing in that field, as does the senior Senator from Georgia [Mr. RUSSELL].

In that capacity, he renders a great and nonpartisan service to all the Senate and all the country. And all the country knows it.

Mr. President, there is another field in which we cannot all perhaps join in recognizing his great services as much as I can, although all of us join in recognizing his valuable services to agriculture and to the common defense and military security of our Nation. However, I want to speak of another field in which his services have been of tremendous importance; namely, in striving to slow down or to overcome the trend toward overcentralization in government, and in seeking to defeat the trend in many respects toward socialization of our form of government and our way of life. The Senator from Georgia has been the great, sturdy leader for things

which are fundamental in assuring the strength and even the very existence of our Nation. He has fought tirelessly for the maintenance of our Constitution as it was meant to be maintained.

As one who has sought to follow him in those particulars, I pay tribute to him as having been our great congressional leader in those fields, and as having served the entire Nation with great distinction in these vital matters.

Mr. President, my personal feelings are such that I can hardly speak except with emotion about DICK RUSSELL.

He means to this country so very, very much that all over the country people will be found wishing him good health, and praying for his continued good health, and for his long continued service to all the Nation in the paths where he has already served with such great distinction.

Mr. ERVIN. Mr. President, I have had the privileges of serving for a number of years on the Committee on Armed Services, which is so ably presided over by the distinguished senior Senator from Georgia.

In my judgment, it is impossible for anyone to overmagnify the service which the Senator from Georgia has rendered to our country and to the free world in his capacity as chairman of the Armed Services Committee.

During my service there, I have been privileged to hear several Secretaries of Defense, a number of Secretaries of various other departments of the Government and of subdivisions of the Defense Department, and many of the highest ranking military and naval officers. In my judgment, the Senator from Georgia knows more about national defense than any other living American.

By reason of that fact, and the wise course of action which he has pursued as chairman of the Armed Services Committee, he has done much to avert the catastrophe of a third world war and the catastrophe of a nuclear holocaust on this earth.

The senior Senator from Florida [Mr. HOLLAND] has just stated very well the great debt of gratitude which all Americans owe the Senator from Georgia for the outstanding service he has rendered to agriculture, which is, of course, our basic industry, because agriculture produces the food and fiber so essential to the maintenance of life on earth.

I have often said that if the senior Senator from Georgia had been born and reared and had resided in, say, Kalamazoo, Mich., instead of Winder, Ga., he would undoubtedly have been selected by his fellow Americans to occupy the office of President of the United States.

I have also often said that if I had the power to designate the occupant of the White House, my first choice would be the senior Senator from Georgia. He has been a great scholar of the Constitution. He has recognized that Chief Justice Salmon P. Chase spoke the truth about the Constitution, in Texas against White, when he said:

The Constitution in all its provisions looks to an indestructible Union composed of indestructible States.

During the years in which the States were supposed to be constitutionally in-

destructible, they have been in the process of destruction by the executive, the legislative, and the judicial branches of Government; but the Senator from Georgia has fought a valiant fight against great obstacles to preserve not only the indestructibility of the Union but also the indestructibility of the States.

I do not know of any human being who, in my humble judgment, exhibits in a higher degree the great qualities of intelligence, experience, integrity, and political and moral courage than our good friend, the distinguished senior Senator from Georgia.

I rejoice in this opportunity to pay heartfelt tribute to him, and to wish that the United States will be blessed by having the benefit of his services in the Senate for many years to come.

Mr. COOPER. Mr. President, I join my colleagues in congratulating the senior Senator from Georgia today. The Senate and the country can be congratulated, for his service in this body has been marked by his intellectual powers and his leadership, but, above all, by a high sense of devotion to our country.

We wish for him continued good health and happiness. I am glad to serve with him.

Mr. LONG of Louisiana. Mr. President, it came to my attention that this is the 35th anniversary of the service of RICHARD RUSSELL, of the Senate of the United States. There is no Member of this body who is more completely respected, admired, and loved by all of us than the distinguished Senator from Georgia.

Historians and reporters who cover the Senate invariably agree that he is the "Senator's Senator." RICHARD RUSSELL not only abides by the precedents of the Senate, he makes the precedents. He is patriotically and ardently devoted to the preservation of the fine qualities of the America which our Founding Fathers established here.

For 20 years it has been my privilege to observe and to attempt to guide myself by the example set by the senior Senator from Georgia. When one differs with him one will see that DICK RUSSELL is hard, but will have to agree that he is fair. He is hard because of his brilliant mind and unusual ability to see things as they really are. When he rises to discuss a subject before the Senate he invariably knows the subject better than any other Member present. In fact, he not only knows it better, he knows just about every thing there is to know about it.

Like a number of other Members of this body, it was my experience to be both the youngest in years and the most junior in service. Thirty-five years ago the same thing was true of RICHARD RUSSELL. Many a time I have gone to him for advice. Never has he failed to counsel me wisely—not merely to suggest that I could follow the course that he had chosen for himself, but to give me the benefit of what he thought was the wisest course that could be followed by one who represented the State from which he came. In giving his counsel he is never unmindful of the political philosophy that should govern the individual that he is counseling.

I can never recall that DICK RUSSELL has ever advised me in error and I can recall ruefully the times I failed to heed the advice he gave me.

DICK RUSSELL will be a legend in the Senate long after every Member here has departed to meet his reward in another world.

It was once my privilege to hear the late Arthur Vandenberg deliver a eulogy about his departed friend William Borah of Idaho. I recall one line from it: "Borah, greater than any President he ever served under." Such a tribute is appropriate for RICHARD RUSSELL—a man who in my judgment should have been President of the United States. I know that I thought so because I supported him for the Democratic nomination as strongly and as fearlessly as I know how to do it. The President of the United States, Lyndon B. Johnson, must have thought so because he joined those of us who supported the Democratic nomination for RICHARD RUSSELL in 1952. The South in general shared such an opinion, because DICK RUSSELL could have mustered the support of the South as a third party candidate for President if he had desired to do so.

On more occasions than one, RICHARD RUSSELL could have been majority leader of the U.S. Senate. He supported other men for this high position. Fortunately for America, DICK RUSSELL did not decline to serve as a committee chairman. The fact that America is strong enough to meet any threat which this Nation might face and the fact that we have been equal to any challenge to our freedom as well as the freedom of our friends and allies throughout the world stand as a tribute to RICHARD RUSSELL, serving as chairman of the Committee on Armed Services.

As one who served under his chairmanship, I regard him as one of our ablest and our best committee chairmen. In my opinion he is the most talented manager in his field, in either body of the Congress—one who has everything that can be asked for and expected of a truly great American.

Mr. BYRD of West Virginia. Mr. President, several Senators have called attention to this, the 35th anniversary of service in the U.S. Senate by the distinguished, able, and truly great senior Senator from Georgia [Mr. RUSSELL].

I have served in the Senate for 9 years and I am now beginning my 10th year in this great body. During these 9 years I have served on the Committee on Appropriations, on which the great senior Senator from Georgia is the ranking member. This is the beginning of my eighth year on the Committee on Armed Services, of which the senior Senator from Georgia is the distinguished chairman.

At all times in my experience on these committees and in this body I have found the senior Senator from Georgia to be a patient, considerate, and courteous man, always willing to listen to those of us who were junior members of the committees and of this body. I have always found him to be fair and just. I have seen in him a man to whom all other Senators go, with the confidence and

belief and faith that, whether or not he may agree with them in their particular philosophy or viewpoint, they will get from him a frank answer and a calm and reasoned appraisal of whatever question or matter they may wish to present to him.

As the senior Senator from Rhode Island [Mr. PASTORE] so recently stated, the Senator from Georgia is a gentle and kindly man, but one who is constant in his firmness and convictions.

Mr. President, over these years, in serving with and observing this man, I have felt that the Senate has been not only his work but also his study; not only his study but also his life.

If I were to choose any single Senator who, in my humble judgment, best typifies the wisdom, the sagacity, the calm reflection, the dignity, the strength and stability of the Senate as an institution, that Senator would be RICHARD B. RUSSELL, the senior Senator from Georgia.

Mr. President, I can think of no encomium which might be more appropriate than that which was stated by Daniel Webster, one of the great Senators of all time, who served in this body over a century ago, when he said:

This is a Senate of equals, of men of individual honor and personal character, and of absolute independence—who know no master and who acknowledge no dictator.

Mr. President, the senior Senator from Georgia, I believe, typifies and exemplifies the kind of Senator who was envisioned by Daniel Webster when he made that statement about this great institution.

I congratulate the Senator from Georgia upon his long service. I congratulate his people on their good judgment in repeatedly returning to the Senate a man who has made the Senate an even greater institution, perhaps, than it was presaged to be by our forefathers who so wisely devised it as the bedrock of our Republic.

I trust that the great Giver of Laws, the source of all knowledge, the One who created the universe, who hung the world upon nothing, and who created man in His own image, will grant many, many additional years of health and service in the Senate to the great Senator from Georgia.

I hope that I can continue to strive, in my small way, to follow in his footsteps. The Senator from Georgia has been a great inspiration to me, as he has been to all Senators. Certainly to me, he has been a prime example. I hope that in some small way I might reflect, after my years of service in the Senate are done, some of the goodness, some of the strength, and a bit of the wisdom which have been exemplified in such full measure by a Senator's Senator, the Honorable RICHARD B. RUSSELL.

Mr. RUSSELL. Mr. President, one would be, indeed, void of any feeling of gratitude were he not touched and deeply moved by the very kind and too generous remarks of my colleagues today.

This auspicious start of my day is a pleasant surprise; it brings a feeling of humility so overwhelming that I cannot properly express the profound appreciation I feel.

No man can enjoy a finer experience than the privilege of service in the Senate of the United States—even for a few days. No institution of our Government has traditions as fine as those of this body. Decisions made here have charted the course of history and some of the outstanding characters this country has produced have played their parts upon this stage.

The greatest compensation which flows from service in the Senate of the United States is the privilege of association with our colleagues from every State of the Nation.

Through the kindness of the people of my native Georgia, I have been privileged to serve in this Senate for 35 years. These years have encompassed the most fascinating and awesome era of our history. It has been a rare privilege indeed to have had the opportunity to live and work so close to the heartbeat of the world. Through so many years, I have had the opportunity to meet and know the great men not only of our Nation, but world figures who have directed the destinies of other lands through many crises, including two world wars. I have within recent months seen great empires that in my youth I thought would last throughout the ages almost crumble into dust.

I have been engaged in many different fields of legislation. As is natural, I have met with both victory and defeat.

I have known the exaltation of success in measures that I felt to be of great benefit to my country and my people. I have also met with frustrations and disappointments. Looking backward down the lane of the past 35 years, memory revives days of victories and others when I have had forced upon me the bitter wine of disappointment and defeat.

Indeed, I often feel that I have had perhaps more than my share of disappointments as I have followed the dictates of conscience and convictions. But, Mr. President, it is such a great experience to have lavished upon me the encomiums and praise of my colleagues that I shall undertake to bury the memories of disappointments and frustrations.

However undeserved they may be, the kind words of the colleagues in this body that I love and respect tend to mitigate and minimize some of my fears for the future.

Little did I expect this morning that the day would open so gladsomely. I am very happy that nobody consulted the calendar or the record of my entry into the Senate carefully. I might have been denied this wonderful experience because we are several days past the beginning of my 36th year of service.

Let me again express the humility that your words bring to me and my profound gratitude to the people of Georgia for their confidence. I can only say that I have done the best that I could with what I had, that I still have my self-respect and can look in the mirror without feeling the prick of conscience.

To each and every one of you, I extend the profound thanks of a grateful heart.

CONVEYANCE OF CERTAIN LANDS IN SALINE COUNTY, ARK., TO DIERKS FORESTS, INC.

Mr. ELLENDER. Mr. President, I ask that the Chair lay before the Senate a message from the House on H.R. 10864.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment to the Senate to the bill (H.R. 10864) to authorize the Secretary of Agriculture to convey certain lands in Saline County, Ark., to the Dierks Forests, Inc., and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ELLENDER. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ELLENDER, Mr. HOLLAND, Mr. JORDAN of North Carolina, Mr. AIKEN, and Mr. YOUNG of North Dakota conferees on the part of the Senate.

COMMENTS ON THE STATE OF THE UNION ADDRESS

Mr. SYMINGTON. Mr. President, most if not all of the domestic programs, recommended by the President with great sincerity, are desirable in nature and noble in character. But if we are to continue with these extraordinary overseas expenditures, especially those now found necessary for the Vietnam war, at the same time we attempt to carry out all the domestic programs, the already serious fiscal and monetary problems we face today can only increase; and this in turn will create additional apprehension about the integrity of the dollar. Again, therefore, comes up the question of how much butter we can have along with the guns.

Despite the unprecedented political and military restrictions under which they have been and are forced to wage this war, our soldiers, sailors, and airmen are fighting bravely and well; and from a military standpoint we are making progress. From a political standpoint, however, it is difficult to see any real progress. Only recently the South Vietnamese Government has given us fresh evidence of instability, including disagreements among its own ruling class as well as with us.

Even if the tax increase recommended by the President is approved by the Congress, that increase will not pay half of the annual cost of this war; and we all now know that additional money is essential to carry out those recommended programs so badly needed at home.

It is not the courage or ability of our Armed Forces, or that of our citizenry which is being tried; it is our foreign policy and the capacity of our economy.

Let me again recommend my proposal with respect to this war, therefore, in the same language that the proposal was presented on the Senate floor last Octo-

ber 3, when I came back for the fourth time in the last 2 years, from Vietnam:

Instead of only another cessation in the air attacks against North Vietnam, I propose that this Government announce, as of a certain date, the cessation of all military action in South Vietnam as well as over North Vietnam; also announce that there will be no reinforcements into the theater.

The Government would announce that these policies were being undertaken in earnest hope that their adoption would result in prompt and meaningful negotiations in the interest of a just peace.

At the same time the United States should also announce that, if after this cessation of all military action in South Vietnam, as well as North Vietnam, the North Vietnamese and Viet Cong nevertheless continued hostilities, then the United States would feel free to pursue this war in any manner of its own choosing.

It would appear that the political objectives of the United States have now been achieved through the creation, by means of free elections, of the present Saigon Government; and the military objectives of this Government have never included the invasion of North Vietnam, or the occupation of Hanoi, or the taking over of the Government of North Vietnam.

Concurrently with the above proposed announcement of United States policy—

I recommended on October 3—

the Government of South Vietnam should announce its willingness to negotiate with anybody, and offer amnesty to members of the Viet Cong.

Mr. GRUENING. Mr. President, I would like to say to my good friend from Missouri that I commend his proposal very highly. Coming from him, with his vast experience in military matters, as a former extremely able Secretary of the Air Force, I think his proposal should carry great weight. If those in authority are really sincere in wanting to make peace, which they so frequently profess without results, they will not only give his recommendation serious consideration, but act upon it.

Mr. SYMINGTON. I thank the able Senator for his undeserved kind comments.

NONPROLIFERATION OF NUCLEAR WEAPONS TREATY

Mr. PASTORE. Mr. President, on May 17, 1966—nearly 2 years ago—the Senate passed Senate Resolution 179, by a vote of 84 to 0.

Senate Resolution 179 was a resolution for nonproliferation of nuclear weapons which carried the following words:

Resolved, That the Senate commends the President's serious and urgent efforts to negotiate international agreements limiting the spread of nuclear weapons and supports the principle of additional efforts by the President which are appropriate and necessary in the interest of peace for the solution of nuclear proliferation problems.

As the sponsor of that resolution, I am particularly pleased today with the excellent news received from Geneva, where the International Disarmament Conference is meeting. After many long months of hard, difficult negotiations, the United States and the Soviet Union have reached agreement on the language to be incorporated in a proposed nonproliferation treaty to be tabled in Geneva before rep-

resentatives of the nations of the world who have been engaged in an effort to negotiate a nonproliferation treaty.

Mr. President, I have just received word from Mr. Adrian Fisher that the treaty has been tabled. I received the call 10 minutes ago in the cloakroom. I am also happy to say that Mr. Fisher told me he thought the resolution that passed unanimously 2 years ago was quite instrumental in bringing about agreement between the United States and the Soviet Union.

For many months, Ambassador William C. Foster, Director of the Arms Control and Disarmament Agency, and Mr. Adrian Fisher, Deputy Director of the Arms Control and Disarmament Agency, have been diligently and competently exploring ways and means of reaching agreement among our allies, representatives of the U.S.S.R. and representatives of other nations. The principal area of difficulty has centered on the language to be contained in article III of the proposed treaty, which has to do with the safeguards provisions. There have been those who desire a nonproliferation treaty to such an extent that they would have eliminated any requirements for safeguards. I am not one of those. As I have pointed out on numerous occasions in the past, any treaty entered into must have assurances that the agreements contained therein are being honored. Accordingly, I have strongly advocated the need for international safeguards.

At one point the U.S.S.R. insisted that the safeguards would be administered exclusively by the International Atomic Energy Agency.

A number of our allies in Western Europe, for a time, insisted that Euratom safeguards alone would suffice within their territory and were not willing to recognize International Atomic Energy Agency responsibility.

As I have pointed out time and time again, I do not believe we have to make a choice between one or the other. In my opinion it can be, and it should be, a cooperation and understanding between the two civilian agencies that we have supported these many years—the International Atomic Energy Agency and Euratom. Article III of the treaty as it has been tabled is directed toward this objective, I am very happy to say.

Nonproliferation of nuclear weapons is too important a matter. The world needs any and all assistance we can receive to assure nuclear material and nuclear equipment are not diverted from civilian to military uses. I have been informed that technical representatives from the International Atomic Energy Agency who have responsibility for safeguarding material under the International Atomic Energy Agency's jurisdiction have visited Euratom facilities and have conferred with technical personnel responsible for developing improved safeguard techniques. It is my understanding that safeguards personnel of both agencies can, and do, work well together. There is no doubt in my mind that these technical people can and will be able to work out methods by which Euratom can continue its safeguards sys-

tem and International Atomic Energy Agency can conduct appropriate verification to assure its safeguard personnel that it is properly being conducted. Non-proliferation of nuclear weapons and proper safeguard systems are too important to permit failure because of squabbling amongst administrative bureaucrats in International Atomic Energy Agency and Euratom who may be more interested in the protection of their own little official position than in solving a major international problem. I am certain that with encouragement from the highest positions in Euratom and in the International Atomic Energy Agency we can, and will, work out an appropriate and proper safeguards arrangement.

Mr. President, I am very optimistic that we will have submitted to us this session by the President of the United States a nonproliferation treaty for our advice and consent.

Here again I might say parenthetically that the President of the United States, in his state of the Union message to Congress and to the people of the country, said exactly that last evening.

This hour at Geneva is cause for optimism. In order to assist my colleagues in the Senate and for the information of the public at large, I ask unanimous consent to have printed in the RECORD the text of the treaty tabled by the United States in Geneva, and suggest that particular attention be given to the proposed article III.

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

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty",

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to cooperate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosives devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that in furtherance of this principle, all Parties to this Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in cooperation with other

States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race,

Urging the cooperation of all States in the attainment of this objective,

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a treaty on general and complete disarmament under strict and effective international control,

Have agreed as follows:

ARTICLE I

Each nuclear-weapon State Party to this Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

ARTICLE II

Each non-nuclear-weapon State Party to this Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

ARTICLE III

1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfillment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

2. Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article.

3. The safeguards required by this Article shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of

this Article and the principle of safeguarding set forth in the Preamble.

4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this Article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

ARTICLE IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.

2. All the Parties to the Treaty have the right to participate in the fullest possible exchange of scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty.

ARTICLE V

Each Party to this Treaty undertakes to cooperate to insure that potential benefits from any peaceful applications of nuclear explosions will be made available through appropriate international procedures to non-nuclear-weapon States Party to this Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. It is understood that non-nuclear-weapon States Party to this Treaty so desiring may, pursuant to a special agreement or agreements, obtain any such benefits on a bilateral basis or through an appropriate international body with adequate representation of non-nuclear-weapon States.

ARTICLE VI

Each of the Parties to this Treaty undertakes to pursue negotiations in good faith on effective measures regarding cessation of the nuclear arms race and disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

ARTICLE VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

ARTICLE VIII

1. Any Party to this Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the parties to the treaty, to consider such an amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to this Treaty and all other Parties which, on the

date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to this Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes and provisions of the Treaty are being realized.

ARTICLE IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of _____, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by all nuclear-weapon States signatory to this Treaty, and 40 other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE X

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

2. Twenty-five years after the entry into force of the Treaty, a Conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

ARTICLE XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the

Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Treaty.

Done in _____ at _____ this _____ of _____.

Mr. PASTORE. In conclusion, let me say that we went a long way toward achieving a rapport between ourselves and another major nuclear power, the Soviet Union, when we brought about the consummation of the Nuclear Test Ban Treaty. It is my prayerful hope today that, now that this treaty has been tabled, it will be signed by all the nations of the world, because I believe that would be another step toward eliminating the likelihood and the peril of a nuclear or thermonuclear holocaust which could well destroy this entire world.

MESSAGES FROM THE PRESIDENT— APPROVAL OF BILLS

The Secretary of the Senate, on January 2, 1968, and January 3, 1968, respectively, received messages from the President of the United States, which announced that, on the dates indicated, he had approved and signed the following acts:

On December 29, 1967:

S. 174, an act for the relief of Dr. Eduardo Gonzalez;

S. 294, an act for the relief of Eloy C. Navarro;

S. 1477, an act to amend section 301 of title III of the act of August 14, 1946, relating to the establishment by the Secretary of Agriculture of a national advisory committee, to provide for annual meetings of such committee;

S. 2119, an act for the relief of Dr. Octavio Suarez-Murias;

S. 2153, an act for the relief of Dr. Jose Rafael Montalvo y Urrutibeascoa;

S. 2206, an act for the relief of Dr. Jorge Rolando Guerra-Reyes; and

S. 2265, an act for the relief of Christopher Nicholas Rushton.

On January 2, 1968:

S. 866, an act for the relief of Giuseppe Pacino Blancarosso;

S. 1566, an act to amend sections 3 and 4 of the act approved September 22, 1964 (78 Stat. 990), providing for an investigation and study to determine a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans;

S. 1722, an act to amend the wheat acreage allotment provisions of the Agricultural Adjustment Act of 1938, as amended; and

S. 2171, an act to amend the Subversive Activities Control Act of 1950 so as to accord with certain decisions of the courts.

HOUSE BILLS REFERRED

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

H.R. 4892. An act to provide for the conveyance of certain real property of the United States to the city of Leavenworth, Kansas; and

H.R. 8364. An act to amend the joint resolution of March 24, 1937, to provide for the termination of the interest of the United States in certain real property in Allen Park, Michigan; to the Committee on Labor and Public Welfare.

H.R. 7042. An act for the relief of Dr. Jose Del Rio; to the Committee on the Judiciary.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON ORDERLY LIQUIDATION OF STOCKS OF AGRICULTURAL COMMODITIES

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report on the orderly liquidation of stocks of agricultural commodities, dated December 1967 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON TITLE I AGREEMENTS UNDER THE AGRICULTURAL TRADE DEVELOPMENT AND AS- SISTANCE ACT OF 1954

A letter from the Associate Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, a report on title I agreements under the Agricultural Trade Development and Assistance Act of 1954, for the months of November and December 1967 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT OF NATIONAL FOREST RESERVATION COMMISSION

A letter from the President, National Forest Reservation Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the fiscal year ended June 30, 1967 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON RESEARCH FACILITIES

A letter from the Deputy Director of Science and Education, Department of Agriculture, transmitting, pursuant to law, a report on research facilities, for the fiscal year 1967 (with an accompanying report); to the Committee on Agriculture and Forestry.

PLANS FOR WORKS OF IMPROVEMENT

A letter from the Assistant Secretary of Agriculture, dated December 19, 1967, transmitting, pursuant to law, plans for works of improvement on Blackhawk-Kickapoo Watershed, Wis.; Cross Creek, Kans.; Garrison Creek, Okla.; Mustang Creek, Calif.; Old Town Creek, Ala.; and Tesnatee Creek, Ga. (with accompanying papers); to the Committee on Agriculture and Forestry.

A letter from the Assistant Secretary of Agriculture, dated December 21, 1967, transmitting, pursuant to law, plans for works of improvement on Cahulga Creek, Ala.; Cameron-Creole Watershed, La.; Central Madison Watershed, La.; Elk Twomile Creek, W. Va.; West Fork Bayou Lacassine Watershed, La.; and West Fork Mayfield Creek, Ky. (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT ON UNITED EXPORTS TO YUGOSLAVIA AND HUNGARY

A letter from the Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, that the amount of Export-Import Bank insurance and guarantees issued from September through November 1967 in connection with United States exports to Yugoslavia and to Hungary was \$268,322.00 and \$264.00, respectively; to the Committee on Appropriations.

APPROVAL OF LOAN TO CENTRAL IOWA POWER COOPERATIVE, MARION, IOWA

A letter from the Acting Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to Senate Report No. 497, on the approval of a loan to Central Iowa Power Cooperative of Marion, Iowa (with an accompanying paper); to the Committee on Appropriations.

REPORTS ON REAPPORTIONMENT OF APPROPRIATIONS

A letter from the Deputy Director, Bureau of the Budget, Executive Office of the Presi-

dent, dated December 27, 1967, reporting, pursuant to law, that the amount made available to the Department of Health, Education, and Welfare under the "Limitation on salaries and expenses" (trust fund) for the Social Security Administration, for the fiscal year 1968, had been apportioned on a basis which indicates the necessity for a supplemental estimate; to the Committee on Appropriations.

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, dated December 30, 1967, reporting, pursuant to law, that the appropriation to the Department of Agriculture for "Salaries and expenses, Office of the General Counsel," for the fiscal year 1968, had been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, dated December 30, 1967, reporting, pursuant to law, that the appropriation for the Department of the Interior for "Resources management," Bureau of Indian Affairs, for the fiscal year 1968, had been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation (with an accompanying paper); to the Committee on Appropriations.

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, dated December 31, 1967, reporting, pursuant to law, that the appropriation to the Treasury Department for "Salaries and expenses, Bureau of Accounts," for the fiscal year 1968, had been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, dated January 9, 1968, reporting, pursuant to law, that the appropriation to the Department of Agriculture for "Consumer protective, marketing, and regulatory programs," Consumer and Marketing Service, for the fiscal year 1968, had been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation for the Department of the Interior for "Management and protection," National Park Service, for the fiscal year 1968 had been reapportioned on a basis indicating a need for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT ON REAL AND PERSONAL PROPERTY OF THE DEPARTMENT OF DEFENSE

A letter from the Secretary of Defense, transmitting, pursuant to law, a report on the fixed property, installations, and major equipment items, and stored supplies of the military departments maintained on both a quantitative and a monetary basis, dated June 30, 1967 (with an accompanying report); to the Committee on Armed Services.

REPORT OF WORKING CAPITAL FUNDS OF THE DEPARTMENT OF DEFENSE

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a report that sets forth the financial condition and operating results of working capital funds, dated June 30, 1967 (with an accompanying report); to the Committee on Armed Services.

REPORT ON CONSTRUCTION PROJECTS FOR THE NAVAL AND MARINE CORPS RESERVE

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), reporting, pursuant to law, on certain construction projects for the Naval and Marine Corps Reserve, to accommodate the relocation of aviation services from the obsolescent Naval Air Station, Grosse Isle,

Mich., to Selfridge Air Force Base, Mich. (with accompanying papers); to the Committee on Armed Services.

REPORT ON OFFICERS ASSIGNED OR DETAILED TO PERMANENT DUTY AT THE SEAT OF GOVERNMENT

A letter from the Secretary of the Air Force, reporting, pursuant to law, that as of December 31, 1967, there was an aggregate of 2,413 officers assigned or detailed to permanent duty in the executive part of the Department of the Air Force at the seat of government; to the Committee on Armed Services.

REPORT ON EXEMPLARY REHABILITATION CERTIFICATES

A letter from the Secretary of Labor, reporting, pursuant to law, on exemplary rehabilitation certificates, for the calendar year 1967; to the Committee on Armed Services.

REPORT ON FLIGHT PAY, DEPARTMENT OF THE ARMY

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on flight pay for the Department of the Army, for the 6-month period ended December 31, 1967 (with an accompanying report); to the Committee on Armed Services.

REPORT OF DIRECTOR OF SELECTIVE SERVICE SYSTEM

A letter from the Director, Selective Service System, Washington, D.C., transmitting, pursuant to law, a report of that System, for the fiscal year ended June 30, 1967 (with an accompanying report); to the Committee on Armed Services.

REPORT ON DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

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

STATISTICAL SUPPLEMENT TO 1966 ANNUAL REPORT OF THE COMPTROLLER OF THE CURRENCY

A letter from the Comptroller of the Currency, Treasury Department, transmitting, pursuant to law, a statistical supplement to the 1966 annual report of the Comptroller of the Currency (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON FLIGHT PAY

A letter from the Secretary of Transportation, reporting, pursuant to law, on flight pay for the Army, Navy, and Air Force, for the 6-month period ended December 31, 1967; to the Committee on Commerce.

REPORT OF INTERSTATE COMMERCE COMMISSION

A letter from the Chairman, Interstate Commerce Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the fiscal year 1967 (with an accompanying report); to the Committee on Commerce.

REPORT OF CIVIL AERONAUTICS BOARD

A letter from the Chairman, Civil Aeronautics Board, Washington, D.C., transmitting, pursuant to law, a report of that Board, for the fiscal year 1967 (with an accompanying report); to the Committee on Commerce.

REPORT OF NATIONAL COMMISSION ON FOOD MARKETING

A letter from the Chairman, National Commission on Food Marketing, transmitting, pursuant to law, a report on the structure and performance of the Nation's food marketing system, dated June 1966 (with an accompanying report); to the Committee on Commerce.

REPORTS OF VALUATIONS OF PROPERTIES OF COMMON CARRIERS

A letter from the Chairman, Interstate Commerce Commission, transmitting, pur-

suant to law, several reports of the final valuations of properties of certain carriers (with accompanying reports); to the Committee on Commerce.

COMMISSIONED OFFICER CORPS, ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

A letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to provide for the appointment, promotion, separation, and retirement of Commissioned Officers of the Environmental Science Services Administration, and for other purposes (with an accompanying document); to the Committee on Commerce.

REPORT OF MIGRATORY BIRD CONSERVATION COMMISSION

A letter from the Chairman, Migratory Bird Conservation Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the fiscal year ended June 30, 1967 (with an accompanying report); to the Committee on Commerce.

REPORT ON INSTRUMENTS ISSUED BY FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting, pursuant to law, a report on instruments issued by that Commission, for the fiscal year ended June 30, 1967 (with an accompanying report); to the Committee on Commerce.

NOTICE OF ISSUANCE OF PROPOSED STANDARD RELATING TO SOFTWOOD LUMBER

A letter from the Secretary of Commerce, transmitting, pursuant to law, a copy of a notice to be published in the Federal Register, relating to a proposed standard for softwood lumber (with accompanying papers); to the Committee on Commerce.

CHANGE OF RATE OF INTEREST ON CERTAIN LOANS AND MORTGAGES

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to change the provision with respect to the maximum rate of interest permitted on loans and mortgages insured under title XI of the Merchant Marine Act, 1936 (with accompanying papers); to the Committee on Commerce.

REPORT OF THE CHESAPEAKE & POTOMAC TELEPHONE CO.

A letter from the vice president, the Chesapeake & Potomac Telephone Co., Washington, D.C., transmitting, pursuant to law, a report of that company, for the calendar year 1967 (with an accompanying report); to the Committee on the District of Columbia.

STATEMENT OF LIABILITIES AND OTHER FINANCIAL COMMITMENTS OF THE U.S. GOVERNMENT

A letter from the Secretary of the Treasury, transmitting, pursuant to law, the statement of liabilities and other financial commitments of the U.S. Government, dated June 30, 1967 (with an accompanying paper); to the Committee on Finance.

COMBINED STATEMENT OF RECEIPTS, EXPENDITURES, AND BALANCES OF THE U.S. GOVERNMENT

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a combined statement of receipts, expenditures, and balances of the U.S. Government, for the fiscal year ended June 30, 1967 (with an accompanying document); to the Committee on Finance.

REPORT OF THE RENEGOTIATION BOARD

A letter from the Chairman, the Renegotiation Board, Washington, D.C., transmitting, pursuant to law, a report of that Board, for the fiscal year ended June 30, 1967 (with an accompanying report); to the Committee on Finance.

RECOMMENDATIONS OF INTERNATIONAL LABOR ORGANIZATION

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, rec-

ommendations of the International Labor Organization (with accompanying papers); to the Committee on Foreign Relations.

REPORT OF NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL POLICIES

A letter from the Chairman and members of the National Advisory Council on International Monetary and Financial Policies, for the fiscal year ended June 30, 1967 (with an accompanying report); to the Committee on Foreign Relations.

ANNUAL REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General, transmitting, pursuant to law, the annual report on the activities of the U.S. General Accounting Office during the fiscal year ended June 30, 1967 (with an accompanying report); to the Committee on Government Operations.

REPORT ON DISPOSAL OF FOREIGN EXCESS PROPERTY

A letter from the Assistant Secretary for Administration, Department of Agriculture, transmitting, pursuant to law, a report on disposals of foreign excess property for the fiscal year ended June 30, 1967 (with an accompanying report); to the Committee on Government Operations.

ANNUAL REPORT OF GENERAL SERVICES ADMINISTRATION

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, the Annual Report of the General Services Administration for the fiscal year ended June 30, 1967 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements, fiscal year 1967, Veterans Canteen Service, Veterans' Administration, dated December 22, 1967 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of the need to improve internal audit in the Department of Justice, dated December 26, 1967 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on possible savings available by sending men to nearest Armed Forces examining and entrance station, Selective Service System, dated December 26, 1967 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on reduction of heating costs at military bases available through conversion of manually operated furnaces, Department of the Army, Department of the Air Force, dated December 27, 1967 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for improved procedures to minimize overpayments of non-service-connected disability and death pensions, Veterans' Administration, dated December 28, 1967 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on significant savings possible if rural mail carriers use Government instead of personal vehicles, Post Office Department, dated January 4, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of loans to grazing associations, Farmers Home Administration, Department of Agriculture, dated January 4, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements for the fiscal year 1967, Federal Prison Industries, Inc., Department of Justice, dated January 8, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on more effective Federal action being needed to meet urban renewal rehabilitation objectives in Cleveland, Ohio, Department of Housing and Urban Development, dated January 9, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunity for savings by consolidating photographic operations at the John F. Kennedy Space Center and the Air Force Eastern Test Range, National Aeronautics and Space Administration and Department of Defense, dated January 10, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunity for economies under the guardianship program, Veterans' Administration, dated January 11, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunities for American-flag ship operators to use U.S.-owned excess foreign currencies and the effect on the balance-of-payments and budget deficits, dated January 11, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for systematic review by the Coast Guard of its landholdings, dated January 15, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of an audit of the Farm Credit Administration and certain banks of the Farm Credit System for the fiscal year ended June 30, 1967, dated January 16, 1968 (with an accompanying report); to the Committee on Government Operations.

REPORT ON STATUS OF COLORADO RIVER STORAGE PROJECT AND PARTICIPATING PROJECTS

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, the 11th Annual Report on the status of the Colorado River Storage Project and Participating Projects, for the fiscal year ended June 30, 1967 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT ON MATTERS CONTAINED IN THE HELIUM ACT

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on matters contained in the Helium Act, dated December 1967 (with an accompanying report); to the Committee on Interior and Insular Affairs.

PROPOSED CONCESSION CONTRACT, MAJESTIC HOTEL CO., HOT SPRINGS, ARK.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract under which Majestic Hotel Co. will be authorized to continue to provide bathing facilities and re-

lated services for the registered guests of the Majestic Hotel and Towers and the registered guests of the Cedar Street Cottages and Waverly Hotel and Apartments so long as they are owned and operated by the concessioner, in the city of Hot Springs, Ark., for a 5-year period from January 1, 1968 through December 31, 1972, when executed by the Director of the National Park Service (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED CONCESSION CONTRACT, GRAND TETON NATIONAL PARK

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed extension of the concession contract under which Mrs. Louis M. Bertschy will be authorized to continue to operate the Triangle X Ranch for the public in Grand Teton National Park for a 1-year period from January 1, 1968, through December 31, 1968, when executed by the Director of the National Park Service (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED CONCESSION CONTRACT, PETRIFIED FOREST NATIONAL PARK, ARIZ.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract under which J. Dolman Robinson and Helen B. Robinson, will be authorized to continue to operate the Rainbow Forest Lodge for the public in Petrified Forest National Park, Ariz., for a 10-year period from January 1, 1968, through December 31, 1977, when executed by the Director of the National Park Service (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON CLAIMS SETTLED UNDER THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on claims settled under the Military Personnel and Civilian Employees' Claims Act, for the fiscal year 1967 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON AIRCRAFT CRASH AT WICHITA, KANS.

A letter from the Acting Secretary of the Air Force, transmitting, pursuant to law, a report on a U.S. Air Force aircraft crash at Wichita, Kans., on January 16, 1965 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF JUDICIAL CONFERENCE OF THE UNITED STATES

A letter from the Chief Justice of the United States, transmitting, pursuant to law, a report of the Judicial Conference of the United States (with accompanying papers); to the Committee on the Judiciary.

ANNUAL REPORT OF THE SUBVERSIVE ACTIVITIES CONTROL BOARD

A letter from the Chairman, Subversive Activities Control Board, transmitting, pursuant to law, the 17th Annual Report of the Subversive Activities Control Board (with an accompanying report); to the Committee on the Judiciary.

FINAL REPORT OF THE ST. AUGUSTINE QUADRICENTENNIAL COMMISSION

A letter from the Executive Officer, St. Augustine Quadricentennial Commission, Department of the Interior, National Park Service, transmitting, pursuant to law, the final report of the St. Augustine Quadricentennial Commission (with an accompanying report); to the Committee of the Judiciary.

REPORT OF SELECT COMMISSION ON WESTERN HEMISPHERE IMMIGRATION

A letter from the Chairman, Select Commission on Western Hemisphere Immigration, Washington, D.C., reporting, pursuant to law, that its final report was not yet available for submission, and would be forwarded as soon as possible; to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

THIRD-PREFERENCE AND SIXTH-PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports on third-preference and sixth-preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF ALIENS—WITHDRAWAL OF NAME

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the name of Orazio Barone from a report relating to aliens whose deportation has been suspended, transmitted to the Senate on December 20, 1967; to the Committee on the Judiciary.

REPORT OF PROGRAM REVIEW COMMITTEE, NURSE TRAINING ACT

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the report of the Program Review Committee for the Nurse Training Act of 1964, dated December, 1967 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT ENTITLED "FROM THE STREET"

A letter from the Acting Secretary of Health, Education, and Welfare, transmitting, pursuant to law a report on an evaluation of that Department entitled "From the Street," dated December 15, 1967 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT OF SCIENTIFIC AND PROFESSIONAL POSITIONS ESTABLISHED IN THE DEPARTMENT OF COMMERCE

A letter from the Director of Personnel, Department of Commerce, transmitting, pursuant to law, a report of scientific and professional positions established in the Department of Commerce, as of December 1967 (with an accompanying report); to the Committee on Post Office and Civil Service.

REPORT ON POSITIONS IN GRADES GS-16, GS-17, AND GS-18, IMMIGRATION AND NATURALIZATION SERVICE

A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, reporting, pursuant to law, on the positions in grades GS-16, GS-17, and GS-18 which are under the jurisdiction of the Commissioner of Immigration and Naturalization; to the Committee on Post Office and Civil Service.

REPORT ON SCIENTIFIC OR PROFESSIONAL POSITIONS, DEPARTMENT OF THE INTERIOR

A letter from the Deputy Assistant Secretary for Administration, Department of the Interior, reporting, pursuant to law, concerning the eight scientific or professional positions in the Department; to the Committee on Post Office and Civil Service.

REPORT OF PUBLIC LAW 313 POSITIONS, NASA MARSHALL SPACE FLIGHT CENTER

A letter from the Assistant Administrator for Legislative Affairs, National Aeronautics

and Space Administration, transmitting, pursuant to law, certain civilian positions established pursuant to section 3104(a) (8), United States Code, during calendar year 1967 (with an accompanying report); to the Committee on Post Office and Civil Service.

PROPOSED LEGISLATION TO AUTHORIZE TRAVEL EXPENSES FOR CERTAIN WITNESS SERVICE

A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to amend section 1823 of title 28, United States Code, to authorize the payment of travel expenses for certain witness service (with an accompanying paper); to the Committee on Post Office and Civil Service.

REPORT ON THE COST OF CLEAN WATER

A letter from the Secretary of the Department of the Interior, transmitting, pursuant to law, a report on the national requirements and costs of water pollution control, dated January 10, 1968 (with an accompanying report); to the Committee on Public Works.

REPORT OF ECONOMIC DEVELOPMENT ADMINISTRATION

A letter from the Secretary of Commerce, transmitting, pursuant to law, the second annual report of the Economic Development Administration, for the fiscal year 1967 (with an accompanying report); to the Committee on Public Works.

REPORT OF INDEPENDENT STUDY BOARD ON THE REGIONAL EFFECTS OF GOVERNMENT PROCUREMENT AND RELATED POLICIES

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of the Independent Study Board on the Regional Effects of Government Procurement and Related Policies (with an accompanying report and documents); to the Committee on Public Works.

REPORT ON REVISED ESTIMATE OF COST OF COMPLETING NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

A letter from the Secretary, Department of Transportation, transmitting, pursuant to law, a report of the revised estimate of the cost of completing the National System of Interstate and Defense Highways in each State and the District of Columbia (With an accompanying report); to the Committee on Public Works.

WATERSHED WORK PLANS

A letter from the Assistant Secretary, Department of Agriculture, transmitting, pursuant to law, the following plans for works of improvement: Browns Creek, S.C.; Cane Creek, N.C. and S.C.; Chunky River, Miss., Fourche Creek, Ark. and Mo.; and Little Walnut Creek, Ind. (with accompanying documents); to the Committee on Public Works.

REPORT OF BOARD OF DIRECTORS, TENNESSEE VALLEY AUTHORITY

A letter from the Board of Directors, Tennessee Valley Authority, transmitting, pursuant to law, the 34th annual report for the fiscal year ended June 30, 1967 (with an accompanying report); to the Committee on Public Works.

REPORT OF U.S. GOVERNMENT PRINTING OFFICE

A letter from the Public Printer, U.S. Government Printing Office, transmitting, pursuant to law, the Annual Report of the Government Printing Office for the fiscal year ended June 30, 1967 (with an accompanying report); to the Committee on Rules and Administration.

REPORT OF DISPOSAL OF FOREIGN EXCESS PROPERTY BY ATOMIC ENERGY COMMISSION

A letter from the General Manager, Atomic Energy Commission, reporting, pursuant to law, the disposal of foreign excess property by the Atomic Energy Commission for the fiscal year 19667; to the Committee on Government Operations.

PETITION

The VICE PRESIDENT laid before the Senate a resolution adopted by the Board of Chosen Freeholders, Union County, Elizabeth, N.J., remonstrating against the enactment of legislation relating to the imposition of tolls on that portion of the Garden State Parkway that runs through Union County, N.J., which was referred to the Committee on Public Works.

THE WAR IN VIETNAM—PETITION OF THE JEANNETTE RANKIN BRIGADE

Mr. MANSFIELD presented a petition of the Jeannette Rankin Brigade, relating to the war in Vietnam, which was referred to the Committee on Foreign Relations.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, with amendments:

H.R. 13094. An act to amend the Commodity Exchange Act, as amended (Rept. No. 947).

CONTINUING FOR 1 YEAR THE AUTHORITY OF THE COMMITTEE ON FINANCE TO EMPLOY SIX ADDITIONAL CLERICAL ASSISTANTS—REPORT OF A COMMITTEE

Mr. LONG of Louisiana, from the Committee on Finance, reported the following original resolution (S. Res. 207); which was referred to the Committee on Rules and Administration:

S. RES. 207

Resolved, That the Committee on Finance is authorized from February 1, 1968, to January 31, 1969, to employ six additional clerical assistants, to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with the provisions of Public Law 4, Eightieth Congress, approved February 19, 1947, as amended.

ADDITIONAL FUNDS FOR COMMITTEE ON FINANCE—REPORT OF A COMMITTEE

Mr. LONG of Louisiana, from the Committee on Finance, reported the following original resolution (S. Res. 208); which was referred to the Committee on Rules and Administration:

S. RES. 208

Resolved, That the Committee on Finance is hereby authorized to expend from the contingent fund of the Senate, during the Ninetieth Congress, \$10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

REPORT ON ACTIVITIES OF JOINT COMMITTEE ON DEFENSE PRODUCTION—REPORT OF A JOINT COMMITTEE

Mr. SPARKMAN, from the Joint Committee on Defense Production, Congress of the United States, submitted a report entitled "17th Annual Report of the Ac-

tivities of the Joint Committee on Defense Production, Congress of the United States, With Material on Mobilization From Departments and Agencies."

EXTENSION OF TIME FOR FILING REPORT BY SENATE SPECIAL COMMITTEE ON AGING

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Jersey [Mr. WILLIAMS], I ask unanimous consent that the time for filing the report of the Senate Special Committee on Aging be extended from January 31, 1968, the deadline set by Senate Resolution 20, to March 15, 1968.

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

BILLS INTRODUCED

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

By Mr. MUNDT:

S. 2823. A bill to provide that an impression of Mount Rushmore, S.D., shall appear on the back of all United States currency in the denomination of \$1; to the Committee on Banking and Currency.

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

By Mr. HOLLAND:

S. 2824. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in certain lands located in the State of Florida to the record owner or owners of such lands; to the Committee on Interior and Insular Affairs;

S. 2825. A bill for the relief of Dr. Jacinto Felix de la Presilla-Elias;

S. 2826. A bill for the relief of Dr. Carlos Jesus Aguilar Lima; and

S. 2827. A bill for the relief of Eloy Rene Tuya Heranadez; to the Committee on the Judiciary.

By Mr. HARRIS (for himself, Mr. MONROE, and Mr. McCLELLAN):

S. 2828. A bill to amend the River and Harbor Act of 1965 to prohibit certain fees from being charged in connection with projects administered by the Secretary of the Army; to the Committee on Interior and Insular Affairs.

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

By Mr. BREWSTER:

S. 2829. A bill to direct the Secretary of Agriculture to make a conveyance of certain real property in the Agricultural Research Center, Beltsville, Md.; to the Committee on Agriculture and Forestry; and

S. 2830. A bill to amend title 18, United States Code, to make it a Federal crime to kill any letter carrier when such employee is engaged in the performance of his official duties; to the Committee on the Judiciary.

By Mr. GRIFFIN:

S. 2831. A bill for the relief of David H. Eschaki; to the Committee on the Judiciary.

By Mr. SMATHERS (for himself and Mr. JAVITS):

S. 2832. A bill for the establishment of a Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

By Mr. TALMADGE:

S. 2833. A bill for the relief of Isa Abid Yagub Qassisi;

S. 2834. A bill for the relief of Dr. Ramon Antonio Arias; and

S. 2835. A bill for the relief of Dr. Rogelio J. Barata (Rogelio Jose R. Barata y Rivero); to the Committee on the Judiciary.

By Mr. GRIFFIN:

S. 2836. A bill to provide for the broadest possible participation by amateur athletes in competitive sports by prohibiting unreasonable restrictions on such participation by private sport groups and operators which sanction or encourage amateur athletic events; to the Committee on Commerce.

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

By Mr. JORDAN of North Carolina (for himself and Mr. ERVIN):

S. 2837. A bill to authorize the Secretary of Agriculture to establish the Cradle of Forestry in America in the Pisgah National Forest in North Carolina, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. MORSE:

S. 2838. A bill to amend the Railroad Retirement Act of 1937 so as to increase the amount of the annuities payable thereunder to widows and widowers; to the Committee on Labor and Public Welfare.

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

By Mr. MORSE (for himself and Mr. PELL):

S. 2839. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Unemployment Insurance Act to provide for increase in benefits, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. KENNEDY of Massachusetts:

S. 2840. A bill to provide for the expeditious naturalization of the surviving spouse of a U.S. citizen who dies while serving in an active duty status in the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. SCOTT (for himself and Mr. CLARK):

S. 2841. A bill for the relief of Ah-Chiu-Pang; to the Committee on the Judiciary.

CONCURRENT RESOLUTION

EXPRESSION OF THE SENSE OF THE CONGRESS THAT THE SECRETARY GENERAL OF THE UNITED NATIONS SHOULD DELIVER AN ANNUAL MESSAGE ON THE STATE OF MANKIND

Mr. PROXMIER (for himself, Mr. PELL, Mr. TYDINGS, Mr. NELSON, Mr. McGOVERN, Mr. CLARK, Mr. YARBOROUGH, and Mr. FONG) submitted a concurrent resolution (S. Con. Res. 53) to express the sense of the Congress that the Secretary General of the United Nations should deliver an annual message on the state of mankind, which was referred to the Committee on Foreign Relations.

(See the above concurrent resolution printed in full when submitted by Mr. PROXMIER, which appears under a separate heading.)

RESOLUTIONS

INVESTIGATION OF MATTERS PERTAINING TO PUBLIC AND PRIVATE HOUSING AND URBAN AFFAIRS

Mr. SPARKMAN (for himself, Mr. BENNETT, and Mr. TOWER) submitted the following resolution (S. Res. 206); which was referred to the Committee on Banking and Currency:

S. RES. 206

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

Sec. 2. For the purposes of this resolution the committee, from February 1, 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 \$163,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

CONTINUANCE FOR 1 YEAR THE AUTHORITY OF THE COMMITTEE ON FINANCE TO EMPLOY SIX ADDITIONAL CLERICAL ASSISTANTS

Mr. LONG of Louisiana, from the Committee on Finance, reported an original resolution (S. Res. 207) to continue for 1 year the authority of the Committee on Finance to employ six additional clerical assistants, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. LONG of Louisiana, which appears under the heading "Reports of Committees.")

ADDITIONAL FUNDS FOR COMMITTEE ON FINANCE

Mr. LONG of Louisiana, from the Committee on Finance, reported an original resolution (S. Res. 208) to authorize the Committee on Finance to expend \$10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act of 1946, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. LONG of Louisiana, which appears under the heading "Reports of Committees.")

AUTHORIZATION FOR COMMITTEE ON BANKING AND CURRENCY TO MAKE CERTAIN INVESTIGATIONS

Mr. SPARKMAN (for himself and Mr. BENNETT) submitted the following

original resolution (S. Res. 209); which was referred to the Committee on Banking and Currency:

S. RES. 209

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

- (1) banking and currency generally;
- (2) financial aid to commerce and industry;
- (3) deposit insurance;
- (4) the Federal Reserve System, including monetary and credit policies;
- (5) economic stabilization, production, and mobilization;
- (6) valuation and revaluation of the dollar;
- (7) prices of commodities, rents, and services;
- (8) securities and exchange regulations;
- (9) credit problems of small business; and
- (10) international finance through agencies within the legislative jurisdiction of the committee.

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. Expenses of the committee, under this resolution, which shall not exceed \$145,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

LET MOUNT RUSHMORE BACK THE DOLLAR

Mr. MUNDT. Mr. President, I thank the distinguished Senator from Alaska for his courtesy. I rise for the purpose of announcing that I introduce today a bill to combine one of the world's most widely recognized patriotic sights with the world's most recognizable form of currency. Under the provisions of this legislation, the famous Mount Rushmore Monument in the Black Hills of South Dakota would appear on the back of all U.S. \$1 bills.

All of us are familiar with the fact that the front side of our currency honors famous Americans. The \$1 bill has Washington; the \$5 bill, Lincoln; the \$10 bill, Alexander Hamilton; and the \$20 bill, Andrew Jackson, and so forth. The back, or reverse side, generally depicts some famous memorial or structure. On the back of the \$5 bill, is the Lincoln Memorial; the Treasury Building is on the back of the \$10 bill, and the White House on the back of the \$20 bill. The back of the \$1 bill is an archaic monstrosity.

Strictly from an artistic viewpoint, a change in the reverse side of the \$1 bill

is long overdue. The present engraving—and I challenge my colleagues to describe it without pulling out their billfolds and taking a peek—is about as inspiring as a page out of the telephone directory.

To ease Senators' curiosity, I shall describe it. The first sight that hits the eye in big, bold letters, is the word "one." In fact, in 10 different ways the back of the \$1 bill tells us that it is worth \$1 dollar.

I might add parenthetically that while my proposed change will not increase the value of the dollar from the standpoint of its purchasing power, I am sure it will increase the significance of the dollar from the standpoint of its inspirational value.

Pictured here also are both sides of the great seal of the United States. Few people know or bother to inquire about the significance of the seal or of the Latin appearing on the seal.

One side of the seal is a pyramid with an eye on top. According to a 1935 press release issued by the Treasury Department, the pyramid is a symbol of strength. It is unfinished, indicating the designer's belief that there was still work to be done. The eye on top represents an all-seeing Deity—the spiritual above the material. The words "novus ordo seclorum" means "a new order of the ages" and "annuit coeptis" means "God has favored our undertakings." Further research discloses that both quotations are condensations of excerpts from the "Aeneid," by Virgil.

Mr. President, there is nothing wrong with this reverse side of the \$1 bill; I believe that part of it should be retained, including the great seal, and, of course, the motto, "In God We Trust"; but other items unfortunately mean nothing to our citizens.

A numismatic firm recently selected 1,000 people at random and asked them the following question: "What does the unfinished pyramid with the eye on it, on the \$1 bill, mean to you?"

Of those responding, 36 percent of the people did not know that it was there, 58 percent admitted that they did not know what it means, and 6 percent decided that it had something to do with the great seal.

The more familiar side of the great seal did not fare much better. When asked, "What does the eagle clutching arrows and an olive branch as depicted on the back of the \$1 bill mean to you," they got this result: 16 percent said they never paid any attention to it; 38 percent admitted they did not know; 24 percent knew it was part of the great seal, and 22 percent said that the eagle is the national bird.

So much for the historical and symbolic reasons for keeping the reverse side exactly as it is now.

In its place, and particularly in that segment of the engraving that shows the word "one," I propose to substitute one of the most inspiring monuments ever constructed by man. It is known worldwide as the "Shrine of Democracy." It is a symbol of our great land, of the world's hope for peace and freedom for all mankind. It can be substituted for the large word "one" on the back of the dollar bill without eliminating the reproduction of either side of the great seal.

Washington, Jefferson, Lincoln, and Theodore Roosevelt—four of the greatest Americans that have ever lived, and four of our greatest Presidents. Three of them came from what were considered, for their times, wealthy families, and yet two of them risked their lives and their fortunes so that their Nation might be free, and the other risked his life so that our neighbors may be free. The fourth, a man of humble origin, dedicated and gave his life so that all men, regardless of color, may be free.

These are the visions that come to mind when we look at those imposing figures carved in granite in the Black Hills. These visions and the principles for which they stood—Washington, that the people and not the military should rule; Jefferson, that laws and not men should be supreme; Theodore Roosevelt, that nothing, whether it be political, business, or labor organizations, should be more powerful than the interest of the people; and Lincoln, that duly elected government should prevail over those who would divide and weaken a united cause.

Mr. President, I believe that this is the type of symbolism that our people understand. This is the image that we want to project to the rest of the world. In direct contrast to the word "one," it evokes a great patriotic impulse and a national pride. In addition, it would fill every requirement of beauty and design. No present depiction on any U.S. coin or note could compare with it in grandeur and evocation power. By placing it on the back of the \$1 bill, our most common form of currency, we would be projecting an image to millions of citizens and to untold billions who are not citizens but who recognize the Mount Rushmore National Memorial and the religious, social, and economic freedoms for which it stands.

Mr. President, I ask unanimous consent that Senate Concurrent Resolution 1, adopted by the Legislature of the State of South Dakota, memorializing the Congress of the United States to instruct and direct the Treasury Department to issue a series of bills in any denomination of the currency of the United States depicting the Mount Rushmore National Memorial be printed in the Record.

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

SENATE CONCURRENT RESOLUTION 1

Concurrent resolution, memorializing the Congress of the United States to instruct and direct the Treasury Department of the United States to issue a series of bills in any denomination of the currency of the United States depicting the Mount Rushmore National Memorial, "The Shrine of Democracy," thereon

Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

Whereas, Mount Rushmore National Memorial, located in the scenic Black Hills area of the State of South Dakota, has been officially proclaimed as "The Shrine of Democracy" and is recognized as a national monument; and,

Whereas, the federal government has played a vital role in the recognition and financing of the Mount Rushmore National Memorial; and,

Whereas, Mount Rushmore National Memorial has been acclaimed a national and international reputation and is visited annually by hundreds of thousands of people from throughout the country and from many foreign nations; and,

Whereas, the portrayal of the Mount Rushmore National Memorial envisaged our national heritage and the religious, social and economic freedoms for which it stands; and,

Whereas, the great Americans enshrined by this Memorial, Presidents George Washington, Thomas Jefferson, Abraham Lincoln and Theodore Roosevelt, have come to be known as the founding fathers of some of the most meaningful traditions incumbent to our way of life; as inspirations to all who are concerned with the preservation and safeguarding of a democratic society, and, as courageous and faithful defenders of the basic principles underlying our form of government by having dedicated themselves to overcoming what during their respective times were considered and are now recognized as some of the greatest trials which our system of free democracy has confronted; and,

Whereas, as was true in the past and is now true during present times of national and international strife and conflict, it is necessary and proper that the symbols of freedom and democracy be emphasized and brought before the people by their governmental representatives; and,

Whereas, it has been the custom and policy of the Treasury Department of the United States to utilize the likenesses of the outstanding and immortal leaders of this country on various series and denominations of our currency; and,

Whereas, the use of a representation of the Mount Rushmore National Memorial, "The Shrine of Democracy", on a series of bills of any denomination of our currency by the Treasury Department of the United States would serve as a daily reminder of the spirit and ideals of all Americans,

Now, therefore, be it resolved, by the Senate of the Forty-third Legislature of the State of South Dakota, the House of Representatives concurring therein, that the Congress of the United States be memorialized to take whatever action might be necessary and appropriate to the instruction and direction of the Treasury Department of the United States to issue a series of bills of any denomination of the currency of the United States depicting the Mount Rushmore National Memorial, "The Shrine of Democracy", thereon, and,

Be it further resolved, that if it be determined by the Treasury Department of the United States that it need no instruction or direction by the Congress of the United States to accomplish the purpose and intent of this Resolution, that it initiate and implement whatever action it might take to accomplish its objective; and,

Be it further resolved, that copies of this Concurrent Resolution be transmitted by the Secretary of the Senate of the State of South Dakota to the Offices of the President and Vice-President of the United States, the Speaker of the House of Representatives of the United States, the members of the Congressional delegation of the State of South Dakota, the Secretary of the Treasury Department of the United States, and the Governor of the State of South Dakota.

Adopted by the Senate January 5, 1968.

Concurred in by the House of Representatives January 9, 1968.

Attest:

JAMES D. JELBERT,
Speaker of the House.
LEM OVERPECK,
President of the Senate.
PAUL INMAN,
Chief Clerk.
NIELS P. JENSEN,
Secretary of the Senate.

Mr. MUNDT. Mr. President, I also ask unanimous consent that the text of the bill, which is five lines long, 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. 2823) to provide that an impression of Mount Rushmore, S. Dak., shall appear on the back of all U.S. currency in the denomination of \$1, introduced by Mr. MUNDT, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That at such time as new dies for the printing of currency in the denomination of \$1 are adopted such dies shall bear an impression of Mount Rushmore, South Dakota, and thereafter this impression shall appear on the back of all United States currency in that denomination.

Mr. MUNDT. Mr. President, I express the regret that the rules of the Government Printing Office and its facilities are such that we cannot reproduce a picture in the body of the RECORD.

I have in my hand the design of the artist depicting how the \$1 bill would appear if this reproduction is adopted.

At the right side of the front is the great American seal. The reverse side, on the left, would appear exactly as it appears at the present time. We would replace the big boxcar letters and the elongated word "one," on the rear of \$1 bill, with the fine pictures of Presidents Washington, Jefferson, Theodore Roosevelt, and Lincoln.

Above would remain the words which mean so much to us all—"In God we trust."

Scattered in diverse places on the rear of the dollar bill as it appears today are repetitious notifications that this is in fact a dollar bill. We would reduce those reiterations from 10 in number to nine. Consequently, it certainly will not confuse the public. I think the change will serve to inspire us all.

AMENDMENT OF THE RIVERS AND HARBORS ACT OF 1965

Mr. HARRIS. Mr. President, I introduce, for myself and my senior colleague, Senator MONRONEY and others, a bill to amend the Rivers and Harbors Act of 1965 to prohibit certain fees from being charged in connection with projects administered by the Secretary of the Army. Mr. President, since the enactment and the implementation of the Land and Water Conservation Fund Act of 1965, which authorized the collection of fees, I have on numerous occasions urged that fees not be established or collected in conjunction with projects administered by the Secretary of the Army.

The bill I introduce today would amend the Rivers and Harbors Act of 1965 by adding a new section 315. The provisions of this legislation are twofold. First, the legislation provides that no fee or charge shall be collected or received under authority of the Land

and Water Conservation Fund Act of 1965, or any other provision of law for entrance, admission, or access to the project area—including the waters—or for the use of minimum recreational facilities as determined by the Secretary of the Army, at such project area, of any project administered by the Secretary of the Army acting through the Chief of Engineers.

Second, this legislation provides that neither the Secretary of the Army nor any other officer or employee of the United States shall collect or receive any fee or charge for the issuance of any permit or license for any boat mooring or docking facility, duck blind, ski-jump float, swimming or diving platform or raft, or any other similar floating facility on any of the waters of any project administered by the Secretary of the Army acting through the Chief of Engineers. The legislation, however, does not prohibit the Secretary of the Army from requiring a permit or license for any such floating facility.

Mr. President, it is my firm belief that this legislation is consistent with the longstanding policies of the U.S. Government that access to and use of lakes and reservoirs constructed at Federal expense and administered by the Corps of Engineers should be free to the general public. The experience of the past 2 years of operation of the fee program under the Land and Water Conservation Fund Act has shown that the cost of administering the collection of fees is far greater than the receipts therefrom. Furthermore, it has been shown that due to the vast areas of shoreline surrounding our lakes and reservoirs, it is highly impractical to attempt to administer the collection of fees from all those people who utilize the reservoirs for recreational purposes.

Mr. President, I feel that the problems we have encountered as a result of the Land and Water Conservation Fund Act necessitate the need for a reexamination of the fee system established under that legislation. It is for that reason that I introduce this bill today to prohibit the collection of fees in connection with the Corps of Engineers projects, and I urge that the legislation be considered in committee as expeditiously as possible and that it be enacted prior to the beginning of the 1968 tourist season this spring.

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. 2828) to amend the River and Harbor Act of 1965 to prohibit certain fees from being charged in connection with projects administered by the Secretary of the Army, introduced by Mr. HARRIS (for himself, Mr. MONRONEY, and Mr. McCLELLAN), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 2828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the River and Harbor Act of 1965 is amended by

redesignating section 315 as section 316 and adding immediately following section 314 the following new section:

"Sec. 315. (a) No fee or charge shall be collected or received under authority of the Land and Water Conservation Fund Act of 1965, or any other provision of law for entrance, admission, or access to the project area (including the waters), or for the use of minimum recreational facilities as determined by the Secretary of the Army, at such project area, of any project administered by the Secretary of the Army acting through the Chief of Engineers.

"(b) Neither the Secretary of the Army nor any other officer or employee of the United States shall collect or receive any fee or charge for the issuance of any permit or license for any boat mooring or docking facility, duck blind, ski-jump float, swimming or diving platform or raft, or any other similar floating facility on any of the waters of any project administered by the Secretary of the Army acting through the Chief of Engineers. Nothing in this subsection shall be construed to prohibit the Secretary of the Army from requiring a permit or license for any such floating facility."

A BILL OF RIGHTS FOR AMATEUR ATHLETES

Mr. GRIFFIN. Mr. President, disturbing reports have appeared in the Nation's press in recent days concerning the feud which has been going on in this country between giant amateur athletic organizations over the control of track and field competition.

The timing of these reports could not be worse. Americans in and out of Congress have been hoping and expecting that arbitration efforts which are underway during an uneasy truce would finally culminate in a permanent peace treaty. But recent developments have all but dashed such hopes and expectations.

What makes these developments even more disconcerting is that 1968 is an Olympic year—a time when our national prestige again will be at stake in international competition. We know too well the anguish suffered by athletes prior to the 1964 Olympics because of this interminable feud.

This interminable dispute has been raging since the turn of the century. Mr. President, the patience of Congress and the American people has been worn thin by those who have made amateur athletes the innocent victims of a senseless war.

The rights and interests of the individual athlete have been ignored, as those on the sidelines have groped for some common ground between the contending parties.

In order to correct this imbalance and to protect young men and women from arbitrary interference by sanctioning bodies, I am today introducing, for appropriate reference, a "bill of rights" for amateur athletes. In the course of my remarks, I hope to make crystal clear why I am initiating this action, and I hope to make equally clear why Congress must proceed with all due speed to act now.

The measure I am introducing would prohibit disqualification of an athlete from competition on the grounds that such an individual had engaged in prior competition staged by a rival associa-

tion. My bill also would prevent sports associations from imposing unreasonable restraints on an amateur athlete's freedom to participate in competition.

Enforcement provisions would permit an aggrieved athlete to seek injunctive relief in Federal district courts. A willful violation of an injunction or order issued under the act would constitute a misdemeanor, punishable by a fine of not more than \$1,000 and/or imprisonment for not more than 6 months.

Mr. President, Members of the Senate are painfully aware of the length and the consequences of this dispute. If the sports world were to keep records of negative achievement, this would surely be one.

For almost all of the 20th century there has been a feud between the National Collegiate Athletic Association—NCAA—and the Amateur Athletic Union—AAU. The struggle was joined in latter years by a third organization, the United States Track and Field Federation—USTFF.

Let us look briefly at the background and the reason for our great expectation that this dispute would soon be resolved once and for all. Let us also consider the new and disturbing reports which prompt me to act today.

There seems to be a determination on the part of both the NCAA and the AAU to obtain a larger role in the administration of amateur track and field. Despite the amateur status of the athletes, millions of dollars are involved in the operations.

The NCAA is a confederation of approximately 650 colleges and universities in the United States, and its basic jurisdiction in track and field encompasses college and university meets in which member schools and athletes representing member schools compete.

The AAU includes amateur athletic clubs and individuals throughout the United States and conducts track and field meets. The AAU has additional jurisdiction, resulting from its designation as the U.S. representative to the International Amateur Athletic Federation. The IAAF is the governing body for international athletic competition, and, in that capacity, designates one representative group in each nation for each sport to certify that athletes are eligible to compete in IAAF competitions.

The NCAA says the AAU should not administer all track and field meets and insists that it share in the control and administration of open track and field meets on the basis that the NCAA is responsible for the welfare of its student athletes. The AAU rejects this claim and asserts that international rules prohibit meet approval by any organization other than the AAU.

The NCAA has established the USTFF specifically for the purpose of administering and conducting open track and field meets, and for all practical purposes, the NCAA and the USTFF may be regarded as the same organization.

Both the NCAA and the AAU have invoked penalties against their members during repeated clashes over sanctioning meets.

This feud created considerable diffi-

culty in 1928 and threatened to impair our Olympic effort at that time. Impending disastrous consequences to U.S. participation in the Olympic games prompted President Kennedy to request Gen. Douglas MacArthur to attempt to resolve the problem.

Ultimately, the MacArthur arbitration resulted in a temporary truce, thus enabling the United States to field the strongest possible team in the 1964 Olympic games. We must not forget that our country is the defending champion in the Olympic games of 1968.

The 1964 Olympics were no sooner over than the MacArthur agreement broke down and the feud resumed as well as the penalizing of athletes caught in the crossfire.

At last, Mr. President, we, the Senate of the United States, found it necessary to concern ourselves with this issue. The Senate recognized that the public interest was heavily involved in the dispute. Senate Resolution 147, in the 89th Congress, authorized the Vice President to appoint an independent board of arbitration to produce a final, conclusive settlement. The board has been at work for more than 2 years.

The distinguished Senator from Kansas [Mr. PEARSON] earlier identified some of the athletes who have suffered from the impasse since creation of the NCAA-AAU board of arbitration:

Kent Floreke, formerly of the University of Kansas, a member of the 1964 U.S. Olympic team in the triple jump, was suspended by the AAU for competing in the Kansas relays, April 1965.

Phil Mulkey, formerly of the University of Wyoming, a member of the 1960 U.S. Olympic team in the decathlon, was suspended by the AAU for competing in the Kansas relays, April 1965.

Larry Banner, Rusty Mitchell, Art Shurlock, and George Weiss, gymnasts and members of the 1964 U.S. Olympic team, and Judy Wills, 1964-65 world trampoline champion, were suspended by the AAU for taking part in certain meets sponsored by the U.S. Gymnasts Federation.

The entire Texas Track Club girls team was suspended by the AAU for competing in the USTFF championship meet at Bakersfield, Calif., the Drake relays, and the Texas relays, 1965.

George Weiss, Stephen Cohen, Edmond Esalella, Robert Emery, and Joseph Littow, students at Pennsylvania State University, were suspended by the AAU on March 9, 1967, for competing in an intercollegiate gymnastic meet on January 8, 1967. All of these suspensions have since been lifted except that of George Weiss.

Eleven students, all foreign born athletes attending U.S. colleges were suspended by the AAU on February 13, 1967, for competing in the USTFF invitation track meet in New York City on February 10, 1967.

One high school student and three college students were threatened with suspension by the AAU if they competed in the U.S. Gymnasts Federation championships in Tucson, Ariz., April 13-15, 1967.

The Iowa Girls High School Athletic

Union track and field team was suspended by the AAU for competing in the USTFF championships in Albuquerque, N. Mex., June 9 and 10, 1967. This suspension in effect denied these girls the right to participate in the Pan American Games held later in the summer.

The groups and competitors I have listed did nothing to deserve disqualification. They did nothing which reflected adversely on their character, their fitness to compete, their amateur standing.

Mr. President, these young Americans were penalized for pursuing the American dream, the dream of boys and girls to grow up in this Nation and use their God-given talents. And, this is more than a dream. This is their heritage, and we cannot allow it to be violated.

The Sports Arbitration Board will be making its report to Congress soon. Members of this distinguished panel certainly have had a difficult time. They deserve our support and encouragement.

But ominous rumblings from New York have reached Washington. The NCAA and the AAU appear to be eyeball-to-eyeball again at the onset of the 1968 Olympic year track and field season.

Marcus Plant of the University of Michigan, president of the NCAA, reported to the NCAA convention, held during the week of January 7 in New York City, that the arbitration proceedings were not making much progress in the normal manner of arbitration. The Reverend Wilfred H. Crowley, S.J., president of the USTFF, also addressed the NCAA convention. The Reverend Crowley said the USTFF was prepared to go to court if the AAU ordered suspensions for any athlete competing in the USTFF meet next month in New York. The meet is expected to draw many of the top Olympic hopefuls.

The AAU said just 3 days ago that all athletes competing in the USTFF meet in New York City on February 9 could lose their Olympic eligibility.

The distinguished chairman of the Sports Arbitration Board, Theodore W. Kheel, said on January 8 that the Board expected to make its report to Congress and announce its award prior to that February 9th USTFF meet. Mr. Kheel and his colleagues have demonstrated the patience of Job since they set to work in December of 1965. Mr. Kheel said he would expect the principals to be morally bound to abide by the Board's decision, that they will be bound by the pressure of the public.

But, Mr. Kheel said there may be technical or legal grounds for relief from the Arbitration Board's award.

These indeed are ominous rumblings of renewed warfare on the eve of what we reasonably could have expected to be a time of lasting peace.

And a day later still, Mr. President, the NCAA announced that as of November 1 of this year it will insist upon the right to certify all track and field meets in which NCAA athletes compete. Walter Byers, the executive secretary of the NCAA, said that the arbitration decision—whatever it might be—could not influence the NCAA determination to demand certification of events in which college athletes compete.

I do not wish to be a prophet of gloom,

but the handwriting is on the wall. And it appears to be the same wall the distinguished Sports Arbitration Board has found itself talking to, lo, these many months while the principals in the dispute offered deaf ears.

Where does this leave our athletes? It leaves them in dire need of a bill of rights, and we ought to give them such a bill now. The endless, bitter wrangling among the sanctioning groups has led me to conclude that athletes need legislative protection so that their freedom to compete in amateur athletics will not be impaired.

Jurisdictional squabbles between the two sports conglomerates—the NCAA and the AAU—are peripheral to the legitimate interests of the public and the athlete.

I am, therefore, concerned when talented young men and women, who have dedicated years of effort toward training, are barred from participating in important athletic events. I am disturbed because their exclusion results not from wrongdoing on their part, but because of the consequences of this longstanding organizational rivalry.

The bill I am introducing today would prevent the politics of organized sport from hindering free competition. This principle is far more important than the relative merits of the warring operators' positions.

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

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

The bill (S. 2836) to provide for the broadest possible participation by amateur athletes in competitive sports by prohibiting unreasonable restrictions on such participation by private sport groups and operators which sanction or encourage amateur athletic events, introduced by Mr. GRIFFIN, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 2836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Amateur Athletes Bill of Rights Act."

STATEMENT OF POLICY

SEC. 2. The Congress hereby declares that amateur athletics are an integral part of the American way of life and are essential to the proper physical, moral, and educational development of the Nation's young men and women. It is the concern of the Congress that the benefits to the Nation and to each individual competitor to be derived from maximum participation in amateur athletics will be available to all those who are willing and able to participate.

It is the sense of the Congress that progress toward this goal has been substantially impaired by continuing disputes between national and regional private amateur sport groups and operators over matters involving the conduct and sanctioning of amateur sports, chiefly track and field sports.

The Congress finds that the incidence of these disputes creates a problem of national scope by preventing the full development of amateur athletics in the United States, by interfering with the fielding of the best possible teams in international amateur ath-

letic activities, and by discouraging the maximum performance by athletes representing the United States in such international activities.

The Congress further finds that the sport groups and operators involved in these disputes are normally engaged in activities in more than one State and that their activities have a substantial effect upon interstate commerce.

Accordingly, the Congress declares that it is essential and fitting to enact legislation to ensure that participation in amateur athletics will not be restricted by sport groups and operators through agreements, practices, and procedures not reasonably necessary to promote the physical, moral, or educational welfare of amateur athletes.

PROHIBITION

SEC. 3. Except in the case of a violation of reasonable rules and regulations duly adopted to promote the physical, moral, or educational welfare of amateur athletes, no amateur sport group or operator engaged in commerce or in any activity affecting commerce shall, directly or indirectly—

(1) deny or threaten to deny any amateur athlete the opportunity to compete in any amateur athletic event conducted, supervised, sanctioned, promoted, or organized by such sport group or operator on the ground that such amateur athlete competed or intends to compete in any amateur athletic event conducted, supervised, sanctioned, promoted, or organized by any other amateur sport group or operator, or otherwise to take or threaten to take any disciplinary action against any amateur athlete on such ground; or

(2) otherwise impose or threaten to impose any unreasonable requirement or condition which results in the denial of or interference with the freedom of any amateur athlete to compete in any amateur athletic event to be conducted, supervised, sanctioned, promoted, or organized by such sport group or operator, including, but not limited to, unreasonable requirements or conditions for granting its sanction to any such event conducted by or under the supervision of any other amateur sport group or operator.

CIVIL ACTION

SEC. 4. (a) Whenever any amateur sport group or operator has engaged, or there are reasonable grounds to believe that it is about to engage, in any act in violation of section 3, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other appropriate order, may be instituted by any amateur athlete claiming to be aggrieved, or on his behalf, by any sport group of which he, his coach, or his institution is a member or is affiliated.

(b) The district courts of the United States shall have jurisdiction of actions brought under this section. Such actions shall be commenced in the United States district court for any judicial district in which the violation of section 3 is alleged to have occurred or be threatened, or in which the defendant sport group or operator is incorporated or has its principal office, or in which any person resides who, being a member of the board of directors or other governing body of, or a principal officer of, or a person controlling the affairs of, such defendant sport group or operator, has taken affirmative action to adopt or carry out any order or decision of such sport group or operator alleged to be in violation of section 3.

(c) In any action commenced pursuant to this section the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.

PENALTIES

SEC. 5. Any person who, being a member of the board of directors or other governing body of, or a principal officer of, or a person controlling the affairs of, any amateur

sport group or operator, takes any affirmative action to adopt or carry out any decision or order of such sport group or operator in violation of an injunction or order issued under section 4, shall be guilty of a misdemeanor and, upon conviction thereof, be fined not more than \$1,000 or imprisoned for not more than six months, or both, for each such offense.

DEFINITIONS

SEC. 6. For the purposes of this Act:

(a) The term "amateur athlete" means a person who participates in athletics for the physical, mental, social, or educational benefits he derives therefrom, to whom athletics is an avocation, and who has not accepted compensation or the promise of compensation for such participation. The term "compensation" shall not include scholarships or grants in aid consistent with the rules of any secondary school, or college or other institution of higher learning, or the payment or reimbursement of actual expenses of an amateur athlete.

(b) The term "athletics" means physical sports following prescribed rules in which amateur athletes participate.

(c) The term "coach" means a person who teaches, trains, or supervises amateur athletes or athletics, whether or not he receives remuneration therefor.

(d) The term "commerce" means commerce, transportation, transmission, or communication between any place in any State and any place outside thereof, or between places in the same State through any place outside thereof, or wholly within the District of Columbia.

(e) The term "institution" means any secondary school, college or other institution of higher learning, club, or similar body, which organizes or supervises amateur athletes or employs coaches.

(f) The term "operator" means a person, organization, association, federation, or other private entity, whether or not incorporated, which conducts, sponsors, or promotes any amateur athletic contest, meet, or tournament, whether or not such entity receives remuneration therefor, but such term does not include any State or political subdivision of any State, or any institution specified in subsection (e).

(g) The term "sport group" means a private organization, association, or federation, whether or not incorporated, whose members or affiliates are amateur athletes, coaches, institutions, or operators, and the primary purpose of which is to approve or sanction, or supervise under established rules, the conduct of amateur athletic contests, meets, or tournaments.

(h) The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

Mr. JAVITS. Mr. President, I ask unanimous consent that the Senator from Michigan be permitted to proceed for 1 additional minute.

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

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

Mr. GRIFFIN. I yield.

Mr. JAVITS. Mr. President, I have listened to the Senator with a great deal of interest. I have been considering a proposal regarding this problem which is quite similar. I feel that the division of work in this body is much better favored if Senators with a unique interest in the subject undertake the matter, as the Senator from Michigan [Mr. GRIFFIN] and the Senator from Kansas [Mr. PEARSON] have. I commend them and I

give them the assurance of my cooperation. I shall examine the bill with the greatest of interest.

Mr. President, as the Senator said, while we deal with the affairs of mankind and the economy of the country, many courageous young hearts are broken by such conflicts which are completely beyond their reach, let alone beyond their comprehension.

I do not believe the sports fans of this country will sit idly by as our outstanding prospects for the Olympic games in October are used by these organizations to further their own selfish motives. Yet, we are now only a few months away from the Olympic trials, and only 10 months away from the the Mexico City games. The time has come for us to put it on the line to the Amateur Athletic Union, the National Collegiate Athletic Association, and the U.S. Track & Field Federation: either this bickering is ended once and for all by a willingness to accept the arbitration decision or we in the Congress must go forward immediately to take away the jurisdiction of these agencies, leaving them with the authority only to fight with each other.

Mr. GRIFFIN. Mr. President, I thank the Senator very much. While I would not contend for a moment that the legislation I have introduced is absolutely perfect, I think it provides the basis to focus the attention of Congress on the problem, and I do hope we will find a solution.

AMENDMENT OF RAILROAD RETIREMENT ACT OF 1937 SO AS TO INCREASE THE AMOUNT OF ANNUITIES PAYABLE TO WIDOWS AND WIDOWERS

Mr. MORSE. Mr. President, I introduce, for appropriate reference, a bill to amend the Railroad Retirement Act of 1937 in order to increase the amount of annuities payable to widows and widowers under the act. It is with a good deal of pride that I sponsor this measure to aid the retired spouses of railroad employees by providing a necessary avenue of survival for this segment of our older Americans.

The National Association of Retired and Veteran Railway Employees, whose support has been given this legislation, points out that under present law a widow receives approximately 80 percent of her husband's annuity and loses entirely her spouses' benefits at time of death. This amount is but a few dollars more than one-half of the joint amount they received prior to his death, and the total is often insufficient to meet the needs of the widow. It seems plain that the loss of one person does not cut living expenses in half. The overhead costs for the household of the remaining spouse, such as property taxes, remain the same and they must be met.

The association also draws to our attention the point that many widows of railway employees are presently forced to draw upon public welfare programs in order to survive. The association cites statistics in regard to the last 7-percent increase granted under the Railroad Retirement Act. Some widows received this increase a year ago under the social security expansion, and as a result in some

States the public welfare was reduced by the same amount, completely eliminating any benefit at all. Others who tried to supplement their income by working under social security likewise had their benefits reduced.

The Congress has previously recognized the needs of the spouses of deceased railroad employees by including the spouses' benefit in the original Railroad Retirement Act. In 1966 the Congress passed a supplementary pension law which increased the income of those who retired after July 1, 1966, by about \$70, but the increased benefit ends upon the death of the principal beneficiary.

Under the measure I introduce today the surviving spouse of a deceased beneficiary would be provided the same amount of basic retirement benefits that the beneficiary was entitled to at the time of death. The minimum benefit under the bill would be \$103. The surviving spouse would also be granted any increase in benefits under the Railroad Retirement Act which may be made effective at any time following the death of the principal beneficiary.

Mr. President, I ask unanimous consent that at this point in the RECORD be inserted the text of the proposed legislation.

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. 2838) to amend the Railroad Retirement Act of 1937 so as to increase the amount of the annuities payable thereunder to widows and widowers, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5(a) of the Railroad Retirement Act of 1937 is amended by striking out "equal to such employee's basic amount" and inserting in lieu thereof the following: "equal to whichever of the following is the greater: \$103, or the amount of the annuity which would have been payable to such employee for such month if such employee were living, had attained age 65, and had otherwise qualified for an employee's annuity".

(b) The first sentence of section 5(b) of such Act is amended by striking out "equal to the employee's basic amount" and inserting in lieu thereof the following: "equal to whichever of the following is the greater: \$103, or the amount of the annuity which would have been payable to such employee for such month if he were living, had attained age 65, and had otherwise qualified for an employee's annuity".

SEC. 2. The amendments made by the first section of this Act shall be applicable with respect to annuities accruing under the Railroad Retirement Act of 1937 for months after the month which follows the month in which this Act is enacted.

INCREASE IN BENEFITS UNDER THE RAILROAD RETIREMENT ACT OF 1937 AND THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Mr. MORSE. Mr. President, I introduce, for appropriate reference, on my own behalf and that of the junior Sen-

ator from Rhode Island [Mr. PELL], a bill to increase benefit amounts under both the Railroad Retirement Act and the Railroad Unemployment Insurance Act. It is with great pleasure that we join in submitting this legislation which, I am happy to say, has the support of both railroad management and railroad labor. In addition to increasing the benefit amounts, it will otherwise improve our railroad retirement and railroad unemployment programs.

Annuities would be increased by flat dollar amounts to be derived from a table the bill would incorporate into the Railroad Retirement Act. The amount of the increase would depend on the employee's average railroad monthly compensation and would be approximately 110 percent of the amount of the increase in social security benefits an individual would receive under the Social Security Amendments of 1967 if his average monthly wage is in a similar amount to the employee's average railroad compensation.

There would be an offset against the annuity increases, in cases where the annuitant is also entitled to benefits under the Social Security Act, by the amount of the raise in his social security benefits effected by the Social Security Amendments of 1967. This would be in accord with the offset against the 1966 increases in annuity amounts by the amount of the raise in his social security benefits effected by the Social Security Amendments of 1965. However, there would be no offset against the increases provided by this bill for entitlement to a supplemental annuity under the Railroad Retirement Act. There was, of course, an offset against the 1966 annuity increases by reason of entitlement to a supplemental annuity and this offset would be continued.

It is significant though that despite this offset for social security increases, each retirement annuitant would receive an increase of at least \$10, except where his annuity is subject to a reduction such as for early retirement, and each wife or survivor entitled to an annuity would receive a minimum increase of at least about \$5.

The Social Security Amendments of 1967, because of the operation of existing provisions of law, will increase the maximum creditable monthly compensation under the Railroad Retirement Act from \$550 to \$650. This, in itself, will increase annuity amounts for those who have compensation in excess of \$550 a month. Because of these circumstances, the bill would increase annuity amounts only by about 110 percent more than the amount that the percentage, or formula, increase under the Social Security Act will raise benefits under that act.

The amount by which social security benefits are raised because of the increase in the wage base under that act from \$6,600 to \$7,800 a year—which permits an average monthly wage in excess of \$550 a month—is not reflected in the increases in annuities provided by this bill, since, otherwise, there would be a duplication attributable to the higher earnings base.

It is to be noted that many survivor annuities, and some retirement and

wives' annuities, are payable under the special social security minimum guarantee provision of the Railroad Retirement Act which, in effect, assures that annuities shall be no less than 110 percent of the amount, or the additional amount, that would be payable under the Social Security Act if the railroad service on which the annuity is based had been social security employment. The annuities payable under this special provision are, of course, increased by the Social Security Amendments of 1967 rather than by this bill.

This bill would also provide for annuities on a reduced basis for disabled widows and widowers who have attained the age of 50 on roughly the same conditions that benefits are provided for disabled widows and widowers covered under the Social Security Amendments of 1967. Also, the bill would increase the amount creditable for a month of military service after 1967 from \$160 to \$260 a month, comparable to a similar provision in the Social Security Amendments of 1967. Further, it would increase the amount a disability annuitant can earn in a year, without loss of any annuity payments, from \$1,200 to \$2,400 and would increase the amount that he can earn for a month from \$100 to \$200, without losing his annuity for that month even though his earnings for the year are in excess of the permissible amount.

Finally, the bill would change the standards for qualification needed for the payment of benefits to the members of an employee's family to accord with the standards currently applied under the Social Security Act. This would have the effect of permitting many individuals to qualify for benefits who cannot now do so.

As a result of the enactment of the Social Security Amendments of 1967, the actuarial condition of the railroad retirement system was changed from a deficit of about \$43 million a year on a level basis, to a surplus of about \$4 million a year. This results from the automatic increase in the taxable compensation base for the railroad retirement system from \$550 to \$650 a month, the slight increase in tax rates effected by existing provisions of law which operate automatically, and the advantageous effects to the railroad retirement system from those amendments under the financial interchange with the social security system.

Thus, about 75 percent of the costs of this bill, in respect to the railroad retirement system, of about \$62 million a year would be covered through the effects of the Social Security Amendments of 1967. As a consequence, there would be a deficit in the actuarial condition of the railroad retirement system after the enactment of this bill of about \$58 million a year on a level basis, which is \$15 million a year above the deficit of \$43 million a year which existed before the enactment of the Social Security Amendments of 1967.

In terms of the percentage of taxable payroll, the deficit, after the enactment of this bill, would be about 1.16 percent of payroll as compared with the deficit of about 0.92 percent before the passage

of the Social Security Amendments of 1967. This deficit is somewhat more than we would like, but it is not considered serious enough to be of grave concern; and the advantages of the bill are so substantial as to outweigh the existence of a deficit of this size.

The increases in benefits would be effective with February of 1968, the same month in which the social security raises become effective. However, in order that the Railroad Retirement Board can take the necessary steps to pay the increases in benefits as promptly as possible, it is desirable that this bill be enacted during this month. Annuities for disabled widows and widowers would become payable for months after January of 1968. The increase in the amount a disability annuitant can earn without loss of annuity payments would be effective as to annuities accruing in months after 1967, and the change in the standards for determining qualifications of family members would take effect as to annuities payable for months after January of 1968.

I now turn to the Railroad Unemployment Insurance Act. This bill would increase the daily benefit rate for unemployment and sickness benefits by \$2.50 a day. The schedule of benefit amounts would be increased, by this amount, beginning with the smallest daily benefit payable and extending to the highest benefit rate which is now \$10.20 a day. Also, the bill would permit individuals who have the required years of service to be paid sickness benefits in excess of the normal limit of 130 days a year in generally the same way they can now receive extended unemployment benefits. In addition, an individual could be paid sickness benefits in a benefit year beginning earlier than it otherwise would where he is qualified for the next succeeding benefit year but not for the normal benefit year in which he became ill. The rights to extended and accelerated sickness benefits would not be available to an individual after he reaches his 65th birthday. The provisions for extended and accelerated sickness benefits would not affect adversely the rights to sickness benefits of individuals past age 65 which rights exist under present law.

In view of the fact that the rights to extended and accelerated sickness benefits will cause many individuals to claim those benefits, for periods during which they would otherwise claim and be paid disability annuities under the Railroad Retirement Act, there are provisions in the bill which would, in effect, reimburse the railroad unemployment insurance account from the railroad retirement account for the amount which the railroad retirement account would save as a result of the provisions for the extended and accelerated sickness benefits.

There are other provisions of the bill which would result in savings that would help meet the costs of the improvements in benefits. Maternity benefits, as such, would be eliminated, but a woman who, by reason of pregnancy, miscarriage, or the birth of a child, could not work, or could not work without endangering her health, would be entitled to sickness benefits. The amount of compensation required in a year to qualify for either

unemployment or sickness benefits would be increased from \$750 to \$1,000. Finally, an individual who receives a separation allowance could be disqualified for unemployment or sickness benefits for a limited time.

The increase in the daily benefit rate would be applicable in registration periods beginning on or after July 1, 1968, and extended sickness benefits could begin on or after that date. An accelerated benefit-year based on sickness could begin as early as July 1, 1967. Maternity benefits would be eliminated as of July 1, 1968, and the new provisions relating to pregnancy, miscarriage, or the birth of a child would become effective on that date. The increase in the qualifying amount would generally be effective beginning with the base year 1967, but it would not apply if an employee's compensation in that year was at least \$750 but less than \$1,000. Such an employee could qualify for benefits in the benefit year beginning July 1, 1968, but they would be paid at the present rates, not the increased rates provided for in the bill. The disqualification because of receipt of a separation allowance would be effective for days in benefit-years beginning after June 30, 1968.

There would be no change in the amount of compensation on which the contribution rates now apply and there would be no increase in the current schedule of contribution rates. It is estimated that the costs of this bill—of about \$20.5 million a year—can be met through the existing provisions for the financing of the railroad unemployment insurance system, and there will still be sufficient funds available to pay about \$30 million a year toward the indebtedness to the railroad retirement account. Thus, after about 5 years of payments in this amount, the debt would be extinguished.

Mr. President, I ask unanimous consent that at this point in my remarks, there appear the text of the proposed legislation together with a section-by-section analysis of the principal provisions of the bill. It is my hope that hearings on this important legislation, of benefit to so many, can be completed in the very near future.

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

The bill (S. 2839) to amend the Railroad Retirement Act of 1937 and the Railroad Unemployment Insurance Act to provide for increase in benefits, and for other purposes, introduced by Mr. MORSE (for himself and Mr. PELL), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2839

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

TITLE I—AMENDMENTS TO THE RAILROAD RETIREMENT ACT

SEC. 101. The eighth sentence of section 1(h) of the Railroad Retirement Act of 1937 is amended by inserting "before 1968" after

"calendar month" and by adding after such eighth sentence the following new sentence: "In making such a determination there shall be attributable as compensation paid to him for each calendar month after 1967 in which he is in military service so creditable the amount of \$260."

SEC. 102. The second paragraph of section 2(d) of the Railroad Retirement Act of 1937 is amended by striking out "\$1,200 wherever this figure appears and inserting in lieu thereof "\$2,400"; by striking out "\$100" wherever such figure appears and inserting in lieu thereof "\$200"; and by striking out "\$50" and inserting in lieu thereof "\$100".

SEC. 103. (a) Section 2(e) of the Railroad Retirement Act of 1937 is amended by striking out "reduction" and inserting in lieu thereof "reductions", and by striking out "section 3(a)(1) of this Act" and all that follows and inserting in lieu thereof "section 3(a)(2)".

(b) Section 2(i) of such Act is amended by striking out "the first two provisos in section 3(a)(1)" and all that follows and inserting in lieu thereof "the second proviso in section 3(a)(2), except that, notwithstanding other provisions of this subsection, the spouse's annuity shall (before any reduction on account of age) not be less than one-half of the amount computed in section 3(a)(1) increased by \$5 or, if the spouse is entitled to benefits under title II of the Social Security Act, by the excess of \$5 over 5.8 per centum of the lesser of (i) any benefit to which such spouse is entitled under title II of the Social Security Act, or (ii) the spouse's annuity to which such spouse would be entitled without regard to section 3(a)(2) and before any reduction on account of age, but in no case shall such an annuity (before any reduction on account of age) be more than the maximum amount of a spouse's annuity as provided in subsection (e)."

SEC. 104. (a) Section 3(a) of the Railroad Retirement Act of 1937 is amended by striking out all that appears therein and inserting in lieu thereof the following:

"SEC. 3. (a)(1) The annuity of an individual shall be computed by multiplying his 'years of service' by the following percentages of his 'monthly compensation': 3.58 per centum of the first \$50; 2.69 per centum of the next \$100; and 1.79 per centum of the remainder up to a total of (i) \$450, or (ii) an amount equal to one-twelfth of the current maximum and taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954, whichever is greater.

"(2) The annuity of the individual (as computed under paragraph (1) of this subsection, or under that part of subsection (e) of this section preceding the first proviso) shall be increased in an amount determined from his monthly compensation by use of the following table:

"Monthly compensation:	Increase
Up to \$100.....	\$9.13
\$101 to \$150.....	11.22
\$151 to \$200.....	12.87
\$201 to \$250.....	14.63
\$251 to \$300.....	16.17
\$301 to \$350.....	17.82
\$351 to \$400.....	19.47
\$401 to \$450.....	20.90
\$451 to \$500.....	22.55
\$501 to \$550.....	24.09
\$551 to \$600.....	27.83
\$601 and over.....	31.46

The amount of the increase shall be the amount on the same line as that in which the range of monthly compensation includes his monthly compensation: *Provided, however*, That for months with respect to which the individual is entitled to a supplemental annuity under subsection (j), the increase provided in this paragraph shall be reduced by 6.55 per centum of the amount determined under paragraph (1), or under that part of subsection (e) of this section which

precedes the first proviso, which is based on the first \$450 of the monthly compensation or an amount equal to the amount of the supplemental annuity payable to him, whichever is less: *Provided further*, That for months with respect to which the individual is entitled to a benefit under title II of the Social Security Act, the increase shall be reduced by (i) 17.3 per centum of such social security benefit if the increase has not been reduced pursuant to the preceding proviso or (ii) 11.5 per centum of such social security benefit if the increase has been reduced pursuant to the preceding proviso (disregarding for the purpose of this and the following proviso any increase in such benefit based on recomputations other than for the correction of errors after the first adjustment and any increases derived from legislation enacted after the Social Security Amendments of 1967): *And provided further*, That the amount computed under this subsection for any month shall not be less than the amount computed in accordance with paragraph (1), or under that part of subsection (e) of this section which precedes the first proviso, plus (i) \$10 minus any reduction made pursuant to the first proviso of this paragraph or (ii) if the individual is entitled to a benefit under title II of the Social Security Act and no reduction is made pursuant to the first proviso of this paragraph, \$10 minus 5.8 per centum of the lesser of the amount of such social security benefit, or of the amount computed in accordance with paragraph (1), or under that part of subsection (e) of this section which precedes the first proviso."

(b) The first paragraph of section 3(e) of such Act is amended by striking out the language before the first proviso beginning with "except that" and continuing through "amended in 1966"; by striking out the language beginning with "(deeming" and continuing through "the Social Security Act)"; and by adding at the end thereof the following three new paragraphs:

"For the purposes of the first proviso in the paragraph of this subsection, (i) completely and partially insured individuals shall be deemed to be fully and currently insured, respectively; (ii) individuals entitled to insurance annuities under subsections (a)(1) and (d) of section 5 of this Act shall be deemed to have attained age 62 (the provisions of this clause shall not apply to individuals who, though entitled to insurance annuities under section 5(a)(1) of this Act, were entitled to an annuity under section 5(a)(2) of this Act for the month before the month in which they attained age 60); (iii) individuals entitled to insurance annuities under section 5(a)(2) of this Act shall be deemed to be entitled to insurance benefits under section 202(e) or (f) of the Social Security Act on the basis of disability; (iv) individuals entitled to insurance annuities under section 5(c) of this Act on the basis of disability shall be deemed to be entitled to insurance benefits under section 202(d) of the Social Security Act on the basis of disability; and (v) women entitled to spouses' annuities pursuant to elections made under section 2(h) of this Act shall be deemed to be entitled to wives' insurance benefits determined under section 202(q) of the Social Security Act; and, for the purposes of this subsection, any possible deductions under subsections (g) and (h)(2) of section 203 of the Social Security Act shall be disregarded.

"Notwithstanding the provisions of section 202(q) of the Social Security Act, the amount determined under the proviso in the first paragraph of this subsection for a widow or widower who is or has been entitled to an annuity under section 5(a)(2) of this Act, shall be equal to 90.75 per centum of the primary insurance amount (reduced in accordance with section 203(a) of the Social Security Act) of the employee as deter-

mined under this subsection, and the amount so determined shall be reduced by three-tenths of 1 per centum for each month the annuity would be subject to a reduction under section 5(a)(2) of this Act (adjusted upon attainment of age 60 in the same manner as an annuity under section 5(a)(1) of this Act which, before attainment of age 60, had been payable under section 5(a)(2) of this Act); and the amount so determined shall be reduced by the amount of any benefit under title II of the Social Security Act to which she or he is, or on application would be, entitled.

"In cases where an annuity under this Act is not payable under the first proviso in the first paragraph of this subsection on the date of enactment of the Social Security Amendments of 1967, the primary insurance amount used in determining the applicability of such proviso shall, except in cases where the employee died before 1939, be derived after deeming the individual on whose service and compensation the annuity is based (i) to have become entitled to social security benefits, or (ii) to have died without being entitled to such benefits, after the date of the enactment of the Social Security Amendments of 1967. For this purpose, the provision of section 215(b)(3) of the Social Security Act that the employee must have reached age 65 (62 in the case of a woman) after 1960 shall be disregarded and there shall be substituted for the nine-year period prescribed in section 215(d)(1)(B)(i) of the Social Security Act, the number of years elapsing after 1936 and up to the year of death if the employee died before 1946."

Sec. 105. (a) Section 5(a) of the Railroad Retirement Act of 1937 is amended by inserting "(1)" before "A widow"; by inserting before the colon the following: "except that if the widow or widower will have been paid an annuity under paragraph (2) of this subsection the annuity for a month under this paragraph shall be in an amount equal to the amount calculated under such paragraph (2) except that, in such calculation, any month with respect to which an annuity under paragraph (2) is not paid shall be disregarded"; and by inserting at the end thereof the following new paragraph:

"(2) A widow or widower of a completely insured employee who will have attained the age of fifty but will not have attained age sixty and is under a disability, as defined in this paragraph, and such disability began before the end of the period prescribed in the last sentence of this paragraph, shall be entitled to an annuity for each month, unless she or he has remarried in or before such month, equal to such employee's basic amount but subject to a reduction by three-tenths of 1 per centum for each calendar month she or he is under age sixty when the annuity begins. A widow or widower shall be under a disability within the meaning of this paragraph if her or his permanent physical or mental condition is such that she or he is unable to engage in any regular employment. The provisions of section 2(a) of this Act as to the proof of disability shall apply with regard to determinations with respect to disability under this paragraph. The annuity of a widow or widower under this paragraph shall cease upon the last day of the second month following the month in which she or he ceases to be under a disability unless such annuity is otherwise terminated on an earlier date. The period referred to in the first sentence of this paragraph is the period beginning with the latest of (i) the month of the employee's death, (ii) the last month for which she was entitled to an annuity under subsection (b) as the widow of such employee, or (iii) the month in which her or his previous entitlement to an annuity as the widow or widower of such employee terminated because her or his disability had ceased and ending with the month before the month

in which she or he attains age sixty, or, if earlier with the close of the eighty-fourth month following the month with which such period began."

(b) Section 5(h) of such Act is amended by striking out all that follows "be increased to \$18.14" and inserting in lieu thereof a period.

(c) Section 5(i)(1)(ii) of such Act is amended by inserting "deeming such an individual who is entitled to an annuity under subsection (a)(1) of this section to have attained age sixty-two unless such individual will have been entitled to an annuity under subsection (a)(2) of this section for the month before the month in which he attained age sixty", after "an activity within the United States".

(d) Section 5(j) of such Act is amended by striking out all after the colon and inserting in lieu thereof the following: "Provided, however, That the annuity of a child, qualified under subsection (1)(i)(C) of this section, shall cease upon the last day of the second month following the month in which he ceases to be unable to engage in any regular employment by reason of a permanent physical or mental condition unless in such second month he qualifies for an annuity under one of the other provisions of this Act and unless his annuity is otherwise terminated on an earlier date."

(e) Section 5(l)(1) of such Act is amended by changing the period at the end of subdivision (i) thereof to a semicolon; by striking out "which began" from subdivision (ii)(C) and inserting in lieu thereof "which disability began"; and by striking out "216(h)(1) of the Social Security Act, as in effect prior to 1957, shall be applied" where such language first appears and inserting in lieu thereof "216(h) of the Social Security Act shall be applied deeming, for this purpose, individuals entitled to an annuity under section 2(e) or (h) to be entitled to benefits under subsection (b) or (c) of section 202 of the Social Security Act and individuals entitled to an annuity under subsection (a) or (b) of this section to be entitled to a benefit under subsection (e), (f), or (g) of section 202 of the Social Security Act".

(f) Section 5(l)(9) of such Act is amended by inserting "or January 1, 1951, whichever is later" before "eliminating any excess over \$300"; by striking out "for any calendar year before 1955 is less than \$3,600" and inserting in lieu thereof "in the period before 1951 is less than \$50,400, or for any calendar year after 1950 and before 1955 is less than \$3,600"; by inserting "period or such" before "calendar year 'wages' as defined in paragraph (6) hereof"; by striking out "for such year and \$3,600 for years before 1955" and inserting in lieu thereof "for such period and \$50,400, and between the compensation for such year and \$3,600 for years after 1950 and before 1955"; by striking out "closing date: Provided, That for the period prior to and including" and inserting in lieu thereof "closing date or January 1, 1951, whichever is later: Provided, That for the period after 1950 but prior to and including"; by inserting "after 1950" after "That there shall be excluded from the divisor any calendar quarter"; and by inserting "any calendar quarter before 1951 in which a retirement annuity will have been payable to him and any calendar quarter before 1951 and before the year in which he will have attained the age of 20" before "An employee's 'closing date' shall mean (A)".

(g) Subdivision (i) of section 5(l)(10) of such Act is amended by striking out beginning with "\$450; plus (C)" down to and including "multiplied by" and inserting in lieu thereof "(i) \$450, or (ii) an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954, whichever is greater, plus (C) 1 per centum of the sum of (A) plus (B)

multiplied by"; and by striking out "after 1936 in each of which the compensation, wages, or both, paid to him will have been equal to \$200 or more" and inserting in lieu thereof "after 1950 in each of which the compensation, wages, or both, paid to him will have been equal to \$200 or more plus, for the years after 1936 and before 1951, a number of years determined in accordance with regulations prescribed by the Board".

(h) Section 5(m) of such Act is amended by striking out all that appears therein and inserting in lieu thereof the following:

"(m) The amount of an individual's annuity calculated under the other provisions of this section (except an annuity in the amount determined under the proviso in subsection (a) or (b)) shall (before any reduction on account of age) be increased in the amount of 82.5 per centum in the case of a widow, widower, or parent and 75 per centum in the case of a child of the increase shown in the table in section 3(a)(2) on the same line on which the range of monthly compensation includes an amount equal to the average monthly wage determined for the purposes of section 3(e) (except that for cases involving earnings before 1951 and for cases on the Board's rolls on the enactment date of the 1967 amendments to the Railroad Retirement Act, an amount equal to the highest average monthly wage that can be found on the same line of the table in section 215(a) of the Social Security Act as is the primary insurance amount recorded in the records of the Railroad Retirement Board shall be used, and if such an average monthly wage cannot be determined, the employee's monthly compensation on which his annuity was computed shall be used; and in the case of a pensioner, his monthly compensation shall be deemed to be the earnings which are used to compute his basic amount): *Provided, however,* That the increase shall (before any reduction on account of age) be reduced by 17.3 per centum of any benefit under title II of the Social Security Act to which the individual is entitled (disregarding for the purpose of this and the following proviso any increase in such benefit based on recomputations other than for the correction of errors after the first adjustment and any increases derived from legislation enacted after the Social Security Amendments of 1967): *And provided further,* That the amount computed under this subsection shall (before any reduction on account of age) not be less than \$5, or, in the case of an individual entitled to benefits under title II of the Social Security Act, such amount shall not be less than \$5 minus 5.8 per centum of the lesser of the social security benefit to which such individual is entitled or the benefit computed under the other provisions of this section."

Sec. 106. Section 10(a) of the Railroad Retirement Act of 1937 is amended by striking therefrom the last sentence and inserting in lieu thereof the following new sentence: "Upon the expiration of his term of office a member shall continue to serve until his successor is appointed and shall have qualified."

Sec. 107. All pensions under section 6 of the Railroad Retirement Act of 1937, and all annuities under the Railroad Retirement Act of 1935, are increased as provided in that part of section 3(a)(2) of the Railroad Retirement Act of 1937 which precedes the provisos (deeming for this purpose (in the case of a pension) the monthly compensation to be the earnings which would be used to compute the basic amount if the pensioner were to die); joint and survivor annuities shall be computed under section 3(a) of the Railroad Retirement Act and reduced by the percentage determined in accordance with the election of such annuity; all survivor annuities deriving from joint and survivor annuities under the Railroad Retirement Act of 1937 in cases where the

employee died before the month following the month in which the increases in annuities provided by section 104(a) of this Act are effective are increased by the same amount they would have been increased by this Act if the employee from whose joint and survivor annuity the survivor annuity is derived had been alive during all of the month in which the increases in annuities provided by section 104(a) of this Act are effective; and all widows' and widowers' insurance annuities which began to accrue before the month following the month in which the increases in annuities provided by section 104(a) of this Act are effective and which, in accordance with the proviso in section 5(a) or section 5(b) of the Railroad Retirement Act of 1937, are payable in the amount of the spouse's annuity to which the widow or widower was entitled are increased by the amount by which the spouse's annuity would have been increased by this Act had the individual from whom the annuity is derived been alive during all of the month in which the increases in annuities provided by section 104(a) of this Act are effective: *Provided, however*, That in cases where the individual entitled to such a pension or annuity (other than an individual who has made a joint and survivor election) is entitled to a benefit under title II of the Social Security Act, the additional amount payable by reason of this subsection shall be reduced by 11.5 per centum of such benefit (disregarding any increases in such benefit based on recomputations other than for the correction of errors after such reduction is first applied and any increases derived from legislation enacted after the Social Security Amendments of 1967): *And provided further*, That (1) such an annuity under the Railroad Retirement Act of 1935 or a pension shall be increased by not less than \$10, (ii) such a survivor annuity derived from a joint and survivor annuity shall be increased by not less than \$5, and (iii) such a widow's or widower's annuity in an amount formerly received as a spouse's annuity shall be increased by not less than \$5, but not to an amount above the maximum of the spouse's annuity payable in the month in which the increases in annuities provided by section 104(a) of this Act are effective.

SEC. 108. (a) Except as otherwise provided, the amendments made by this title, other than section 102, subsections (f) and (g) of section 105, and section 106, shall be effective with respect to annuities accruing for months beginning with the month with respect to which the increase in benefits under title II of the Social Security Act provided for by the Social Security Amendments of 1967 is effective. The amendments made by section 102 shall be effective with respect to annuities accruing for months in calendar months next following the month with respect to which the increase in benefits under title II of the Social Security Act provided for by the Social Security Amendments of 1967 is effective. The amendments made by section 105 (f) and (g) shall be effective with respect to benefits payable on deaths occurring on or after the date of enactment of this Act. The amendments made by section 106 shall be effective on the enactment date of this Act.

(b) In cases where an annuity is payable in the month before the month with respect to which increases in benefits under title II of the Social Security Act provided for by the Social Security Amendments of 1967 become effective in an amount determined under the Railroad Retirement Act, other than under the first proviso of section 3(e) of such Act, the provisions of this Act shall be presumed, in the absence of a claim to the contrary, to provide a higher amount of increase in the annuity than the provisions of the Social Security Amendments of 1967 would provide as an increase in the amount

determined under the first proviso of section 3(e) of the Railroad Retirement Act.

(c) All recertifications required by reason of the amendments made by this title shall be made by the Railroad Retirement Board without application therefor.

TITLE II—AMENDMENTS TO THE RAILROAD UNEMPLOYMENT INSURANCE ACT

SEC. 201. (a) (1) Section 1(k) of the Railroad Unemployment Insurance Act is amended by striking out "or which is included in a maternity period" and inserting in lieu thereof ", or, with respect to a female employee, a calendar day on which, because of pregnancy, miscarriage, or the birth of a child, (i) she is unable to work or (ii) working would be injurious to her health".

(2) The said section 1(k) is further amended by striking out from the first proviso "\$750" and inserting in lieu thereof "\$1,000".

(b) Section 1(l) of such Act is amended by redesignating subsections "(1)" and "(1) (1)" as "(1) (1)" and "(1) (2)", respectively; by striking out from subsection (1) (2), as redesignated, "and the term 'statement of maternity sickness' means a statement with respect to a maternity period of a female employee, in each case"; and by striking out the present subsection (1) (2).

SEC. 202. (a) (1) The first paragraph of section 2(a) of the Railroad Unemployment Insurance Act is amended by striking out (1) "other than a day of sickness in a maternity period"; and (ii) ", and (iii) for each day of sickness in a maternity period".

(2) The said section 2(a) is further amended by striking out the third paragraph thereof.

(3) The said section 2(a) is further amended by striking out the first line from the table thereof; by striking out "5.50", "6.00", "6.50", "7.00", "7.50", "8.00", "8.50", "9.00", "9.50", and "10.20" and inserting in lieu thereof "\$8.00", "8.50", "9.00", "9.50", "10.00", "10.50", "11.00", "11.50", "12.00" and "12.70", respectively; and by striking from the proviso "\$10.20" and inserting in lieu thereof "\$12.70".

(b) (1) Section 2(c) of such Act is amended by striking out ", other than days of sickness in a maternity period," wherever it appears; by inserting "and" after "base year," where it first appears, and by striking out "; and the total amount of benefits which may be paid to an employee for days of sickness in a maternity period shall in no case exceed the employee's compensation in the base year on the basis of which the employee was determined to be qualified for benefits in such maternity period".

(2) The said section 2(c) is further amended (i) by striking out "leave work without good cause or voluntarily retire" from the second proviso and inserting in lieu thereof the following: "retire and (in a case involving exhaustion of rights to benefits for days of unemployment) did not voluntarily leave work without good cause"; (ii) by inserting after the words "normal benefits for days of unemployment", the first time they appear in the second proviso, the following: "or days of sickness"; (iii) by inserting after "for, unemployment" in the second proviso the following: "or sickness (depending on the type of benefit rights exhausted)"; (iv) by inserting after "compensable days of unemployment" in the second proviso the following: "or days of sickness, as the case may be,"; (v) by inserting after "first day of unemployment" in the schedule in the second proviso the following: "or sickness, as the case may be,"; (vi) by inserting after the words "days of unemployment" in the schedule in the second proviso the following: "or days of sickness"; (vii) by striking out "leave work without good cause or voluntarily retire" from the second sentence and inserting in lieu thereof the following: "retire and (in a case involving unemployment) did not vol-

untarily leave work without good cause"; (viii) by inserting after "unemployment," in the second sentence, the following: "or four-teen or more consecutive days of sickness,"; (ix) by inserting after the words "such unemployment", wherever they appear in the last sentence, the following: "or sickness"; and (x) by adding the following two sentences at the end of such section: "Notwithstanding the other provisions of this subsection, an extended benefit period for sickness benefits shall terminate on the day next preceding the date on which the employee attains age 65, except that it may continue for the purpose of the payment of unemployment benefits; and, in the case of a succeeding benefit year beginning in accordance with the next preceding sentence by reason of sickness, such sentence shall not operate to permit the payment of benefits in the period provided for in such sentence for any day of sickness beginning with the day on which age 65 is attained and continuing through the day preceding the first day of the next succeeding general benefit year. For purposes of this subsection and section 10(h), the Board may rely on evidence of age available in its records and files at the time determinations of age are made."

SEC. 203. Section 3 of the Railroad Unemployment Insurance Act is amended by striking out "\$750" and inserting in lieu thereof "\$1,000".

SEC. 204. (a) Section 4(a-1) of the Railroad Unemployment Insurance Act is amended by inserting at the end thereof the following new paragraph:

"(iii) if he is paid a separation allowance, any of the days in the period beginning with the day following his separation from service and continuing for that number of consecutive fourteen-day periods which is equal, or most nearly equal, to the amount of the separation allowance divided (i) by ten times his last daily rate of compensation prior to his separation if he normally works five days a week, (ii) by twelve times such rate if he normally works six days a week, and (iii) by fourteen times such rate if he normally works seven days a week;"

(b) Section 4(a-2) (i) of such Act is amended by striking out from paragraph A thereof "\$750" and inserting in lieu thereof "\$1,000".

SEC. 205. Section 10 of the Railroad Unemployment Insurance Act is amended by inserting in subsection (a) thereof before "(iii)" the following: "and pursuant to subsection (h) of this section", and by inserting at the end thereof the following new subsection:

"(h) At the close of the fiscal year ending June 30, 1968, and each fiscal year thereafter, the Board shall determine the amount, if any, which, if added to the railroad unemployment insurance account, would place such account in the same position it would have been in at the close of such fiscal year if every employee who had been paid benefits in the fiscal year for days of sickness in an extended benefit period under the first sentence of section 2(c), or in a 'succeeding benefit year' begun in accordance with the second sentence of section 2(c), and who upon application therefor would have been entitled to a disability annuity under section 2(a) of the Railroad Retirement Act of 1937 with respect to some or all of the days for which such benefits were paid, had been paid such annuity with respect to all days of sickness for which he was paid benefits which were also days with respect to which such annuity could have accrued. In determining such amount, the Board shall presume that every such employee was, in respect to his permanent physical or mental condition, qualified for such an annuity from the date of onset of the last spell of illness for which he was paid such benefits, if (a) he died without applying for such an annuity and before fully exhausting all rights to such benefits; or (b) he died without applying for such an

annuity but within a year after the last day of sickness for which he had been paid such benefits, and had not meanwhile engaged in substantial gainful employment; or (c) he applied for such an annuity within one year after the last day of sickness for which he was paid such benefits and had not engaged in substantial gainful employment after that day and before the day on which he filed an application for such an annuity. The Board shall also have authority to make reasonable approximations deemed necessary in computing annuities for this purpose. The Board shall determine such amount no later than June 15 following the close of the fiscal year, and within ten days after such determination shall certify such amount to the Secretary of the Treasury for transfer from the Railroad Retirement Account to the railroad unemployment insurance account, and the Secretary of the Treasury shall make such transfer. The amount so certified shall include interest (at a rate determined, as of the close of the fiscal year, in accordance with subsection (d) of this section) payable from the close of such fiscal year to the date of certification."

(i) for the comma between "unemployment-compensation" and "sickness" in the first sentence,

(ii) for the comma between "unemployment" and "sickness" in the second sentence, and

(iii) for the comma between "unemployment-compensation" and "sickness" in the second sentence.

(b) The first paragraph of section 12(g) of such Act is amended by substituting "or" for the comma between "unemployment" and "sickness", and by striking out ", or maternity". The second paragraph of such section is amended by striking out ", or maternity" wherever it appears, and by substituting "or" for the comma wherever it appears between "unemployment" and "sickness".

(c) The third paragraph of section 12(i) of such Act is amended by striking out "and, in case of maternity sickness, the expected date of birth and the actual date of birth of the child".

(d) Section 12(n) of such Act is amended by striking out

(i) "or maternity" wherever it appears, and

(ii) "or as to the expected date of birth of a female employee's child, or the birth of such a child".

SEC. 207. Section 13 of the Railroad Unemployment Insurance Act is amended by striking out the following phrases: "and maternity"; "or for maternity"; or maternity" wherever it appears; and "or to maternity".

EFFECTIVE DATES

SEC. 208. The amendments made by sections 201(a)(1), 201(b), 202(a)(1), (202(a)(2), 202(b)(1), 206 and 207 shall be effective as of July 1, 1968. The amendments made by sections 201(a)(2) and 203 shall be effective with respect to base years beginning in calendar years after December 31, 1966, except that with respect to the base year in calendar year 1967 the amendments made by section 203 shall not be applicable to an employee whose compensation with respect to that base year was not less than \$750 but less than \$1,000; further, as to such an employee, the amendments made by section 202(a)(3) shall not be applicable with respect to days of unemployment and days of sickness in registration periods in the benefit year beginning July 1, 1968. The amendments made by section 202(a)(3) shall otherwise be effective with respect to days of unemployment and days of sickness in registration periods beginning on or after July 1, 1968. The amendments made by sections 202(b)(2) (i) through (vi) shall be effective to provide the beginning of extended benefit periods on or after July 1, 1968. The amend-

ments made by section 202(b)(2) (vii) through (ix) shall be effective to provide for the early beginning of a benefit year on or after July 1, 1967. The amendment made by section 204(a) shall be effective with respect to calendar days in benefit years beginning after June 30, 1968, and the amendment made by section 204(b) shall be effective with respect to voluntary leaving of work (within the meaning of section 4(a-2)(1) of the Railroad Unemployment Insurance Act) after the enactment date of this Act.

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

SECTION-BY-SECTION ANALYSIS OF H.R. 14563

TITLE I—AMENDMENTS TO THE RAILROAD RETIREMENT ACT

Section 101: This section would amend section 1(h) of the Act to increase the amount to be credited for each month of military service after 1967 from \$160 to \$260.

Section 102: This section would amend section 2(d) of the Act to change the amount that an employee entitled to a disability annuity could earn in a year without losing an annuity payment for any month in the year from \$1,200 to \$2,400; and to change the amount he could earn in a month without losing his annuity for the month, regardless of his total earnings in the year, from \$100 to \$200.

Section 103: Subsection (a): The change made by this subsection is required in section 2(e) of the Railroad Retirement Act since section 3(a) is revised. The change is purely technical, the purpose being to retain the provisions for calculating a spouse's annuity on the basis of the employee's annuity before any reduction of the latter annuity because of rights to a supplemental annuity or to benefits under title II of the Social Security Act. This automatically results in an increase in the spouse's annuity by an amount equal to one-half the increase in the employee's annuity subject, of course, to the provisions for a maximum spouse's annuity.

Subsection (b): This subsection would amend section 2(i) of the Act to provide for a reduction of the increase in the spouse's annuity as a result of the 1967 amendments by the amount of the 1967 increase in any social security benefit to which the spouse is entitled, and combines this reduction with that required under present law to offset the 1965 increases in social security benefits against the 1966 increase in railroad retirement annuities. This would be accomplished simply by reference to the provisions of the second proviso in section 3(a)(2) which relate to the reduction in the 1967 increase of an employee's annuity because of the 1967 increase in any social security benefits to which he is entitled and combines the reduction with that now required for the 1965 increases in such benefits.

This subsection would also provide that the spouse's annuity would be increased by about \$5 notwithstanding any reduction requirements because of such spouse's rights to social security benefits. The provision for the calculation of the minimum as the excess of \$5 over either of two amounts, is only a device for accomplishing that purpose. The provision with regard to the minimum applies without regard to a reduction in the spouse's annuity by reason of the 7 per cent increase in social security benefits effected in 1965, and, therefore, 5.8 per cent of the lesser of these two amounts only restores, in effect, the amount of the reduction in the 1966 Act because of the 7 per cent increase. The result is that, if the 1967 legislation does not otherwise produce an increase in the spouse's annuity by about \$5, such spouse would be assured of an increase by that minimum amount over the annuity to which such spouse would be entitled under the 1966 Railroad Retirement Act. However, there is a restriction that, in no event can the spouse's annuity be increased to an amount

which is more than 110 per cent of the highest amount that could be paid as a wife's benefit under the Social Security Act as provided in section 2(e) of the Railroad Retirement Act. When 5.8 per cent of a social security benefit, as increased in 1967, is taken, the product is equivalent to the 7 per cent increase in social security benefits effected in 1965 (5.8 per cent of a social security benefit, as increased in 1965 and 1967, is approximately the same as 6.55 per cent of the benefit, as increased in 1965). Where the railroad retirement amount is used in the calculation, the spouse gets a slight break because 5.8 per cent of the spouse's annuity to which she would be entitled without any reduction for the 1965 increase in social security benefits, would be slightly less than the 7 per cent increase in a spouse's annuity to which she would be entitled under the 1966 legislation to the Railroad Retirement Act, and the minimum increase, therefore, in such a case would be slightly more than \$5.

The increases provided by this subsection, including those under the \$5 minimum (as well as the adjustments of the increases for entitlement to social security benefits), would be before any reduction on account of age. In addition, the guaranty of a minimum increase does not apply to benefits computed under the overall minimum guaranty of section 3(e) so that some spouses paid under this provision may receive increases as a result of the 1967 Social Security Amendments which will be less than \$5.

Section 104:

Subsection (a): The general design of the bill is to revise section 3(a) entirely in order to accomplish the objective of the 1967 increase and yet simplify the adjudication process. The idea is to produce an annuity amount which would be equivalent to that payable under the 1966 Railroad Retirement Act and then add the increase desired through the 1967 legislation. The amount derived before including the 1967 increase could be higher, however, since the concept of limiting the 1966 increase of 7 per cent to that part of the annuity produced by monthly compensation of \$450 or less, would be revised so that the 7 per cent increase would be applied to the average monthly compensation up to any limit. This would be accomplished by the removal of the fourth factor in the present provisions of section 3(a)(1). There follows an explanation of the processes in continuity that the revised section 3(a) would require.

(1) Paragraph (1) would produce an amount which includes the 7 per cent increase effected in 1966, but applicable to the entire monthly compensation. This, as stated before, is accomplished by the removal of the fourth factor in the formula for computing retirement annuities under present law. It is to be noted that there is no reduction provided in paragraph (1) for rights to social security benefits or a supplemental annuity.

(2) Paragraph (2) would, in substance, effect the general intent of the 1967 increases by adding to the amount determined in paragraph (1) 110 per cent of the increase that the individual would have received in social security benefits through the 1967 social security legislation (subject to certain adjustments described below) if his railroad service were employment under the Social Security Act; except that, the increase so determined would be restricted to the increase derived from the higher percentages used in calculating primary insurance amounts under the Social Security Act as amended in 1967. In other words, any increase in social security benefits which would be attributable only to an increase in the average monthly wage over the present limit of \$550 would not be taken into account in determining the increase. To illustrate this point, assume that the primary insurance amount under the 1965 law is obtained by taking 20 per cent of the average

monthly wage (this is not the precise percentage actually used, but is merely used for explanatory purposes) and that this is changed to 30 per cent in the calculation of primary insurance amounts under the 1967 social security amendments. The increase to be applied to the amount determined in paragraph (1) would be limited to the increase resulting from raising the percentage from 20 to 30, disregarding any additional increase in the primary insurance amount that is attributable only to average monthly wages in excess of \$550.

This process would be implemented by the inclusion of a table in paragraph (2). For the purposes of determining the increases in this table, the individual's monthly compensation would be treated as an average monthly wage for social security purposes. In effect, this table, as it applies to monthly compensation, or, in effect, to an average monthly wage above \$550, would give an increase determined by extending the primary insurance amount table in section 215(a) of the 1965 Social Security Act to average monthly wages up to \$650 by applying the percentage factor now applicable to that part of the average monthly wage in the range of \$400 to \$550 to amounts over \$550. The increase would be derived as the product of 110 per cent of the excess of the primary insurance amount determined from the 1967 table over the amount derived from the extended 1965 table. The table in paragraph (2) would, however, show only the final product, which would be the increase.

(3) The amount determined from the application of paragraphs (1) and (2) of the new section 3(a) must now be reduced as required in the 1966 Railroad Retirement Act where the individual has rights to a supplemental annuity or to benefits under title II of the Social Security Act, or both. In addition, a further reduction must be applied to offset the 1967 increase in the social security benefit of individuals entitled to such benefits. The first two provisos in paragraph (2) effect these reductions.

The first proviso deals with an individual who is entitled to a supplemental annuity. In such case, he is not entitled to the 7 per cent increase provided in 1966. Therefore, the reduction which this proviso makes, by 6.55 per cent of the amount determined under paragraph (1), would eliminate the 7 per cent increase of 1966. However, since the 7 per cent increase in 1966 was limited to that part of the annuity produced from monthly compensation not in excess of \$450, this percentage of 6.55 would be applied only to the amount derived from monthly compensation not in excess of \$450. There are cases in which the individual is paid a supplemental annuity which, by reason of a supplemental pension, is reduced to an amount less than the 7 per cent increase of 1966 would provide. In those cases, the 7 per cent increase in 1966 was reduced only by the amount of the net supplemental annuity. In order to avoid an excessive reduction in the regular annuity in those cases, this first proviso requires that the reduction be by 6.55 per cent of the amount determined under paragraph (1) (based on the first \$450 of his monthly compensation) or by the amount of the supplemental annuity, whichever is less.

The second proviso deals primarily with cases in which the individual is entitled to benefits under title II of the Social Security Act. If such an individual is not entitled to a supplemental annuity, the increase would be reduced by an amount obtained by taking 17.3 per cent of his social security benefit. The 17.3 factor combines the reduction for the 7 per cent increase in the 1966 legislation with the percentage increase in the 1967 amendments to the Social Security Act, which is the percentage increase applicable to primary insurance amounts derived from an average monthly wage up to \$550 (5.8 per cent of social security benefits as

increased in 1967 is the same as 6.55 per cent of a social security benefit as increased in 1965; to the 5.8 per cent would be added 11.5 per cent (the 11.5 per cent would produce an amount approximately equivalent to the increase in 1967, where the average monthly wage is up to \$550; where the average monthly wage exceeds \$550 the amount calculated by taking 11.5 per cent of the social security benefit would be a little less than the 1967 increase in social security benefits derived from the increase in the formula only), and the two together give the 17.3 per cent factor). In the case where the employee is entitled to both a supplemental annuity and a social security benefit, the 7 per cent increase of the 1966 amendments will already have been removed by the first proviso explained above. Therefore, the reduction for the social security benefit should be limited to the 13 per cent increase of the 1967 amendments. Thus, in these cases, a factor of 11.5 per cent will be used against the social security benefit rather than the 17.3 per cent.

(4) The third proviso is designed to insure that in every case the individual will receive a minimum of \$10 as an increase in his annuity through the 1967 legislation before any reduction for early retirement or for other benefits based on military service which was used in the computation of the annuity. Clause (1) deals with a case in which the individual is not entitled to a social security benefit, but is entitled to a supplemental annuity, and provides that the amount computed under the whole subsection shall be higher than the amount calculated under paragraph (1), by at least \$10 minus, in effect, the reduction required in the 7 per cent increase of 1966 by rights to a supplemental annuity (as stated hereinbefore, the amount calculated under paragraph (1) includes the 1966 increase of 7 per cent without any reduction because of rights to a supplemental annuity). Clause (1) concerns an individual entitled to a social security benefit, but not to a supplemental annuity. In that case, for technical reasons, the minimum increase is by \$10 minus 5.8 per cent of the lesser of the two amounts. The two amounts are the amount calculated under the new paragraph (1) and the amount of the social security benefit. The purpose is to take away from the amount calculated under the new paragraph (1), plus \$10, the amount of the 7 per cent increase of the 1966 amendments which is included in the amount so calculated but is not payable under present law. Since the 7 per cent is automatically added in paragraph (1) and no reduction is made in that part of the increase, only the difference between that 7 per cent and \$10 is needed to insure a minimum increase of \$10.

The increases provided by this subsection (as well as the adjustments of the increases for entitlement to social security benefits) would be before any reduction on account of age. Furthermore, this guaranty of a minimum increase does not apply in cases where the annuity is computed under the overall minimum provision of section 3(e) so that some individuals will not get a \$10 increase as the result of the legislation enacted in 1967 and 1968.

Subsection (b). This subsection would amend section 3(e) of the Act.

A portion of section 3(e) which precedes the first proviso is stricken because the provisions of section 3(a) of the Act, as amended by the bill, relating to the increase in annuities and adjustments for rights to social security benefits, require this portion to be removed. The "deeming" provisions in parentheses in the first proviso of this section are stricken and are included with other "deeming" provisions in the first of the three new paragraphs added (by the bill) after the first paragraph of this subsection.

Widows, widowers, and parents who are entitled to an annuity under section 5(a) or (d) of the Act are now deemed to have attained age 65 for purposes of applying the guaranty provisions in section 3(e); but age 65 would be changed in the first of these new paragraphs to 62 since such individuals can now qualify for full benefits at age 62 under the Social Security Act instead of age 65 as in the past. An exemption would be made as to widows and widowers who were entitled to an annuity as such on the basis of disability in the month before attaining age 60 (at which time they would technically switch to an annuity on the basis of age—but the reduction for entitlement on the basis of disability before age 60 would be retained). The effect of this is to avoid applying the social security work reduction for such individuals before they actually attain age 62, since under the Social Security Amendments of 1967 the work reduction would not be applied in the case of disabled widows or widowers until they attain age 62.

This first new paragraph would also provide that widows and widowers entitled to annuities as such on the basis of disability and children entitled to annuities as such on the basis of disability would be deemed to be entitled to the comparable disability benefits under the Social Security Act. This would avoid, in applying the minimum guaranty provisions, a new determination applying the social security disability standards after the individual has already been found disabled under the railroad retirement standards. The social security standards, however, would have to be applied when making the financial interchange determination under section 5(h) (2).

The second of these new paragraphs would provide that the reduction in annuities for disabled widows and widowers, which are payable under the social security guaranty provision of the Act, be made in the same way as are reductions for such annuities payable under the regular railroad retirement formula. The reason for this provision is that a benefit for a non-disabled widow aged 60-62 is reduced under the Social Security Act and the reduction period for a disabled widow includes all the months before she attains age 62. Also, since widowers can qualify for an annuity as such on the basis of age after age 60 is attained under the Railroad Retirement Act, but not until age 62 for a benefit under the Social Security Act, this provision would avoid a reduction to a disabled widower for months after age 60, whereas there would be a reduction for the period after age 60 and before age 62 under the Social Security Amendments of 1967. The reduction percentage required under this bill is almost the same as the social security reduction percentage would be if no reduction under the latter was taken for the period between age 60-62.

The third of these new paragraphs would enable the Board to ascertain wages and compensation before 1951 by a computer in applying the social security guaranty provision except in cases where an individual is being paid under that provision when H.R. 14563 is enacted and except in cases where the employee died before 1939. Under the Social Security Amendments of 1967, the social security provisions for ascertaining wages before 1951 by the computer apply only in cases where an individual becomes entitled to social security benefits after the enactment of such amendments or dies without being entitled to such benefits before the enactment. This, in effect, confines the application of the social security provisions to those for whom a primary insurance amount has not been calculated before the enactment of the Social Security Amendments of 1967. The deeming provisions in this paper will, thus, permit the Board to treat the individual, for purposes of the guaranty provision, as if no

benefits had been calculated before the enactment of this bill.

Subsection (a) would amend section 5(a) of the Railroad Retirement Act to provide a reduced annuity for a widow or widower, aged 50-60, of an insured employee, if she or he is disabled to the extent required for an employee to qualify for an annuity on the basis of total and permanent disability. The reduction would be by three-tenths of 1 per cent for each month the individual is under age 60 when the annuity begins. The reduction would remain in effect after age 60 is attained. At age 60, the reduction would be adjusted by removing from the adjustment period any month for which an annuity was not paid. For example, if a widow becomes entitled to an annuity as such at age 54, there would be a reduction for 6 years or 72 months; if she recovered at age 56, when she attains age 60 her annuity (to which she would then be entitled on the basis of age) would be adjusted so that it would be reduced by only 24 months—in other words, the 48 months or 4 years following her recovery and before age 60 is attained would be removed from the original reduction period required of 72 months or 6 years. As under the Social Security Amendments of 1967, to be eligible, the disability would have to begin within certain prescribed periods. For example, except in certain circumstances, the disability would have to begin within 84 months of the employee's death. There would be no waiting period after the individual became disabled before benefits could begin as there would under the Social Security Amendments of 1967.

The annuity would cease with the third month following the month in which the annuitant ceases to be disabled. For example, if the disability ceases in the month of August, the third month following would be November, and the annuity would end with the payment for October.

Subsection (b) would merely eliminate a part of section 5(h) of the Act (relating to minimum and maximum survivor annuity amounts) which are rendered obsolete by the provisions of the revised section 5(m) of the Act. This would permit the total of annuities to a family to exceed the maximum provided in section 5(h) by the amount of the increase provided for in this bill for each individual in the family.

Subsection (c) would amend section 5(1)(1)(ii) of the Act so that the social security work reduction provisions would continue to apply to widows and widowers aged 60-62 who are qualified for annuities as such on the basis of age but would not apply for widows and widowers of that age who were entitled to an annuity on the basis of disability in the month before attaining age 60. This would be in accord with the provisions of the Social Security Amendments of 1967 under which the work provisions would not apply to widows and widowers aged 60-62 qualified on the basis of disability.

Subsection (d) would merely change section 5(j) of the Act to improve and clarify the language.

Subsection (e) would amend section 5(1)(1) of the Act so that determinations as to family status would be made in accordance with provisions of the Social Security Act currently in effect instead of in accordance with provisions of that Act in effect prior to 1957. Under the Social Security Act there are several situations where individuals can qualify as having the necessary family status or relationship to be paid benefits as dependents or survivors. For example, a woman who married an employee without knowing that he had not been divorced from another wife can be paid benefits under the Social Security Act as a wife or widow even though the marriage is not valid, but she could not be paid benefits under the Railroad Retirement Act. There are other circumstances in which individuals can qualify

as a wife, husband, widow, widower or child under the Social Security Act but not under the Railroad Retirement Act. This amendment would enable certain individuals to qualify as having the necessary family status to be paid benefits under the Railroad Retirement Act who cannot now qualify. This amendment of section 5(1)(1) of the Act would not permit a wife, widow, or widower who can qualify only by virtue of this change to be paid an annuity for any month beginning with the month in which it is determined that a wife, widow, or widower is qualified for an annuity on the same compensation record under the provisions of paragraph (A) of section 216(h)(1) of the Social Security Act.

Subsection (f) would amend section 5(1)(9) of the Act to permit, in arriving at the average monthly remuneration needed to calculate the basic amount, the employee's compensation and wages before 1951 to be determined by the use of the computer. This would expedite and facilitate the determinations and would be comparable to the provisions of the Social Security Amendments of 1967 for determining wages before 1951. (A study conducted by the Board revealed in a sample of 500 cases that:

In 65 per cent, or 322, of the cases the basic amount determined under the proposed method was exactly equal to the basic amount computed under the now existing method.

In 121 cases there was a variance of less than \$1.

In 49 cases there was a variance of \$1 to \$5 (in only 16 cases it was less).

In 8 cases there was a variance of \$5 or more (in only 2 cases was it less).

In the 18 cases in which it was less by \$1 or more, there is 1 case in which no monthly benefit was payable. Of the 17 remaining, the majority would be payable under the social security guaranty provision and the basic amount computation would not apply.

There is no savings provision to allow a comparative determination under the old method with the new upon request. Such a provision would largely take away the advantages of the change if (as it is assumed) a request would be made in a large number of cases.

Subsection (g) would amend section 5(1)(10) of the Act to revise the formula for determining the basic amount (from which survivor benefit amounts are determined) by eliminating the third factor which is included in the 1966 amendments to the Railroad Retirement Act. The effect of this would be to provide for the 7 percent increase of 1966 to apply to average monthly remuneration in excess of \$450. Another amendment made by this subsection to section 5(1)(10) would facilitate the determination of increment years before 1951 in arriving at the basic amount. This would be needed to effectuate fully the concept of the change made by subsection (e).

Subsection (h) would revise section (m) of the Act to provide increases in survivor annuity amounts. Subsection (m), as revised, would provide an increase in all survivor annuities except a widow's annuity which is based on the amount of her spouse's annuity payable in the month before the month of the employee's death (and except, of course, those payable under section 3(e) (the social security guaranty provision)). The survivor annuities would be increased by approximately 110 percent of the amount which the individual would be entitled as an increase in social security benefits by virtue of the 1967 amendments to the Social Security Act, but the increase would be derived in the same manner as the increase in employee annuities and by reference to the same table used for the employee increases. However, since the amount of survivor benefits under the Social Security Act is determined by a percentage of the primary

insurance amount, only an appropriate percentage of the increase, as derived from the table, would be applied to obtain the increase in survivor annuities. For the purposes of determining the increase in survivor annuities, the actual average monthly wage, calculated on the basis of the combined railroad retirement compensation credits and social security wage credits, would be used to obtain the amount in the first column in the table in the new section 3(a)(2) which is applicable in calculating the increase. Under existing law, the Board must have full information as to wages as well as compensation in order to calculate survivor benefits so the calculation of the average monthly wage in such a manner would pose no additional administrative burden.

The first proviso would require a reduction of the increase provided in survivor benefits to be obtained by applying 17.3 percent of the social security benefit to which the survivor is entitled. This 17.3 percent factor has been explained above.

The second proviso would require a minimum increase of about \$5. In order to insure an increase of about \$5, the device is to provide an increase of \$5 minus 5.8 per cent of the lesser of two amounts. This would, in effect, restore the amount of any reduction up to \$5 made because of entitlement to social security benefits in the 7 per cent increase in 1966 and where the reduction was by less than \$5, would add enough to provide an increase of \$5 over the amount calculated under present law. The two amounts referred to above would be the amount of the social security benefit or the amount of the survivor benefit computed without regard to the increase provided by this subsection.

The increases provided by this subsection (as well as the adjustments of the increases for entitlement to social security benefits) would be before any reduction on account of age. Further, the guaranty of a minimum increase would not apply in cases where the benefit is computed under the overall minimum guaranty provision of section 3(e) so a few cases may not receive increases of as much as \$5 under the 1967 or 1968 legislation.

Section 106: This section would amend section 10(a) of the Act to provide that a Board member would continue to serve until his successor has qualified. The purpose is apparent and is similar to provisions for other agencies.

Section 107: This section would increase pensions under section 6 of the Railroad Retirement Act and annuities under the Railroad Retirement Act of 1935 in accordance with that part of section 3(a)(2) which precedes the provisos. Survivor annuities deriving from joint and survivor annuities in cases where the employee died before the month following the month in which the increases in annuities provided by the amendatory act are effective would be increased by the same amount they would have been increased had the employee lived long enough for his annuity to be increased. Also, this section would provide for increases in widows' and widowers' annuities which are based on the amount of the spouse's annuity payable in the month before the month of the employee's death where the employee died at such a time as to prevent the spouse's annuity from being increased under this bill. The increase in such annuities would be in an amount equal to the amount of the increase which would be payable had the employee lived long enough for the spouse's annuity to be increased by this bill. The increases would be reduced by 11.5 per centum of any social security benefit to which the individual is also entitled in order to effect an offset for the increases provided by this subsection. The reduction is only by 11.5 per centum instead of by 17.3 per centum since the increase effected in such benefits by the 1966 legislation would continue to be subject to the provisions of that legislation which requires a reduction because of the 1965 in-

creases in social security benefits. A minimum increase of \$10 would be provided for each such pension or retirement annuity. The minimum increase in the case of a survivor annuity would be \$5. The minimum increase would, in each case, be applicable despite the requirement for the offset for social security benefits. Joint and survivor annuities would be first adjusted in accordance with the provisions of the new section 3. The reduction because of the joint and survivor option elected will be applied after all other reductions have been made. The increase in the survivor annuity deriving from the joint and survivor annuity provided by this section would also be adjusted by applying the ratio of the survivor annuity to the joint and survivor annuity from which the survivor annuity is derived.

Section 108:

Subsection (a) would provide that the increases in annuities provided for by the bill be effective with respect to annuities accruing for months beginning with the month in which the increases in benefits under title II of the Social Security Act provided by the Social Security Amendments of 1967 are effective and with respect to pensions due in months next following such month. This subsection would also provide that annuities for disabled widows and widowers would first become payable for months after January 1968. The changes by section 102 as to the increase in the amount a disability annuitant can earn without loss of annuity payments would take effect as to annuities accruing for months after 1967. There is no specific reference as to the effective dates in regard to lump-sum death benefit payments of the changes made by section 105(e) of the bill as to the standards to be applied in determining the qualifications of family members. The committee intends that the changes made by section 105(e) in this respect shall be effective as to lump-sum death payments on deaths of employees occurring on or after the enactment date of this Act. The changes made by section 105(e) as to determinations of qualifications of family members for annuity payments would be effective as to annuities accruing for months after January 1968.

Subsection (b) would provide in cases where annuities are payable under the regular railroad retirement formula for months before the month in which increases in social security benefits become effective that the increases in such annuities provided by this bill would be presumed to increase the annuities by more than the social security increases would raise the amount calculated under the social security guaranty provision of the Act. This would avoid an examination of all such cases to ascertain the very few cases where the guaranty provision would produce a higher amount than the regular formula by virtue only of the 1967 social security increases. There is, however, the savings clause to permit an individual to request a determination and be paid the amount calculated under the guaranty provision if that amount is higher.

Subsection (c) would require that all recertifications required by the bill would be made by the Board without application therefor.

TITLE II—AMENDMENTS TO THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Section 201:

Paragraph (a)(1). This paragraph would amend the definition of "day of sickness" in section 1(k) of the Act so as to remove the reference to a day in a maternity period. It would insert in that definition a provision under which a day might be a day of sickness for a female employee if on that day, because of pregnancy, miscarriage, or the birth of a child, she is unable to work or working would be injurious to her health.

Paragraph (a)(2). This paragraph would

amend the "subsidiary remuneration" provision in the first proviso of section 1(k) of the Act. Under that provision certain small earnings are not considered such remuneration as would prevent a day from being a day of unemployment or a day of sickness. However, this provision is not operative if, without compensation from the position or occupation in which he had the small earnings in question, the employee would not have had the base-year compensation needed, under section 3 of the Act, in order to qualify for benefits. Since section 203 of the bill would amend section 3 of the Act to raise the qualifying amount from \$750 to \$1,000, this paragraph makes a corresponding increase in the amount specified in the "subsidiary remuneration" provision.

Subsection (b). One purpose of the bill is to eliminate from the Act all provisions for maternity benefits and any references to such benefits. Accordingly, this subsection would remove the definitions of the terms "statement of maternity sickness" and "maternity period."

Section 202:

Paragraphs (a)(1) and (2). The amendments made by these two paragraphs would remove from the Act other provisions relating to the payment of maternity benefits.

Paragraph (a)(3). This paragraph would strike out the first line of the table in section 2(a) of the Act. That line specifies the daily benefit rate for an employee who had base-year compensation of from \$750 to \$999.99. It would no longer serve any purpose, since under section 203 of the bill an employee with base-year compensation of less than \$1,000 would not be able to meet the qualifying requirement of section 3 of the Act.

This paragraph would also raise the daily benefit rates contained in column II of the table in section 2(a) of the Act. Each rate would be increased by \$2.50, and the highest rate would be \$12.70 per day.

Under a proviso contained in section 2(a) of the Act an employee's daily benefit rate cannot be less than an amount equal to 60 per cent of his daily rate of compensation for his last employment for an employer in the base year, up to a maximum benefit rate of \$10.20 per day. Paragraph (a)(3) would raise this maximum rate to \$12.70 per day.

Paragraph (b)(1). The amendments made by this paragraph would remove from the Act other provisions relating to the payment of maternity benefits.

Paragraph (b)(2), subdivisions (i) through (vi). These subdivisions would amend section 2(c) of the Act to provide extended sickness benefits, similar to the extended unemployment benefits now provided for in that section. To be eligible for extended sickness benefits under the amendments an employee must have had 10 or more years of service, must have had current rights to normal benefits for days of sickness in a benefit year, and must have exhausted such rights. In addition, he must not have voluntarily retired (this is also a requirement for extended unemployment benefits). However, there is no provision, as there is in the case of extended unemployment benefits, that the employee must not have left work voluntarily without good cause. While such a leaving of work might be the cause of an individual's unemployment, it would have no causal relationship to his sickness. Like the extended benefit period based on exhaustion of normal unemployment benefits, the extended benefit period based on exhaustion of normal sickness benefits would continue for seven registration periods and include up to 65 compensable days in the case of employees with 10 but less than 15 years of service, and would continue for 13 registration periods and include up to 130 compensable days in the case of employees with 15 or more years of service. Concern-

ing the effect of attainment of age 65 on an employee's rights to extended sickness benefits, see the analysis, below, of subdivision (x) of this paragraph.

Under the present provisions of section 2(c), when an employee is entitled to an extended benefit period the benefit year in which he exhausted his unemployment benefit rights cannot end before the last day of the extended benefit period. The extended benefit period might continue until after the normal ending date of the benefit year. During the extended benefit period the employee is, of course, entitled to extended unemployment benefits as provided in the Act. At present there is no provision for extended sickness benefits, but if the employee has not exhausted his rights to normal sickness benefits he may draw such benefits even in a portion of the extended benefit period which extends beyond the normal ending date of the benefit year. If he has exhausted his rights to sickness benefits for the benefit year, he cannot be paid any additional sickness benefits for that benefit year.

An employee's exhaustion of rights to normal sickness benefits may occur during an extended benefit period based on an exhaustion of rights to normal unemployment benefits. Under the bill the employee could in such a case begin another extended benefit period, this one based on his exhaustion of normal sickness benefit rights. The establishment of this extended benefit period would not terminate the previously established extended benefit period based on exhaustion of unemployment benefit rights. The two extended benefit periods would continue to exist independently, each for the period prescribed in the Act. Conversely, an employee who exhausts his unemployment benefit rights during an extended benefit period established under the amendments on the basis of an exhaustion of rights to sickness benefits could then have an extended benefit period based on his exhaustion of unemployment benefit rights.

In every extended benefit period the provision enlarging the number of days for which benefits may be paid would apply only to days of the type involved in the exhaustion on the basis of which the period was established. Thus, in an extended benefit period based on the exhaustion of unemployment benefits, benefits for days of unemployment in excess of the normal maximum could be paid, but no benefits would be payable for days of sickness in excess of the normal maximum for sickness benefits. On the other hand, sickness benefits in excess of the normal maximum could be paid in an extended benefit period based on the exhaustion of rights to sickness benefits, but the normal maximum would control the number of days for which unemployment benefits could be paid in such an extended benefit period. As under the present provisions of the Act, the benefit year in which normal benefit rights were exhausted would not end before the last day of an extended benefit period based on that exhaustion. In a case involving the exhaustion of both unemployment and sickness benefits, the benefit year would not end before the last day of the later of the extended benefit periods established on the basis of those exhaustions.

Paragraph (b)(2), subdivisions (vii) through (ix). The second sentence of section 2(c) of the Act now provides for the early beginning of a general benefit year (sometimes referred to as an accelerated benefit year) in certain cases involving days of unemployment. Subdivisions (vii) through (ix) of this paragraph would add provisions for a similar early beginning of a general benefit year in certain cases involving days of sickness. If an employee has 10 or more years of service, has not voluntarily retired, has 14 or more consecutive days of sickness, does not meet the qualifying requirements of section 3 of the Act for the general benefit

year current when such sickness commences but does for the next succeeding general benefit year, the succeeding benefit year would, in his case, begin on the first day of the month in which the sickness commences if it had not already begun early on the basis of the provisions relating to unemployment. There is no provision, as there is in the case of the early beginning of a benefit year because of unemployment, that the employee must not have left work voluntarily without good cause. Though leaving work might be the cause of an individual's unemployment, it would have no causal relationship to his sickness. As to the effect of attainment of age 65 on an employee's rights to sickness benefits in an accelerated benefit year, see the following analysis of subdivision (x) of this paragraph.

Paragraph (b)(2), subdivision (x). This subdivision would add two sentences to section 2(c) of the Act. The first has to do with the effect of attainment of age 65 on an employee's receipt of extended sickness benefits and on his receipt of sickness benefits in an accelerated benefit year. This sentence reads as follows:

"Notwithstanding the other provisions of this subsection, an extended benefit period for sickness benefits shall terminate on the day next preceding the date on which the employee attains age 65, except that it may continue for the purpose of the payment of unemployment benefits; and, in the case of a succeeding benefit year beginning in accordance with the next preceding sentence by reason of sickness, such sentence shall not operate to permit the payment of benefits in the period provided for in such sentence for any day of sickness beginning with the day on which age 65 is attained and continuing through the day preceding the first day of the next succeeding general benefit year."

The portion of this sentence preceding the semicolon would terminate an extended benefit period for sickness benefits on the day before the employee attains age 65, except that the period could continue for the purpose of the payment of unemployment benefits. This provision would also operate to prevent an employee from beginning to receive extended sickness benefits after age 65 has been attained.

Example 1: On February 15, 1969, an employee began an extended benefit period based on his exhaustion of rights to sickness benefits. (Such extended benefit period might continue for 7 or 13 fourteen-day registration periods to enable the employee to receive 65 or 130 days of additional sickness benefits, depending upon whether he had at least 10, or 15 years of service, respectively.) On March 15, 1969, he attained age 65. No sickness benefits could be paid him for March 15, 1969, or subsequent days in the extended benefit period. However, he could be paid any unemployment benefits for which he would be eligible in such extended benefit period.

Example 2: An employee already 65 years of age exhausted his rights to normal sickness benefits on February 15, 1969. No extended benefit period for sickness benefits could be established for him.

The portion of the sentence in question which follows the semicolon relates to the payment of benefits in accelerated benefit years. In the case of a benefit year which was accelerated on the basis of sickness, this provision would prevent the payment of any sickness benefits, either normal or extended, for days on or after the date of attainment of age 65 and before the first day of the next general benefit year. The employee's rights to normal or extended benefits for days of sickness prior to attainment of age 65 would not be affected, and on and after the date of the beginning of the general benefit year the employee could draw any normal sickness benefits for which he is qualified; under the portion of the sentence preceding the semicolon he could not be paid extended

sickness benefits for any day on or after attainment of age 65.

The portion of the sentence following the semicolon is not applicable to benefit years accelerated on the basis of unemployment. The reason for this is the understanding that under the amendments an employee is not to lose any rights he would have under the present law; at present, in a benefit year accelerated on the basis of unemployment an employee can receive sickness benefits regardless of his age. Of course, under the first portion of the sentence in question, which is discussed above, the employee, even in a benefit year accelerated on the basis of unemployment, could not receive extended sickness benefits for days on or after his attainment of age 65.

Example 3: On February 15, 1969, an employee whose 1967 earnings were not enough to qualify him for benefits in the benefit year beginning July 1, 1968, but who had sufficient earnings in 1968 to be qualified for benefits in the general benefit year beginning July 1, 1969, began an accelerated benefit year based on unemployment. This was an acceleration of the general benefit year beginning July 1, 1969. On March 15, 1969, the employee attained age 65. This fact would not affect his rights to further unemployment benefits, or to normal sickness benefits, in the accelerated benefit year. Under the first portion of the sentence in question he would not, of course, be entitled to extended sickness benefits in the accelerated benefit year or in any subsequent benefit year.

Example 4: On February 15, 1969, an employee who was not qualified for benefits in the current benefit year began an accelerated benefit year based on sickness. As in example 3, this was an acceleration of the general benefit year beginning July 1, 1969. On March 15, 1969, the employee attained age 65. In the accelerated benefit year beginning February 15, 1969, the employee, as a result of the portion of the sentence following the semicolon, could not receive any sickness benefits, either normal or extended, for any day in the period beginning with March 15, 1969, the day on which he attained age 65, and ending with June 30, 1969, the day preceding the first day of the general benefit year beginning July 1, 1969. His rights to normal benefits for days of sickness prior to attainment of age 65 would not be affected. Beginning with July 1, 1969, the employee, even though 65 years of age, could receive any normal sickness benefits for which he is qualified; in view of his age, the portion of the sentence preceding the semicolon would prevent him from receiving extended sickness benefits. The employee's rights to unemployment benefits would, of course, not be affected by his attainment of age 65.

The second sentence which would be added to section 2(c) of the Act by subdivision (x) of paragraph (b)(2) relates to the evidence of age on which the Board may rely for purposes of section 2(c) of the Act (determination of attainment of age 65) and the new subsection (h) which would be added to section 10 of the Act by section 205 of the bill, discussed below. In such matters the Board could rely on evidence of age available in its records and files when determinations of age are made.

Section 203:

Section 3 of the Act now provides that an employee, in order to be qualified for benefits, must have had compensation of at least \$750 in his base year; also, if he had no compensation prior to the base year, he must have had compensation in at least seven months in the base year. Section 203 of the bill would raise the required amount of base-year compensation from \$750 to \$1,000; no change would be made in the further requirement of at least seven months of serv-

ice in the base year if the employee had not had compensation prior to that year.

Section 204:

Subsection (a). This subsection would add a new disqualification provision to those now contained in section 4(a-1) of the Act. The new disqualification is applicable when the employee receives a separation allowance. While such an allowance is "remuneration", it is ordinarily not attributable to any day after the last day of service and consequently does not prevent the payment of unemployment or sickness benefits under the present Act. The new provision would prevent any day during a prescribed period from being a day of unemployment or a day of sickness if the employee received a separation allowance. That period would begin with the day following the employee's separation from service, and would continue for a length of time determined under a formula which takes into account the amount of the allowance, the employee's last daily rate of compensation, and the number of days a week he normally works. The purpose of the formula is to make the disqualification cover a period as nearly as possible equivalent to the length of time it would take the employee to earn the amount of the separation allowance. The employee's last daily rate of compensation could be determined in the same manner as it is now administratively determined for the purposes of the proviso in section 2(a) of the Act by virtue of the last sentence of that proviso.

Under the formula the disqualification would continue for that number of consecutive fourteen-day periods which is equal, or most nearly equal, to the amount of the separation allowance divided (i) by ten times the employee's last daily rate of compensation prior to his separation if he normally works five days a week, (ii) by twelve times such rate if he normally works six days a week, and (iii) by fourteen times such rate if he normally works seven days a week. In the application of the formula every employee would be regarded as normally working five days a week unless the evidence showed that he normally works six or seven days a week.

The application of the formula may be illustrated by the following example: An employee received a separation allowance of \$1,000; his last daily rate of pay was \$25, and there was nothing to show that he normally works six or seven days a week. The daily rate of pay, \$25, would be multiplied by ten, the product being 250. The amount of the separation allowance, \$1,000, would be divided by this 250, the result being 4. Consequently, the disqualification period, beginning with the day following the employee's separation from service, would continue for four consecutive fourteen-day periods, amounting to 56 consecutive days.

Subsection (b). Section 4(a-2)(1) of the Act provides a disqualification for unemployment benefits in the case of an employee who leaves work voluntarily. The disqualification begins with the day on which the employee left work, and continues until he has been paid compensation of at least \$750 with respect to time after the voluntary leaving. Subsection (b) of section 204 of the bill would raise this amount from \$750 to \$1,000. This change is in line with the increase in the qualifying amount made by section 203 of the bill.

Section 205:

Section 4(a-1)(11) of the Act contains certain provisions against duplication of benefits under the Act and payments under other laws. Among other things it provides that a day cannot be a day of unemployment or a day of sickness if it is in a period for which an annuity under the Railroad Retirement Act is payable; if unemployment or sickness benefits have already been paid before the annuity is awarded, the Railroad Retirement Board may recover the amount by which the unemployment or sickness benefits were in-

creased by including, as days of unemployment or days of sickness, days in the period covered by the annuity. The provisions discussed in the preceding sentence are, however, not applicable if the part of the annuity payments which is apportionable to the days of unemployment or sickness is less than the unemployment or sickness benefits which would have been payable for such days (and not recoverable) if it were not for the provisions of section 4(a-1)(ii); in such cases, the unemployment or sickness benefits which would thus have been payable (and not recoverable) are to be diminished, or if already paid are to be recoverable, in the amount of the part of the annuity payments apportionable to the days of unemployment or sickness.

Many employees who would be entitled to annuities under the Railroad Retirement Act if they applied for them prefer not to apply, and instead claim unemployment or sickness benefits to which they are entitled. In such cases the provisions of section 4(a-1)(ii) are not applicable.

Section 205 of the bill would add to section 10 of the Act a new subsection (h), providing for an annual transfer of funds from the Railroad Retirement Account to the railroad unemployment insurance account. The Railroad Retirement Board would determine for each fiscal year an amount which, if added to the railroad unemployment insurance account, would place the account in the same position it would have been in at the close of the fiscal year if certain annuity payments had been made. The hypothetical annuity payments to be taken into consideration would be those which would have been made to employees who during the fiscal year were paid benefits for days of sickness in an extended benefit period or in an accelerated benefit year, and who upon application would have been entitled to a disability annuity under section 2(a) of the Railroad Retirement Act of 1937 with respect to some or all of the days for which such benefits were paid. It would be assumed that every such employee had been paid such an annuity with respect to all of the days in the fiscal year for which he was paid sickness benefits (including normal benefits as well as benefits in an extended benefit period or in an accelerated benefit year) which were also days with respect to which such annuity could have accrued.

The provisions of the new subsection (h) concerning the transfer of funds are similar to those contained in section 5(k)2 of the Railroad Retirement Act of 1937 under which the Railroad Retirement Board and the Secretary of Health, Education, and Welfare, are directed to determine the amounts which should be transferred annually between the Railroad Retirement Account and the several funds under the Social Security Act. Under the amendment which would be made by the new subsection the Railroad Retirement Board would, for the fiscal year ending June 30, 1968 and subsequent fiscal years, determine the amount described in the preceding paragraph.

In making the determination the Board would apply a presumption regarding an employee's qualification for a disability annuity. If any one of three conditions is met, the Board would presume that the employee's permanent physical or mental condition was such that he was qualified for such an annuity from the date of onset of the last spell of illness for which he was paid sickness benefits. The three conditions are: (1) the employee died without applying for a disability annuity and before fully exhausting all his rights to sickness benefits; (2) the employee died without applying for a disability annuity but within a year after the last day of sickness for which he had been paid benefits, and had not meanwhile engaged in substantial gainful employment, or (3) the employee applied for a disability annuity within one year after the last day of sickness for which he was paid benefits,

and had not engaged in substantial gainful employment after that day and before the day on which he filed his annuity application.

The Board, in making the determination referred to in the preceding paragraphs, would have authority to make such reasonable approximations as it considers necessary in computing annuities for this purpose. This authority would enable the Board to use statistical methods of estimating, to use information in its files without conducting individual investigations and making individual determinations, and to employ other reasonable time-saving methods to arrive at the amount to be transferred. The Board's determination would have to be made no later than June 15 following the close of the fiscal year, and within 10 days after such determination the Board would be required to certify to the Secretary of the Treasury the amount to be transferred from the Railroad Retirement Account to the railroad unemployment insurance account. The Secretary of the Treasury would be directed to make the transfer. The amount to be certified by the Board would include interest from the close of the fiscal year to the date of certification. The rate of interest would be determined, as of the close of the fiscal year, in accordance with section 10(d) of the Act; that section provides for an interest rate for each fiscal year equal to the average rate of interest borne by all special obligations held by the Railroad Retirement Account on the last day of the preceding fiscal year, rounded to the nearest multiple of one-eighth of one percent.

Besides adding the new subsection (h) to section 10 of the Act, section 205 of the bill would amend subsection (a) of section 10. The second sentence of subsection (a) states that the railroad unemployment insurance account shall consist of. Section 205 would insert in subdivision (ii) of that subsection a reference to amounts transferred into the account pursuant to the new subsection (h).

Sections 206 and 207:

The amendments made by these two sections would remove from the Act other provisions relating to maternity benefits.

Section 208:

This section provides effective dates for some of the amendments made by Title II; no dates are stated for those amendments which themselves show clearly the time as of which they are to take effect.

The amendments removing references to maternity benefits (sections 201(a)(1), 201(b), 202(a)(1), 202(a)(2), 202(b)(1), 206 and 207 of the bill) would be effective as of July 1, 1968. This would also be the effective date of the amendment (section 201(a)(1) of the bill) which would include in the definition of "day of sickness" a provision relating to pregnancy, miscarriage, or the birth of a child.

The amendment to the "subsidiary remuneration" provision (section 201(a)(2) of the bill) would be effective with respect to base years beginning in the calendar year 1967 and subsequent calendar years.

The amendments concerning the increase in the daily benefit rate (section 202(a)(3) of the bill) would be effective with respect to days of unemployment and days of sickness in registration periods beginning on or after July 1, 1968. This is subject to an exception, discussed below, in the case of an employee having compensation of at least \$750 but less than \$1,000 in the 1967 base year.

The amendment to section 3 raising the qualifying amount from \$750 to \$1,000 (section 203 of the bill) would generally be effective with respect to base years beginning in the calendar year 1967 and subsequent calendar years. This is subject to an exception in the case of an employee whose 1967 base-year compensation was at least \$750 but less than \$1,000. In his case the increase in the qualifying amount would not be applicable. However, in registration periods in the benefit

year beginning July 1, 1968, any benefits to which he might be entitled would be payable at the rates provided for in the present Act, not at the increased rates provided for in section 202(a)(3) of the bill.

The amendments providing for extended sickness benefits (section 202(b)(2)(i) through (vi) of the bill) would be effective to provide for the beginning of extended benefit periods on or after July 1, 1968.

The amendments providing for accelerated benefit years on the basis of sickness (section 202(b)(2)(vii) through (ix) of the bill) would be effective to provide for the early beginning of a benefit year on or after July 1, 1967.

The amendment providing a disqualification because of receipt of a separation allowance (section 204(a) of the bill) would be effective with respect to calendar days in benefit years beginning after June 30, 1968.

The amendment increasing the amount of compensation needed to terminate the disqualification for leaving work voluntarily (section 204(b) of the bill) would be effective with respect to such voluntary leaving after the enactment date.

RESOLUTION CALLING FOR UNITED NATIONS STATE OF MANKIND ADDRESS

Mr. PROXMIRE. Mr. President, last night President Johnson delivered his state of the Union message, and I do not intend to comment on it now, except to point out that this is a message that all Americans hear. Virtually every television station in the Nation carries it, and almost every radio station; the newspapers report it on their front pages. It is reported widely throughout America.

A significant aspect of the state of the Union message is that it does appeal to all American citizens. It appeals with programs of action. It appeals to their consciences as citizens.

There was published in this morning's New York Times an article by Tom Wickler, headed "No Equal Time for the State of the Union Message." Of course, that is true, because only the President can speak for the whole country.

I rise this morning to ask: Why should not the Secretary General of the United Nations tell you and me and everyone on earth each year what are the biggest problems that confront us as citizens of the world?

Television and radio stations, newspapers and magazines could bring that message to almost every person on earth.

Nothing would do more to begin to lay the foundation for peace in this troubled warring world.

There are many causes of war but the prime cause is that too few Russians, too few French, too few Africans, and, yes, too few Americans think of themselves as citizens of the world with responsibilities to all mankind.

We know there are few things the U.N. can really do to achieve a feeling of concern and responsibility that transcends national boundaries. But certainly one step is to have the chief servant of the U.N. speak for all mankind once a year in a true state of mankind address.

The President tells us the state of the Union. Governors tell us the condition of our States. Mayors tell us the state of our cities. But no one addresses himself to the problems of mankind as a whole. An annual address by the Secretary General could fulfill this need.

The annual messages we are familiar with are fine, not so much for what they say—although they often say plenty that is helpful to us in realizing our own responsibilities as citizens of our community—but the real contribution is that they call on all of us to take part in a community effort. You and I know we belong when we hear these addresses. This is our country. It is our State, our city. We are proud of our community. We have to act to make it better.

Why not the same responsibility for the world?

After all, the U.N. has by far the greatest amount of international social, economic, and political information.

I feel so strongly about this, Mr. President, that I am today submitting a concurrent resolution on behalf of myself and Senators PELL, TYDINGS, NELSON, MCGOVERN, CLARK, YARBOROUGH, and HIRAM L. FONG, calling on the Secretary General to deliver an annual state of mankind address. I ask unanimous consent that the text of the concurrent resolution be printed at this point in the RECORD.

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

The concurrent resolution (S. Con. Res. 53) was referred to the Committee on Foreign Relations, as follows:

S. CON. RES. 53

Whereas the United Nations and its specialized agencies constitute the world's foremost repository of data on international, social, economic and political developments; and

Whereas the Secretary General of the United Nations, as the chief permanent official of that organization, is in a unique position to make a comprehensive and analytical review of the most significant issues confronting mankind in an annual address to the people of the world drawing on the enormous resources of information at the United Nations as well as upon the wisdom of advisers from nearly every country in the world; and

Whereas technical advances have propelled mass communications media to a level of sophistication permitting, for the first time in history, one man to address at one time nearly all the peoples of the world; and

Whereas the aforementioned technical advances have made of the mass media an instrument with the potential for welding all the diverse peoples of the world into brothers who recognize that their common interests are far more important than their differences and who see that there would be far more hope of achieving effective solutions to their common problems if they attacked these problems together; and

Whereas 123 of the world's 132 nations are represented in the United Nations; and

Whereas the United Nations and its Secretary General command the respect of the overwhelming majority of the world's peoples; and

Whereas an annual address by the Secretary General on the principal issues confronting mankind could help to galvanize large numbers of people all over the world into taking steps to solve problems such as those posed by the population explosion, arms races, poverty, hunger, disease, illiteracy, and the need for conservation of natural resources; and

Whereas such an annual statement could serve to increase the influence on world affairs of the Secretary General and of the

United Nations as an international organization: Now, therefore, be it

Resolved (the House of Representatives concurring). That it is the sense of the Congress that the President of the United States be directed to call on the Secretary General, through the United States representative at the United Nations, following the formal procedures established by that organization for such petitionary purposes, to deliver an annual address to the people of the world on the current state of mankind.

Mr. PROXMIRE. Mr. President, the Secretary General of the United Nations is in a unique position to provide a broad overview—to identify and analyze the most significant issues confronting mankind. He is the chief permanent official of the world's principal international organization. He commands access to what is perhaps the world's foremost repository of statistical data on world social, political and economic activity and trends accumulated by the U.N. and its specialized agencies. He can draw on the wisdom of advisers from nearly every country in the world.

These enormous resources of information should be mobilized. And one of the most effective ways of doing so would be an annual message by the Secretary General addressed to all the people of the world.

The Secretary General could stand before the world as the spokesman for mankind. His organization, after all, represents 123 of the world's 132 independent national governments. The Secretary General commands worldwide respect. His words would attract almost universal attention.

An annual address broadcast worldwide by our increasingly sophisticated electronics media supplemented by the mass distribution of the text in book form would inevitably have an important impact.

A state of mankind address could help to strengthen the influence of the United Nations on world opinion, one of the primary bases of its authority. It would help to revive faith in the U.N. as the one unifying force for peace and human dignity in the world.

While it is true that the duties of the Secretary General as outlined in the U.N. Charter do not give him official authority to speak directly to the people of the world, the General Assembly and the Security Council could authorize him to do so.

Frank K. Kelly, a vice president of the Center for the Study of Democratic Institutions and the man who conceived the idea for an annual address by the Secretary General, points out that there is an implied authority for such an address in the opening phrase of the U.N. Charter, which reads: "We the peoples of the United Nations." This, he argues, implies that the ultimate authority of the U.N. comes from humanity as a whole.

The Secretary General now submits an annual report to the General Assembly but this is a summary of the activities of U.N. agencies and is a relatively technical review of the questions examined during the year by the delegates and U.N. experts. It is not a general statement addressed to the people of the world.

The key to the success of this proposal

would rest in the widespread dissemination of the Secretary General's statement. Kelly proposes that the Secretary General be given an hour of prime time on all the broadcasting networks of the member states with appropriate translations.

The address, if widely disseminated, could do much to galvanize large numbers of people in all parts of the globe into taking steps toward solutions to such worldwide problems as the populations explosion, arms races, hunger, poverty, disease, illiteracy, the erosion of precious natural resources and countless others.

Frank Kelly believes that: "An annual address to every human being on this planet, containing the Secretary General's evaluation of the deepest problems facing mankind, together with recommendations on what should be done, would stir the minds and hearts of people in every corner of the earth. A global dialog might begin between citizens and their governments, and between the governments and the United Nations as a world organization."

Prof. Frederick Mayer, of the International Institute of Arts and Letters, in Switzerland, said this of the proposal:

In a time when communications may decide the destiny of the world, the major nations are enveloped by a fog of propaganda. The "idols of the tribe" are dominant and they create a fragmentary view of man and civilization. An annual report on the state of mankind by the Secretary General of the UN would contribute to an atmosphere of rationality and would lead to great enlightenment of individuals everywhere. Furthermore, such a step would create greater awareness of the UN as a voice of mankind so that national concerns can be subordinated to the needs of the world community.

Frank L. Keegan, of the Ford Foundation, said, in a letter to Kelly:

The Annual Report on the State of Mankind would be a secular encyclical, a temporal witness to human faith, world hope and international charity.

Mr. President, I ask unanimous consent to insert at this point in the RECORD a speech on the subject of a state of mankind address delivered last month by Frank Kelly before the Speech Association of America.

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

COMMUNICATION AND COEXISTENCE

(An address by Frank K. Kelly, vice president, Center for the Study of Democratic Institutions, at the annual conference of the Speech Association of America, Los Angeles, Calif., December 28, 1967)

Divided as we are from one another by our genetic codes, our cultural patterns, our habits of thought and expression, our sexual endowments, our educational wars and our lack of love, we still speak to one another. Through the noise around us, through the trumpet sounds of propaganda and the soft whisperings of our own self-deceits, we hear the voices of other human beings calling to us—and sometimes the messages get through.

I say human beings can communicate with one another across all the barriers of hate and frustration, the buzz of noise, the rising racket of an industrial civilization, the differences between God-lovers and God-buriers, the gap between the generations, the

confused struggle between Marxists and anti-Marxists, the gulfs between the rich and the poor.

As we all know, the vital element in cross-cultural communication—as in all communication—is the urgency that comes from a basic need. If we are moved deeply, if we feel a compelling necessity to communicate, we can do it in any crisis. That was demonstrated in the clash between the Soviet Union and the United States over the missiles placed in Cuba by the Russians in 1962. It has been demonstrated on many other occasions in the last five years, when the two super-powers appeared ready to plunge themselves and mankind into the atomic furnace—but managed to signal one another that such insanity could be somehow avoided at the final moment of decision.

We may have another four or five years to work out a better system of inter-cultural and international relations. The present system, which threatens to break down month after month, can probably be held together for that length of time.

What shall we do with these remaining months of uneasy coexistence? What steps can we take to promote more communication and better communication, while the biological warriors develop more ferocious germs and the nuclear warriors increase our power to wipe out everybody many times over?

I want to discuss with you today a proposal I first presented at a Center staff meeting. At the request of John Cogley, editor of the Center Magazine, I developed the proposal into an article for the first issue of that magazine. Cogley sent copies of the proposal to leaders in a number of countries. The comments were generally encouraging. Then Norman Cousins asked me to write an editorial on the idea for the Saturday Review—and again the comments were overwhelmingly favorable. So I took the comments and criticisms into account, and present the proposal in a revised form to you. I believe that teachers of speech could have a major role in making this idea a reality.

My starting proposition is that a world society has already come into being—although we are not fully aware of its growth and its effects on the future of every one of us. This is the first age in which the word "mankind" has a universal vibration in the minds and souls of men.

So I call for an annual report on the state of mankind—to be broadcast in color and beauty around the world. Let the people of Africa see and know what advances are being made in human understanding in America and Asia and Europe. Let Europe see the achievements and problems of Asia and Africa and America. Let men of all the continents see and speak to one another, through communication satellites.

Let it be done under the auspices of the United Nations, with the Secretary General speaking first as a spokesman for mankind. Let other leaders follow, speaking from Tokyo and Calcutta and Peking and Moscow and Rome and other places large and small. Let the painters talk, the musicians sound forth, the surgeons and the doctors tell of ways to make life healthier and longer, the old people describe what they have learned, the young people cry out for new ways of learning and loving.

Let the cultural, social, and economic programs of the United Nations be made known with dramatic demonstrations and depictions. Let national politics and international quarrels be forgotten for a while.

Above all, let the great issues of food and freedom be brought before the world.

Mankind faces a terrifying famine. Fifty to a hundred million people will die of starvation in the years ahead—unless mankind as a whole begins to act now to make food flow to the hungry. Scientists say that new discoveries make it possible to avert this famine—if the facts are presented to the

world and the peoples of the earth get their leaders to act. The leaders, burdened with a thousand problems, must be told that the fight against famine—on a world scale—must be moved to the forefront of their minds. Millions of human beings, with talents of all kinds, will perish if a world program is not developed and pushed rapidly forward. There is no time to waste.

Recently the United Press International carried the following report by Louis Cassels: "Hope is beginning to grow that the threat of famine, which hangs over 2 billion people in undeveloped countries, may be averted. Scientists now are sure it can be done. The question is whether it will be done. The answer depends on the courage of political leaders and the willingness of taxpayers in such countries as the United States to make some sacrifices to keep other human beings from starving to death." We must foster courage in the leaders of all the rich nations. We must speak and act for mankind now. As teachers of speech, you can call upon your students to discuss the need for an Annual Report on the State of Mankind, using the necessity of a world-wide attack on hunger as the possible subject for the first such Report.

Let us also consider a Report to Humanity as an instrument for implementing the Universal Declaration of Human Rights, adopted by the United Nations nearly 20 years ago. 1968 has been proclaimed as International Human Rights Year. Let us put strength and support behind that Declaration.

In any Report on the State of Mankind, the records of the nations asked to ratify UN Conventions should be publicly reviewed. Of all the great powers, our country has the poorest record in this field. France has ratified seven of the fourteen major human rights conventions and covenants adopted by the General Assembly. Britain has accepted six, the Soviet Union five, and the United States only two. Let us acknowledge before mankind that we deplore the timidity and sloth of our government in this vital field—in which the United States should be leading, not falling behind.

In the editorial I wrote for the Saturday Review, I summed up my proposal in these terms:

"Once a year—perhaps on the last Sunday in January—the Secretary General would be given several hours of prime time on all the broadcasting networks. His State of Mankind Address would be carried by communications satellites to all nations. It would be translated into every language. It would be illustrated by films and photographs produced by the U.N. information service.

"Every country would be asked to provide several hours of prime-time broadcasts, for three or four weeks after the report, for commentaries, criticisms, and suggestions for revisions. Newspapers and leading magazines in all nations would be asked to carry the text or extensive summaries of the State of Mankind Address, perhaps with comments from educators, political leaders, appointed and elected officials, heads of women's organizations, church groups, and noted citizens.

"The report would be published as a paperback book, with illustrations, and would be distributed to schools and libraries in all the member-nations. Copies would also be offered to countries not belonging to the United Nations. The people of the world would be invited to write to the Secretary General, in care of broadcasting stations, newspapers, magazines, schools, and libraries, giving their views on his report and their ideas for speeding the development of a world civilization.

"With the aid of the new communications devices and the use of all the old methods of communication, the Secretary General could bring to the attention of hundreds of millions of human beings the great issues that confront all men and women. The achievements of the U.N. in the social and economic

fields, now largely unknown, would be brought home to people on a new scale. The issues would be analyzed calmly and reviewed comprehensively by a man with enormous resources of information and wisdom from advisers of many nations. But the Secretary General would speak primarily as a person—as a human being chosen by his fellows to stand before the world as a Citizen of Humanity, seeing the planet as a whole, just as the astronauts see the unity of the globe when they fly around it.

"The late Pope John spoke to all men of goodwill as a person—and the message went far beyond the walls of the Roman Catholic church. He reached the people of the world. As a spokesman for mankind, the Secretary General could gain a universal hearing, perhaps larger than the attention given to Pope John.

"Last June, the first global television program, *Our World*, was presented to a potential audience of 600 million persons. Five Communist countries—the Soviet Union, East Germany, Hungary, Poland, and Czechoslovakia—withdrew from the project shortly before the program went on the air. The three major American commercial networks did not participate. But the program was carried to millions of Americans by the National Educational Television network.

"Although the deficiencies of this program were pointed out by critics, the fact that such a broadcast did reach many parts of the earth indicated that the facilities could be assembled and coordinated. Technically, this experience showed that a State of Mankind broadcast on an annual basis could certainly be carried out.

"Whether such a report can become a reality depends upon the willingness of people in many nations to work together on such a project. The United World Federalists and other groups with chapters in many countries might make it possible to provide the support which the Secretary General would need. The potential benefits for humanity are clear.

"Mankind needs a spokesman. U Thant could be the first one to speak for the Community of Man."

A few days ago Senator William Proxmire of Wisconsin notified me that he had found the proposal so intriguing that he planned to introduce a resolution when Congress reconvenes January 15 to direct the President to petition the United Nations to establish such an annual report.

Senator Proxmire said: "This device would strengthen the United Nations by expanding the Secretary General's audience from the delegates who gather at the UN building in Manhattan to all the people of the world. It would increase the influence of the United Nations on world opinion, which is really the primary basis of its authority. And it would help to revive faith in the United Nations as the one unifying force for peace and human dignity in the world . . . Such a general statement, if widely disseminated, could do much to galvanize large numbers of people into taking constructive steps toward a solution to such common problems as the population explosion, hunger, uncontrolled arms races and dislocations in world money, commodity and labor markets . . . Mankind's common problems are too serious and too numerous to allow differences of race, culture, religion and national allegiance to prevent a cooperative search for solutions."

We can recognize the difficulties of human communication. We know that the political, cultural, economic, and religious divisions of mankind are real and terrible to contemplate. But the voices of people crying for food and freedom speak a universal language.

Even today, although the World Famine is not yet upon us, there are millions of children slowly dying of hunger. If their voices are too faint to be heard, let us speak for them. In every possible place, at every opportunity, let us call upon our fellow citizens to

remember these words of the late John F. Kennedy: "For the first time in human history, we have the means to feed all; we lack only the willingness to share." Let us call out to mankind: These children are ours! We must feed them! We must cherish them! We must give them bread and give them hope!

And for those who are now deprived of the basic human rights—the millions of refugees, the stateless persons, the people who have lost their identities—we must speak in the name of mankind. We must call upon our government—and all governments—to give more than lip service to the restoration of these displaced persons to their rightful position as members of the human family.

Let us try to summon up for the human family the faith and confidence revealed by American Negroes in a recent survey. In spite of all they have suffered, two-thirds of them declared their belief that brotherhood and the love of mankind can be achieved on earth. Two-thirds of them expressed their belief that discrimination against minorities can be ended.

If those who have suffered most from man's inhumanity to man can face the future with hope, we can certainly do so.

The first Annual Report on the State of Mankind should focus humanity's attention on the fundamental needs and rights of every human person. Communication of a deep concern for each person can be felt in every language, in every nation. Such communication is bound to lead to peaceful coexistence.

The first broadcast by a Spokesman for Mankind should begin with the words of the Preamble of the Universal Declaration adopted nineteen years ago:

"Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

"Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

"Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

"Whereas it is essential to promote the development of friendly relations among nations,

"Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

"Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

"Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

"Now therefore, The General Assembly proclaims

"This Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations."

I ask you to join me in making a worldwide effort to arouse the conscience of mankind to make these rights attainable. Let us shake off the bonds of fear that keep us from speaking warmly to one another. Let us feed one another, free one another, love one another as brothers born of the Creative Spirit that gave us joy and peace and hope at Christmas time.

ESTABLISHMENT OF A COMMISSION TO STUDY AND APPRAISE THE ORGANIZATION AND OPERATION OF THE EXECUTIVE BRANCH OF THE GOVERNMENT—AMENDMENTS

AMENDMENT NO. 497

Mr. PEARSON submitted amendments, intended to be proposed by him, to the bill (S. 47) for the establishment of a commission to study and appraise the organization and operation of the executive branch of the Government, which was referred to the Committee on Government Operations and ordered to be printed.

PENALTIES FOR CERTAIN ACTS OF VIOLENCE OR INTIMIDATION—AMENDMENTS

AMENDMENTS NOS. 498 THROUGH 506

Mr. ERVIN submitted nine 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.

ADDITIONAL COSPONSORS OF BILLS

Mr. SPARKMAN. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Tennessee [Mr. BAKER] be added as a cosponsor of the bill (S. 2714) to amend the Consolidated Farmers Home Administration Act of 1961, as amended, in order to provide additional loan assistance under such act to farmers who have suffered severe production losses as the result of a national disaster.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the junior Senator from New York [Mr. KENNEDY], I ask unanimous consent that, at its next printing, the names of the Senator from Pennsylvania [Mr. CLARK], the Senator from New York [Mr. JAVITS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Washington [Mr. MAGNUSON], and the Senator from Texas [Mr. YARBOROUGH] be added as cosponsors of the bill (S. 2614) to amend chapter 55 of title 10, United States Code, to provide additional dental care for dependents of active duty members of the uniformed services.

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

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, January 18, 1968, he presented to the President of the United States the enrolled bill (S. 964) for the relief of Roberto Perdomo.

NOTICE OF PUBLIC HEARINGS ON RIVERS AND HARBORS AND FLOOD CONTROL LEGISLATION

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished junior Senator from Ohio [Mr. YOUNG], who

is absent today on official business, I ask unanimous consent to have printed in the RECORD a statement by the junior Senator from Ohio [Mr. YOUNG], entitled "Notice of Public Hearings on Rivers and Harbors and Flood Control Legislation."

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

STATEMENT BY SENATOR YOUNG OF OHIO

In September of last year the subcommittee on Flood Control—Rivers and Harbors of the Committee on Public Works, initiated hearings on an omnibus rivers and harbors and flood control authorization bill. These hearings were recessed on September 21, 1967, subject to the call of the Chair. Inasmuch as additional projects and matters are now pending before the Congress, the subcommittee has decided to resume these hearings.

Accordingly, notice is hereby given that the subcommittee on Flood Control—Rivers and Harbors, has scheduled public hearings for 10 a.m., on Tuesday, Wednesday, and Thursday, January 30, 31, and February 1, 1968; and Tuesday, Wednesday, and Thursday, February 6, 7, and 8, 1968, respectively in room 4200, New Senate Office Building.

On these dates the subcommittee will receive testimony on favorable recommendations made by the Chief of Engineers on various navigation and flood control proposals, submitted to Congress since the close of the hearings last year. Testimony will also be received on other water resource matters that are pending before the committee. Additional hearings as may be required are tentatively scheduled for March of this year.

All interested persons desiring to testify on favorable reports or other proposals, may arrange to do so by contacting the committee, telephone 225-6176.

NOTICE OF HEARINGS

Mr. GRUENING. Mr. President, the Senate Subcommittee on Executive Reorganization of the Committee on Government Operations will hold hearings on S. 47 and S. 2116 on the following days:

Monday, January 22, 1968, room 1318 at 9:30 a.m., New Senate Office Building.

Tuesday, January 23, 1968, room 3302, New Senate Office Building at 10 a.m.

Wednesday, January 24, 1968, room 3302, New Senate Office Building at 10 a.m.

Wednesday, January 31, 1968, at 9:45 a.m., room 5110, New Senate Office Building.

Thursday, February 1, 1968, at 10 a.m., room 5110, New Senate Office Building.

NOTICE OF RECEIPT OF NOMINATIONS BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the following nominations:

H. Gardner Ackley, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Italy.

Edward D. Re, of New York, to be an Assistant Secretary of State, vice Charles Frankel.

In accordance with the committee rule, these pending nominations may not be considered prior to the expiration of 6 days of their receipt in the Senate.

AAU THREAT PERILS U.S. OLYMPIC TEAM

Mr. CANNON. Mr. President, a recent article in the Washington Post points out some of the unfortunate effects of the bitter dispute that has been raging between the AAU and the NCAA for years—a dispute generated by the persistent attempts of each organization to extend its jurisdiction over amateur track and field events.

This matter first came to the attention of the Senate in August 1965 when the Commerce Committee conducted 10 days of hearings on the difficulties ensuing from this dispute. On September 17, 1965, the committee reported to the floor and on September 20, 1965, the Senate passed Senate Resolution 147, which authorized the Vice President of the United States to appoint an independent arbitration panel to hold hearings and conferences in an effort to resolve the dispute. As a result of the resolution, the Vice President appointed a Sports Arbitration Board that has been working since December 1965 under the chairmanship of Mr. Theodore Kheel. The Board reported to the Commerce Committee in August 1967 and is expected to hand down its decision within the next few weeks.

I join with other members of the Commerce Committee in expressing the hope that progress toward resolving this intractable and destructive dispute may be facilitated by the forthcoming recommendations of the Board, which I urge both disputants to accept. In the event that they do not, it will be imperative for the Senate to take legislative action to eliminate the jurisdictional conflicts and petty harassments bound to impair the participation of American athletes in world athletic competitions.

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

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

RYUN, SEAGREN INVOLVED: AAU THREAT PERILS U.S. OLYMPIC TEAM

NEW YORK, January 15.—The Amateur Athletic Union warned today that all athletes competing in a U.S. Track and Field Federation meet here Feb. 9 could lose their Olympic eligibility.

Among the scheduled competitors are Jim Ryun, world record-holder in the mile, and Bob Seagren, 17-foot pole vaulter.

Today's warning was another salvo in a war of words that has demoralized American track and field at the start of the Olympic year. The AAU has demanded that it be asked to sanction the meet. The National Collegiate Athletic Association and its puppet USTFF refuse to comply.

Theodore Kheel, head of a U.S. Senate board attempting to mediate the dispute, has promised a solution before Feb. 9. But neither side is expected to agree to the solution unless it coincides with its aims.

AAU sanction is not required for meets involving collegians only. However, the field for the USTFF meet includes several athletes—Tommie Smith, Charlie Greene and Wade Bell—who have no more college eligibility.

WILL REPORT NAMES

The AAU's executive director, Don Hull, said today that the AAU would report the names of all athletes competing in the Fed-

eration meet to the International Amateur Athletic Federation, which controls international track. Hull said the IAAF would revoke the athletes' eligibility.

"It would be automatic," Hull said. "The IAAF has told us specifically that in their judgment all athletes competing in open meets not sanctioned by us lose eligibility."

This introduced a new attack by the AAU, which previously had threatened suspensions against only non-college and foreign athletes competing in Federation meets. Should college athletes—who have no choice but to run if ordered by their schools—be suspended for such competition, America's Olympic team could be reduced to second-class status.

WANTS U.S. INTERVENTION

The Rev. W. H. Crowley, president of the USTFF, said in Los Altos, Calif., that "it is time for the Justice Department of the United States and the courts of this country to call a halt to such un-American practices in amateur sports and provide protection for our athletes."

Kansas track coach Bob Timmons, in announcing that Ryun would compete in the Federation meet, said in Lawrence, Kan., "I just dare them (the AAU) to do anything about it."

Kheel offered a ray of hope. "Our decision will be down before Feb. 9," he said, "and we think it should cover this or any other situation."

Track observers were skeptical.

Mr. PEARSON. Mr. President, I associate myself with the comments of the Senator from Nevada. I have worked with him on this matter since it came before the Commerce Committee.

I have never understood and I continue to fail to understand how a governing body of conflict jurisdiction could reach the point—not only today, but also extending back for a long period of time, 60, 70, or 80 years—of experiencing a dispute that many people have tried to settle.

General Douglas MacArthur tried to settle the dispute. The former Attorney General of the United States, now the junior Senator from New York [Mr. KENNEDY], also participated in an endeavor to settle the dispute.

No solution has ever been found.

The interests of student athletes, institutions, and, indeed, the hopes of the entire Olympic setup is endangered because two groups of men do not have the good heart, will, and sense to get together on this program.

I have talked to Mr. Kheel. I think he is one of the most able men in the labor-management field. He has worked many times with the distinguished senior Senator from Oregon [Mr. MORSE] on these matters.

Mr. Kheel will be in Washington next week. I hope to meet with him, and I hope that the distinguished Senator from Nevada and all other interested Senators will meet with us in an effort to reach a solution of this problem.

Mr. MORSE. Mr. President, I join with the Senator from Kansas in the tribute he has just paid to Mr. Ted Kheel.

I consider that Mr. Kheel has no superior in the entire Nation as a labor arbitrator and mediator. He was on our staff when I was on the War Labor Board and handled some of the most complex cases in arbitration.

He has served with me on some emergency boards in recent years. I have com-

plete confidence that the decision he hands down will be a fair decision.

I join with the distinguished Senator from Nevada in the hope that the parties to the dispute will have the good judgment to abide by the recommendations that Mr. Kheel will make. We can be sure that his recommendations will be supported by the record made before him.

THE STATE OF THE UNION ADDRESS BY THE PRESIDENT

Mr. BYRD of West Virginia. Mr. President, I listened with great interest last evening to the state of the Union message of President Lyndon B. Johnson. I believe that this was the best of his five state of the Union messages. It was positive, and it suggested progressive programs, in the main.

It reflected a determination to persist in the quest for peace, but it also reflected a determination to stand by our commitments and to stand firm against Communist aggression.

The President indicated that he proposes, this year, that we launch an exploration of the ocean depths to tap the wealth, energy, and abundance thereof. This proposal is long overdue.

The President called attention to the rapid growth of population in developing countries. Here again, the world has too long sought to eschew what is perhaps the most threatening and dangerous factor anent future war or peace, famine or plenty. Something must be done to slow this rapid growth of population, and the President is right in urging governments in developing countries to take such facts into account. This is an area in which we can and should assist them in their efforts. A dollar spent now in family planning—birth control—will do more good than thousands of dollars in future foreign aid expenditures.

The most spontaneous and enthusiastic applause during the President's speech came when the President stated that the American people have had enough of rising crime and lawlessness, and when he pledged support in the war on crime. I favor the President's proposals to provide better training and better pay for police and to bring the most advanced technology to the war on crime in every city and county in America. However, as I have stated repeatedly before, the mere spending of more dollars will not in itself reverse the burgeoning crime rate. As I have repeatedly stated, unless and until the President, be he Democrat or Republican, appoints other than known activist judges—who all too often have possessed no previous judicial experiences—to the U.S. Supreme Court and other Federal courts, the criminal will continue to feel that the law is made for him and that laws, like pie crusts, are made to be broken. Sooner or later, the Chief Executive and the U.S. Senate will have to face this reality in the appointment and confirmation of Federal judges. The people of America already, by and large, understand this and believe it to be true, but somehow the message has not yet reached the top.

The President also received strong ap-

plause when he stated that he would propose a drug control act to provide stricter penalties for those who traffic in LSD and other drugs. I shall support the President in this effort.

The President asked the Congress to hold appropriations to the budget requests. In the overall, I shall support the President in this regard, and I shall also support efforts by the Congress to reduce the budget requests where I think such reductions are feasible and can and should be made.

The President indicated the need for legislation to free our gold reserves. I believe that we should match our words to the world by our actions. We have stated that our full gold stock stands behind our commitments to maintain the price of gold at \$35 an ounce. I shall support the proposed removal of the gold cover.

The President has indicated that efforts will be made to increase manpower training programs in an effort to create a new partnership, between Government and private industry, to train and hire the hard core unemployed. I applaud the President's foresight in this respect as it would convert tax users into taxpayers, and I shall expect to support his efforts in expanding the manpower training program accordingly.

Although the President did not spell out the details, his emphasis on the essentiality of more housing is well directed and very timely. I recognize no proposal in the President's speech as being more important than that of making it possible for thousands of families to become homeowners, not rent payers. The President proposes an ambitious program; namely, a 10-year campaign to build 6 million new housing units for low- and middle-income families. I believe that property ownership encourages good citizenship. The more people who become owners of property, the more they will frown upon the destruction of property, and the more they will cherish property rights which constitute one of our basic and oldest human rights.

Such a program would greatly stimulate the economy, and it would give hope to thousands of Americans. It will pay dividends in the future, and it will constitute an insurance against want and poverty for future generations. I hope that, when the President presents the details of this housing proposal, it will be one we can all enthusiastically support, because I know of no greater need than that of encouraging homeownership.

I compliment the President for his excellent message to the Nation, and, again, I express the belief that it was the most realistic and the best of his five state of the Union messages.

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

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

THE PEACE PETITION PRESENTED TO 90TH CONGRESS BY JEANNETTE RANKIN BRIGADE

Mr. GRUENING. Mr. President, on Monday, January 15, 1968—the opening day of the second session of the 90th Congress—we witnessed a further and most serious erosion of the first amendment guarantee of the “right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

Assembled in Union Station on that day were thousands of women from diverse parts of the Nation seeking to exercise their constitutional right to come in person to the seat of their Government to present to their elected representatives a petition—a thoughtful, respectable petition—relating to the U.S. military involvement in Vietnam and the Federal Government's neglect of the poor and of other pressing problems at home.

These serious, dedicated women, calling themselves the Jeannette Rankin Brigade—some 3,000 to 5,000 strong—were led by the Honorable Jeannette Rankin, a distinguished former Member of Congress from the State of Montana. Miss Rankin, now 87 years young, brought to the leadership of this group all the vigor and enthusiasm which has characterized all her actions. Miss Rankin is a pacifist and, while a Member of Congress, cast her vote each time against United States entry into both World War I and World War II.

I am not a pacifist and do not agree with Miss Rankin's votes against World War I and World War II, in both of which I strongly supported U.S. entry, but I respect her integrity in so voting. In this present case, I agree fully with her opposition—and the opposition of the Jeannette Rankin Brigade—to the U.S. military involvement in an undeclared, illegal war in Vietnam.

The petition which the Jeannette Rankin Brigade wished to present to Congress in person reads as follows:

We, the United States women, who are outraged by the ruthless slaughter in Vietnam, and the persistent neglect of human needs at home, have come to Washington to petition the Congress for the redress of intolerable grievances, to demand that:

1. Congress, as its first order of business, resolve to end the war in Vietnam and immediately arrange for the withdrawal of all American troops;

2. Congress use its power to heal a sick society at home;

3. Congress use its power to make reparation for the ravaged land we leave behind in Vietnam;

4. Congress listen to what the American people are saying and refuse the insatiable demands of the military-industrial complex.

It is indeed regrettably a sign of the times in which we live in the United States that this travel to Washington, D.C., by these women was looked upon by the Federal Government as something akin to an invasion of the Nation's Capitol by a hostile and formidable enemy of the Government rather than as the simple exercise by a number of citizens of their right to come in person to petition their Government for a redress of their grievances.

Surrounded by hundreds of alert,

nervous policemen, the ladies of the Jeannette Rankin Brigade walked somberly and silently to Union Plaza, having been prohibited from setting foot on the Capitol Grounds. While the ladies were waiting in the snow and cold of Union Plaza, Miss Rankin and two companions were permitted to enter the Capitol and present the petition to the able and distinguished majority leader of the Senate [Mr. MANSFIELD]—one of her own Senators from Montana.

It is a perversion of the rights reserved to the people under the first amendment to the Constitution to say that the right to petition Congress can be done not in person but only by letter or telegram.

I have been informed that these ladies were told that it would be unlawful to assemble on the steps of the Capitol while the petition they sought to deliver to Congress was carried in by three of their number.

The prohibition against such assemblage was issued by the police under the claimed authority of section 7 of the act of July 31, 1946 (40 U.S.C. 193g), which states:

It is forbidden to parade, stand, or move in processions or assemblages in said United States Capitol Grounds, or to display therein any flag, banner, or device designed or adapted to bring into public notice any party, organization, or movement, except as hereinafter provided in sections 11 and 12 of this Act. (Emphasis supplied).

When S. 2310—Public Law 90-198—a bill dealing with the security of the Capitol Buildings and Grounds, was before the Senate Committee on Public Works last year, I moved to strike out this section of the existing law on the ground that it was manifestly unconstitutional.

I was joined in my motion by the distinguished Senator from Kentucky [Mr. JOHN SHERMAN COOPER] and the distinguished Senator from Ohio [Mr. STEPHEN YOUNG].

However, we did not prevail.

In separate views filed by Senator COOPER, Senator YOUNG of Ohio, and myself, we said, in part:

We have the right and the duty to protect and maintain the ability of Congress to act. We expect that the rights of freedom of speech of peaceable assembly, and of petition be exercised responsibly and within constitutional limits. But there is no more appropriate place to petition the Government than at the seat of the Federal Government. We do not believe the Congress wants to fence away the first amendment from its front door.

Section 7, although heretofore unused and untested in the courts, remains on the statute books as a threat poised over the heads of all those who, in an orderly and peaceful manner, wish to exercise their right to petition their elected representatives in Congress for the redress of their grievances.

The Jeannette Rankin Brigade has appealed the court's refusal to issue an injunction staying the enforcement of section 7 and permitting the ladies coming to Washington to enter the Capitol Grounds. I hope that this appeal will be prosecuted up to the Supreme Court and that the Supreme Court will rule that

section 7 is unconstitutional and that the first amendment to the Constitution will no longer be fenced away from the front door of Congress.

Approximately the same time that the ladies of the Jeannette Rankin Brigade were gathering on Union Plaza, another blow to freedom of expression was struck on the floor of the Senate.

On the preceding day I had announced that I would read into the CONGRESSIONAL RECORD the text of the petition for the redress of grievances which the ladies of the Jeannette Rankin Brigade were hoping to present to Congress in person at the Capitol of the United States.

However, the distinguished majority leader informed me that the custom was, as a courtesy to the President of the United States, that no business of any sort should be transacted until after the delivery of the President's state of the Union message.

The Senator from Oregon [Mr. MORSE] indicated that he had before him a "whole series of precedents which show that business was transacted on the opening days of many sessions of the Senate."

I understand that the Senator from Oregon [Mr. MORSE] who is in the Chamber, will present those precedents in detail for the RECORD today.

I checked the precedents which the Senator from Oregon will offer, and I reluctantly came to the conclusion that the majority leader was mistaken in his ruling.

However, in deference to the wishes of the majority leader, and on his assurance that I would be given the floor as the first order of business today to present the petition—as has been done—I withdrew my request on Monday, although I felt that would have been a much more appropriate day on which to present the petition.

Thus, on Monday, the United States presented to the world the image of a great and powerful democracy denying 3,000 of its female citizens the opportunity to approach the Nation's Capitol peaceably in accord with the Constitution.

Why these attempts to keep from the American people the truth that there is a serious and far-reaching groundswell among the women, as well as among the men, of the United States against the war in Vietnam? Why is this?

I hope each member of the Jeannette Rankin Brigade will go home to multiply her number a thousandfold to make their voices ring in the Halls of Congress in an upsurge of protest such as has never been heard before in this Nation.

I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks, the separate views filed to S. 2310 by the Senator from Kentucky [Mr. COOPER], the Senator from Ohio [Mr. YOUNG], and myself.

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

SEPARATE VIEWS OF MESSRS. GRUENING AND YOUNG OF OHIO

During the consideration of S. 2310 by the Senate Committee on Public Works, Senator Gruening offered an amendment, in which Senator Young joined, to insert a provision

repealing section 7 of Public Law 570, approved July 31, 1946 (40 U.S.C. sec. 193(g)). That amendment was rejected. We strongly believe that that section of the law should be repealed and hope that the Senate will proceed to do so.

Section 7 provides:

"It is forbidden to parade, stand, or move in processions or assemblages in said United State Capitol Grounds, or to display therein any flag, banner, or device designed or adapted to bring into public notice any party, organization, or movement, except as hereinafter provided in sections 11 and 12 of this Act."

The exceptions set forth in sections 11 and 12 relate to "suitable ceremonies" celebrating occasions of national interest.

This provision is clearly in violation of the first amendment to the Federal Constitution, as recently interpreted by the Supreme Court of the United States.

The first amendment to the Constitution provides:

"Congress shall make no law . . . abridging the freedom of speech . . . or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

In *Eduards v. South Carolina*, 372 U.S. 229 (1963), the U.S. Supreme Court recognized that a demonstration on the driveway in front of the South Carolina State House was protected by the first amendment, even though the legislature was in session during the demonstration.

The Court said that the demonstrators "peacefully assembled at the site of the State government and there peaceably expressed their grievances 'to the citizens of South Carolina, along with the legislative bodies of South Carolina.'"

"We do not review in this case," the Court said, "criminal convictions resulting from the even-handed application of a precise and narrowly drawn regulatory statute evincing a legislative judgment that certain specific conduct be limited or proscribed."

Section 7 of the act of July 31, 1946 does not meet the criteria laid down by the Supreme Court. It uses a blunderbuss approach to ban virtually all assemblages on the Capitol Grounds either in the exercise of the constitutionally guaranteed right of citizens peaceably to petition the Government for a redress of grievances or to speak.

Provided it is done peaceably, we do not see that an assembly of persons calling attention to the need for governmental action or inaction on a particular subject would interfere with orderly work of the Congress. As a matter of fact, the Capitol Grounds are the most appropriate place for citizens to exercise their rights under the first amendment to the Constitution.

Pickets walking peacefully past the steps of the Capitol displaying signs, for example, calling for stepped up Federal efforts in the war against poverty, are exercising their right to assemble and petition their Government for a redress of their grievances. The work of the Congress can proceed as usual.

The provisions contained in S. 2310 are more than adequate to quell riotous or disorderly behavior or actions which in fact interfere with the work of the Congress. We approve of them and so voted in committee.

Section 7 of the act of July 31, 1946, files in the face of the words of the Supreme Court. It is also inconsistent with the other provisions of S. 2310.

Why then should it be retained?

Section 7 has not been used or tested in the courts.

But section 7 is more than unconstitutional and unnecessary. It is also confusing.

While the section remains on the statute books would it supersede the provisions of S. 2310 which, within the criteria of the Supreme Court, provide for "even handed application," are "precise," are "narrowly

drawn," and show clearly a "legislative judgment that certain specific conduct be limited or proscribed."

The Congress has an obligation to repeal provisions of law which are clearly unconstitutional, unnecessary and confusing, and are now thrown into sharp relief by the vigorous—and in our judgment proper—provisions of S. 2310 to prevent unseemingly, disruptive, and unwarranted disturbances on the Capitol Grounds.

A provision of law which, as section 7 of the act of July 31, 1946, does, flatly prohibits all assemblages—peaceful or otherwise—on the Capitol Grounds in order to petition the Government clearly seeks to vitiate the rights guaranteed by the first amendment to the Constitution. It should be repealed.

One of the basic complaints of the American colonists was, as expressed in the Declaration of Independence, that in "every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered by repeated injury."

To seek, in 1967, to abolish the right of citizens to assemble peaceably on the Capitol Grounds to petition their Government for the redress of their grievances and to punish with criminal sanctions such peaceful assemblages is to revert to the repressive tactics of King George the III, against which the colonists rebelled.

To retain on the statute books the provisions of section 7 is to place in the hands of the police an oppressive and unconstitutional weapon which can be used as a threat to prevent the exercise of a right guaranteed by the Constitution of the United States.

ERNEST GRUENING.
STEPHEN YOUNG.

SEPARATE VIEWS OF MR. COOPER

The overwhelming number of the people of our country who visit the Congress with the purpose of making their views known on legislation and other matters within the jurisdiction of the Congress, do so in the spirit of the first amendment to the Constitution. They have the unquestioned right to do so under the first amendment, and under the principle of a free and democratic government. If there are groups whose purpose in coming to the Capitol is to disrupt or attempt to stop the very legislative process required by the Constitution, appropriate and constitutional protection must be provided, as S. 2310 proposes, against such an assertion of anarchy.

Senate bill 2310 directs attention to two principal considerations: It involves the right, at the Capitol of the United States, of the people peaceably to assemble and to petition their Government. And, it deals with the preservation of safety and order upon the U.S. Capitol Grounds and within the Capitol Buildings, including the protection of the proceedings of the Congress from interference and disruption.

With respect to the second issue, the committee bill prohibits upon the Capitol Grounds and within the Capitol Buildings specific acts done with the intent, or which could have the effect, of interfering with or disrupting the legislative process. Such provisions are legal and constitutional, are necessary for the orderly dispatch of the business of Congress, and I strongly support their purpose.

With respect to the first issue, the first amendment to the Constitution states:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The act of July 31, 1946 (60 Stat. 718), which Senate bill 2310 otherwise amends,

contains a section 7 (40 USC 193g), which states:

"SEC. 7. It is forbidden to parade, stand, or move in processions or assemblages in said United States Capitol Grounds, or to display therein any flag, banner, or device designed or adapted to bring into public notice any party, organization, or movement, except as hereinafter provided in sections 11 and 12 of this Act." [Emphasis supplied.]

Being an absolute prohibition against parades and assemblages on the Capitol Grounds, section 7 negates that mode of exercising the rights of peaceable assembly and petition, and contradicts the guarantee of the first amendment. However, the committee bill as reported contains no reference to section 7 of existing law.

At the public hearing held by the Subcommittee on Public Buildings and Grounds, testimony was directed to section 7. In the committee, it was variously proposed that section 7 be repealed, that notice of the intention to parade, demonstrate or picket be required, or that a system of regulation be established—all in my view appropriate and constitutional means of dealing with the issue.

Section 6 of the same act forbids, among other things, the making of any harangue or oration on the Capitol Grounds. In amending section 6, the committee bill properly omits that prohibition and thus repeals it. Despite the fact the committee bill in new section 6 provides for the prohibition of acts which could go beyond the proper limits of first amendment rights, S. 2310 as reported fails to deal with the problems obvious on the face of section 7.

The U.S. district attorney testified that, so far as he knew, no prosecution had ever been brought under section 7. There has never been a final test of section 7 in the courts. Mr. David G. Bress, U.S. district attorney, also stated that he foresaw no problem of enforcement, given the new provisions of the committee bill, if section 7 were repealed or amended.

It is improper in my view for the Congress to rely on a general provision of doubtful constitutionality as a means of preserving order upon the Capitol Grounds, or to give the appearance of doing so. The committee bill itself contains specific and effective prohibitions which are consonant with the rights of assembly and petition.

We have the right and the duty to protect and maintain the ability of Congress to act. We expect that the rights of freedom of speech, of peaceable assembly, and of petition be exercised responsibly and within constitutional limits. But there is no more appropriate place to petition the Government than at the seat of the Federal Government. I do not believe the Congress wants to fence away the first amendment from its front door.

In the committee, I voted to repeal section 7 (40 U.S.C. 193g). I believe it appropriate to repeal or amend the section, especially in view of the much more specific provisions which S. 2310 would make available for the security of the Capitol buildings and Grounds.

JOHN SHERMAN COOPER.

Mr. MORSE. Mr. President, I wish to associate myself with every word which was spoken by the Senator from Alaska [Mr. GRUENING] in connection with the visitation of the Jeannette Rankin Brigade in Washington last Monday.

As a foundation for my remarks, I ask unanimous consent to have printed in the RECORD again the first amendment of the Constitution, the last part of which reads: "or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

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

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

Mr. MORSE. Mr. President, there is no question about the fact that the visitation of the Jeannette Rankin brigade last Monday was a peaceable assembly of citizens to petition their Government in respect to grievances.

I believe that a great historic mistake was made last Monday when that petition was not received by the Senate.

I take the Senate back to the origin of the first amendment. One of the reasons for its addition to the Constitution of the United States was the recognition on the part of our constitutional forefathers that such a constitutional guarantee was essential in order to have a check against what is always a possibility, a revolution.

Do not forget that men have historically asserted the right to revolt.

However, I pray that revolution will never become necessary in a free society for the adjustment of grievances.

The first amendment to the Constitution is one of the constitutional checks written into the Constitution to protect the American people in a precious right to petition their Government in respect to their grievances.

Mr. President, the exercise of the right to petition become meaningless if procedures are adopted by any branch of Government—legislative, executive, or judicial—which denies the exercise of that right. A right that exists only on paper, a right disembodied in practice from its principle, is meaningless.

Thus, I would take the Senate into two matters which I think involved unfortunate incidents on the part of the Government last Monday. It is unfortunate that the Senate did not receive the petition, for I think that if we are going to carry out our constitutional obligations we should see to it that the constitutional check written into the organic act is never in any way made difficult to effectuate.

Oh, it was argued—and I speak with great respect for those of my leadership who share that point of view—that as a matter of precedent it has been courtesy and custom not to transact any business on the opening day of a session prior to the state of the Union message of the President.

Well, on a later day, I shall give to the Senate in detail the results of research I am now in the process of conducting which will shatter that argument, because the Senate often has transacted various kinds of business, from the time of its founding, on the opening day of a session.

This precedent by custom, really, has been emphasized in the years of the Johnson administration. It is a relatively new custom, Mr. President, which we have been extending, for the most part, to the Johnson administration.

I speak most respectfully of the President, but I want to say that no precedent or custom should ever be used to stand in the way of the right of a free people to petition their Government on the opening day of Congress in respect to grievances.

Thus, last Monday, we had such a petition, a petition which was brought to us by a group of women numbering nearly 5,000 in fact, and probably more than 5,000—not the 3,000 to 3,500 which the press in many stories reported was the number.

Irrespective of the number—whether it was 3,000, 3,500, 5,000, or 10,000—this precious constitutional guarantee should remain inviolate as a right of petitioners in a time of national concern. And it was violated last Monday by the Senate of the United States.

I gave every Member of the Senate the opportunity to protect that right when I called for a rollcall vote against adjournment, because, in my judgment, history ought to record that an attempt was made, at least, not to violate that precious constitutional guarantee. I shall be proud to have my descendants read that I voted against adjournment and in favor of listening to the petitioners, whatever their number might be, seeking to express their grievances to the American Congress last Monday.

Mr. President, this group of women contained many mothers—mothers of young children, mothers of adolescent children, mothers of American soldiers in Vietnam, mothers of soldiers who have made the supreme sacrifice in Vietnam. They should have been heard. I made a plea for the protection of our constitutional processes within the procedures of the U.S. Senate; and I hope never again in the history of this body will the U.S. Senate refuse for an hour to receive the petition of free citizens of this country who wish to petition their Government in respect to grievances as they feel the grievances.

Now a word about the petition. I share the view of the Senator from Alaska in regard to pacifism. He has made clear he is not a pacifist. His record shows it. So does the record of the senior Senator from Oregon. But that had nothing to do with the procedural obligation of the Senate to receive the petition under the Constitution.

With respect to the pacifism of Jeannette Rankin, I believe that a good majority of the members of the brigade are not pacifists, but that the members of the brigade believe that the war should be stopped and the killing should cease. As to that objective, I am in complete agreement. But I disagree with the language of the petition, and would have said so last Monday, in discussing the petition, if the Senate had extended the courtesy to the Senator from Alaska, to the Senator from Oregon, and to the Senator from Wisconsin [Mr. NELSON], to discuss the petition.

It is most unfortunate when individual Senators believe that the hour has come to carry out their representative obligations to the people of a sovereign State, that they should be denied the

opportunity, on the opening day of the session, to carry out that duty.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Oregon may proceed for an additional 10 minutes.

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

Mr. MORSE. I thank the Senator from West Virginia.

I want to say most respectfully to my colleagues in the Senate that when we follow the policy established last Monday, we start a program of censoring and denying free and full debate on the floor of the Senate at any hour a colleague believes debate ought to be held. When that happens, there is jeopardized, in my judgment, this great institution as a parliamentary body, where representatives of sovereign States should be protected in their right to use the floor of the Senate, on an opening day or any other day the Senate is in session, to discuss a matter of national concern as they see that issue of national concern. It is not for the other Members of the Senate to decide for the Senator from Oregon, the Senator from Alaska, and the Senator from Wisconsin whether or not they should consider a matter they want to discuss as a matter of national concern. That is the inherent right of being a Senator. I say, most respectfully, it was denied to us last Monday. No precedent, no custom can justify, in my opinion, any Senator denying that right to a fellow Senator.

That is why I made the record in a series of parliamentary inquiries that I addressed to the Chair, every answer of which was favorable to the position of the Senator from Oregon, when I elicited the response from the Presiding Officer, the Vice President of the United States, that no rule in the rulebook of the Senate prohibited a Senator from discussing on the opening day of the session any issue that he considered to be of national concern and considered to be an issue that raised a responsibility in him as a Senator to discuss as the representative of the people of a sovereign State.

To deny that right last Monday was a denial by each Senator of a very precious right of his own. Although it was the Senator from Alaska [Mr. GRUENING], and the Senator from Wisconsin [Mr. NELSON], and the Senator from Oregon [Mr. MORSE] last Monday, next time it may be you, may I say to each Senator in this body. To protect this basic right of a Senator is more important than to carry out a custom that we will not transact business until the President of the United States makes his state of the Union address.

Oh, I shall not reduce it to hypothetical examples that prove how absolutely absurd holding to that custom is. Our colleagues did not believe the right of petition was important enough. I do not know of any constitutional right more precious for maintaining our constitutional system than the first amendment to the Constitution of the United States. To give one of the many hypotheticals I could give the Senate, suppose, on the opening day of the Senate, American

naval vessels were to be attacked in Caribbean waters. Does any Senator want to suggest to me that we ought not to want to discuss it on the floor of the Senate until the President got through with his state of the Union message 3 days hence, in the evening? I can just hear the Senate. I do not know whether or not there would be fewer than 100 speeches. So it becomes a matter of what one determines as a Senator is of vital constitutional importance. That issue would raise the constitutional question of the defense of the Republic.

But when Senators got up on the floor of the Senate and told Senators, as they did last Monday, that they wanted to discuss the right of petition under the first amendment because we thought it was precious and necessary to the preservation of the security of the Republic, the Senate adjourned because Senators determined we were not entitled to the right to make speeches. I just wanted to stress that.

Of course, I do not share the point of view of the petition of the Rankin Brigade, that the troops should be brought out forthwith. I think the war should be ended just as soon as it can be ended. I do not happen to believe that withdrawing the troops forthwith would end the war. As I have been heard to say so many times in the last 4 years, I think that would lead to increased problems and would result in a bloodbath in Southeast Asia and would not carry out, in my judgment, what our obligation is to see to it that the situation is resolved over there on the basis of gradualism through multilateral negotiations.

My views on that subject are well known, and I shall not repeat them at this time; but I highly commend the Rankin Brigade for the course of action it followed in Washington last Monday, for I know a great deal about what went on preceding their visit to Washington and during their visit in Washington, in connection with the development of the procedures for that peaceful assembly to petition their Government. I have a daughter, the wife of an Episcopal clergyman, who is a member of the brigade, who, I say with some pride, played a very important role in the development of the plans for the brigade's visit to Washington, and who was very instrumental, as a member of the policy-making committee of the brigade, in developing the procedural format for the visitation.

There were those who, early in the development of the program, favored civil disobedience; but to the everlasting credit, may I say, of the procedural committee of the brigade, on which my daughter served, they made it perfectly clear that the brigade did not stand for civil disobedience, and there was none. There were those who wanted a different type of demonstration from the dignified, orderly, and peaceful demonstration that these women put on in Washington last Monday; but their proposals were rejected.

I do not know how a group of petitioners could have acted with greater dignity, greater responsibility, or more in keeping with their rights under the first amendment, than did the Rankin Bri-

gade. That is why I think it is doubly unfortunate, Mr. President, that their petition was not received by the Senate of the United States, and that Senators representing the petitioners and their States were denied the opportunity to discuss the petition and discuss the visitation of the Rankin Brigade.

In concluding my remarks on this subject, I highly commend the brigade for the example. The procedures it followed last Monday will provide for other petitioners in the future. They greatly strengthened their cause by the dignity with which they peaceably petitioned their Government; and I hope that never again will the Senate of the United States, on the opening day of a session, decide to deny to fellow Senators the right to take to the floor of the Senate and discuss subject matter that they think to be of such national concern at the particular hour that it is appropriate for them to use their right as Senators to discuss it on the floor of the Senate.

I ask unanimous consent that there be printed in the RECORD a copy of the program of the Jeannette Rankin Brigade, including the statement of subjects and the speakers and their work in conference following their march to the Capitol, and a copy of a press release issued by them entitled "Jeannette Rankin Brigade Files Suit To Protest Infringement of First Amendment Rights."

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

PROGRAM OF THE JEANNETTE RANKIN BRIGADE, WASHINGTON, D.C., JANUARY 15, 1968, CONGRESS OF AMERICAN WOMEN

Chairmen: Pearl Willen, New York; Coretta King, Georgia; Mary Clarke, California.

Call to Order, Pearl Willen, New York.

Development of the coalition, Vivian Halinan, California; Coretta King, Georgia.

Message, Jeannette Rankin, Montana.

Readings, Ruby Dee, New York.

Report from the delegation to the Capitol

Katherine Camp, Pennsylvania.

Report on our suit in Federal court in

Washington, Harriet Van Tassel, New York.

Messages, Mary Clarke.

Political action in 1968, Val Phillips, Wisconsin.

We are outraged—

"By the Ruthless Slaughter in Vietnam,"

Charlotte Bunch Weeks, Washington, D.C.

"By the Persistent Neglect of Human Needs

at Home," Ella Baker, New York.

We declare our intentions, chairman:

Cynthia Wedel, New York; Vivian Rothstein,

Illinois; Judith Morse Eaton, Connecticut;

Doris Turner, New York; Dagmar Wilson,

Washington, D.C.; Fannie Low Hamer, Mississippi.

Closing: "Let us declare our intention to

return to our communities and mobilize

women on all levels of activity, dedicated

to reshaping American society and restoring

our country to a position of honor in the

community of nations."

NOTE.—It is requested that each partici-

pant contribute one dollar, or more, to defray

the expenses of the Women's Congress.

JEANNETTE RANKIN BRIGADE FILES SUIT TO PROTEST INFRINGEMENT OF FIRST AMENDMENT RIGHTS

On January 8th, 1968, the Jeannette Rankin Brigade and 58 individual women filed suit as plaintiffs in a Federal District Court, protesting a flagrant and unconstitutional infringement of their First Amendment rights to assembly, free speech and the right

to petition their government for a redress of grievances.

Upon informing the Capitol Police of their planned march to the Capitol building to present their petition, the women were threatened with arrest under 40 U.S.C. 193 (a) *et. seq.* which, after defining the area considered Capitol Grounds, states:

"It is forbidden to parade, stand, or move in processions or assemblages in said United States Capitol Grounds, or to display therein any flag, banner, or device designed or adapted to bring into public notice any party, organization, or movement . . ."

The statute further provides that exceptions from these prescriptive provisions will be made in the discretion of certain Congressional leaders and/or Capitol Police. The exceptions are allowed on "occasions of national interest becoming the cognizance and entertainment of Congress."

The petition of the Jeannette Rankin Brigade apparently does not become "the entertainment of Congress" and arrests were threatened. Therefore the suit which was filed prays for the convening of a three-judge Federal District Court which is requested to enjoin the operation and enforcement of the statute and to declare it unconstitutional. We have asked the Federal District Court for the District of Columbia to grant us this relief on an emergency basis prior to January 15th. Our request was denied. The same request was made to the District of Columbia Court of Appeals and was likewise denied. As it was then impossible to obtain relief prior to January 15th the Brigade's attorneys are continuing the appeal on a non-emergency basis in the Court of Appeals and have every confidence of ultimate victory.

This is far from the last time that these women or any other Americans intend to appear in their nation's Capitol to petition their government. Hopefully this will be the last time that they find it so difficult to do so.

Jeannette Rankin Brigade: Jeannette Rankin, Montana; Donna Allen, Washington, D.C.; Mia Aurbakken-Adjall, New York; Ellen Aurbakken, New Jersey; Ella J. Baker, New York; Helen Baker, New York; Anna M. Bennett, New York; Ada Black, New York; Elinor G. Black, New York; Mercedes M. Randall, New York; Kaye Boyle, California; Mrs. Harry Bridges, California; Katherine L. Camp, Pennsylvania; Mary Clarke, California.

Mary Moss Cuthbertson, Pennsylvania: Ruby Dee, New York; Eleanor French, New York; Ruth A. Friess, New York; Sister Marguerite Hafner, Illinois; Vivian Halinan, California; Elizabeth Curry Hyslop, New York; Hon. Mrs. J. Preston Irwin, Ohio; Ethel Jensen, Pennsylvania; Helen Kearns, New York; Grace Killens, New York; Mrs. Martin Luther King, Jr., Georgia; Ruth R. Krause, New Jersey; Margaret Kuhn, Pennsylvania; Denise Levertov, New York.

Mrs. I. Lee Levy, New York; Olive Mayer, California; Jessica Mitford, California; Mrs. Kenneth Montgomery, Illinois; Nelle Morton, New Jersey; Dorothy Nyland, Ohio; Mildred Scott Olmsted, Pennsylvania; Grace Paley, New York; Louise Peck, Ohio; Nan Pendergrast, Georgia; Malvina Reynolds, California; Muriel Rukeyser, New York; Juanita J. Saddler, New York; Dr. Winifred Shannon, New Mexico; Edna Sinclair, Massachusetts.

Helen Huntington Smith, New York; Mrs. Jane C. Spock, New York; Margaret Stein, California; Lydia Stokes, New Jersey; Amy Swerdlow, New York; Ethel Taylor, Pennsylvania; Mariam Thompson, New York; Helen B. Turnbull, New York; Louise Wallace, Kansas; Cynthia C. Wedel, New York; Cora Weiss, New York; Pearl Willen, New

York; Dagmar Wilson, Washington, D.C.; Winnifred Wygal, New York.

Mr. MORSE. Mr. President, on another day I shall discuss the old, bewhiskered law dredged up by the Capitol Police and the city officials to prevent these women from peaceably marching to and by the Capitol which, again may I say, was the following of a policy for which precedent to the contrary exists, but this was forgotten on last Monday for some reason.

I have introduced the press release because at a later date I shall introduce a bill in the Senate to repeal the law that was used by the police to forbid a peaceable assembly in the Capitol and on Capitol Grounds, which assembly would be within the spirit of the first amendment. I shall also provide in that bill those protections and safeguards that are necessary to give assurance that assemblies will be peaceable.

Mr. President, we ought to stop in a time of crisis yielding to the temptation of restricting precious rights of peaceful assembly, as was done last Monday when this group of women—including as I have said many mothers—were denied the right to peaceably assemble in front of the Capitol of the United States.

I do not know what we were afraid of. What timidity. It is inexcusable when one thinks of the more precious right of the first amendment.

Mr. YARBOROUGH. Mr. President, the speech of the distinguished senior Senator from Oregon in defense of the right to petition the Senate reminds me of an incident that occurred in 1862 during the Civil War when Sam Houston, Jr., son of Senator Sam Houston, was a lieutenant in the Confederate forces.

He was wounded in the field at Shiloh. He was struck in the hip by a bullet that put him in shock and caused him to lose much of his blood. However, a small Bible in his pocket saved his life.

The stretcher bearers who were picking up the wounded looked at Sam Houston, Jr., and thought he was dead. Sam Houston, Jr., could understand what they were saying, but he could not raise a hand or speak a word. As his consciousness was flowing back and forth during the day, he thought that all hope was gone. However, that night a minister came along with a lantern looking for possible wounded and praying for the dead. The minister stopped and saw Sam's eyelid flicker. The minister then had the stretcher bearers come over. He reached down and picked up the Bible that was covered with blood. The Bible bore the name of Sam Houston, Jr.

He said, "Are you the son of the Senator?"

Sam Houston, Jr., said, "Yes."

The minister then said:

I came to the Senate with petitions against slavery. The Senate refused to receive them in the 1850's. We sat in the galleries while Sam Houston defended the right of people to petition the Senate of the United States against slavery.

For that action the Legislature of Texas elected a successor to Sam Houston 2 years before his term was up.

That was in the days of legislative election of Senators. I think that the right of people to petition against war

is as great in 1960 or greater than it was to petition against slavery in the 1850's.

I believe that the time is not many generations distant when war will be as unsavory to the human race as slavery is now.

I commend the Senator for defending the right of these ladies to petition the U.S. Senate.

Mr. MORSE. Mr. President, I thank the distinguished Senator from Texas.

TRIBUTE TO DEPUTY CHIEF FUSS ON THE OCCASION OF HIS RETIREMENT FROM THE METROPOLITAN POLICE DEPARTMENT

Mr. MORSE. Mr. President, within the next few weeks, the citizens of the Nation's Capital will be losing the services of one of the most distinguished, dedicated, and talented police officials ever to serve in the Metropolitan Police Department of the District. Deputy Chief Otto P. Fuss will shortly retire from the Department after serving 32 years on the force.

Deputy Chief Fuss was appointed to the Metropolitan Police Department in February 1935; was promoted a detective in November 1941; advanced to the rank of lieutenant in July 1948; promoted to the rank of captain in November 1950; promoted to inspector in December 1959; and to the rank of Deputy Chief in October 1966. During all of these assignments and years of brilliant police service to the community, he has worked the high crime rate areas of Washington alongside his men.

At the age of 63, this very distinguished but modest public servant continues to work alongside his men on the streets of Washington. He instantly responds to the scene of serious accidents and crimes of violence—often before his men can get there. In all of the years my subcommittee has kept the Metropolitan Police Department under surveillance, I have never heard anything but commendation of Chief Fuss' work and Chief Fuss the man. Policemen throughout the Department consider him one of the best friends they ever had. In my judgment, many of the problems within the Metropolitan Police Department would resolve themselves if there were more police officials like Chief Fuss in key positions who devoted themselves to police work and forgot about participating in Department politics. Chief Fuss is highly respected in the Negro and white communities, and feared by the criminal element.

I believe that the people of this Nation and the citizens of the District of Columbia are greatly indebted to this outstanding public servant for the very fine work he has done over the years in making the Nation's Capital a little safer place to live and visit than it would have been if it had not been for his dedicated service.

The excellent record Chief Fuss developed and maintained in support of fair and vigorous law enforcement in the District of Columbia is his great monument of public service.

I would urge every young police recruit coming on the police force to study this man's police career of dedicated public and honest service for, in my judgment,

he is the personification of a policeman's policeman. As Chief Fuss enters retirement, which he so richly deserves, I wish to extend to him my deepest appreciation for a job very well done and many years of health and happiness.

DISTRICT OF COLUMBIA ELECTED BOARD OF EDUCATION ACT

The PRESIDING OFFICER (Mr. SPONG in the chair) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 13042) to amend the act of June 20, 1906, and the District of Columbia election law to provide for the election of members of the Board of Education of the District of Columbia, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MORSE. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MORSE, Mr. KENNEDY of New York, and Mr. PROUTY conferees on the part of the Senate.

THE SENATE ALONE CAN ENABLE THE UNITED STATES TO PARTICIPATE IN INTERNATIONAL HUMAN RIGHTS YEAR OF 1968

Mr. PROXMIER. Mr. President, the General Assembly of the United Nations has declared 1968 as International Human Rights Year.

This year was chosen because it marks the 20th anniversary of the U.N.'s adoption of the Universal Declaration on Human Rights.

As a fitting observance of International Human Rights Year, the General Assembly urged all member states to ratify the human rights conventions.

Since 1949, two Presidents have submitted to the Senate, for this body's advice and consent, five human rights conventions: the Conventions on Genocide, Freedom of Association, Forced Labor, Political Rights of Women, and Slavery. Of these five, the United States is a party only to the Supplementary Convention on Slavery—called supplementary because it is supplementary to a League of Nations Convention on Slavery signed by the United States during the Coolidge administration and ratified by the United States during the Hoover administration.

The United States formally became a party to the Slavery Convention on December 6, 1967. We were preceded by Spain which became a party to the Slavery Convention 2 weeks earlier. Spain and the United States thus became respectively the 69th and 70th nations to ratify this least controversial of the human rights conventions.

Mr. President, nobody contends that these conventions, by themselves, will miraculously transform the world order. These conventions embody rights which Americans have long taken for granted. But these rights are far from secure ev-

erywhere. Instead, they are very much at issue in many areas of the globe.

But U.S. ratification of these conventions would produce some very real results:

First, U.S. ratification of these human rights conventions will serve to encourage other nations, particularly the newly independent nations—60 of them in the last quarter century—to adhere to the conventions and to translate their principles in those countries' own constitutions and codes.

Ambassador Arthur Goldberg stated the case for U.S. ratification very forcefully:

Without the support of the United States these agreements may appear insignificant to many other countries. If we do not consider it important to sign these conventions, why should they? Or more importantly, why should they implement the conventions?

Second, U.S. ratification will put the United States in an improved legal position to protect the violation of these human rights in countries which have ratified these conventions, but have failed to fulfill their promises.

Third, U.S. ratification will enable the United States to participate in the international councils debating human rights and drafting new universal standards. As long as the Senate fails to act, the voice of the United States will not be heard and our advice will not be heeded.

President Kennedy, in urging the Senate to act favorably on the human rights conventions in July of 1963, straightforwardly stated the Senate and the Nation's duty:

The United States cannot afford to renounce responsibility for the support of the very fundamentals which distinguish our concept of government from all forms of tyranny.

I once again urge the Senate to put to rest once and for all the tragic contradiction between this Nation's proven commitment to the cause of human rights and our glaring failure to join the international community's efforts to establish minimum universal standards of human dignity. I urge the Senate to enable the United States to participate fully in International Human Rights Year by ratifying the Human Rights Conventions on Freedom of Association, Genocide, Forced Labor, and Political Rights of Women.

Mr. President, I call attention to the fact that only this body can act. It is not up to the President; the House cannot act; it is the Senate which must ratify.

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

Mr. PROXMIER. I yield.

Mr. JAVITS. Mr. President, I am glad to see the Senator from Wisconsin taking up this matter again in 1968 as he did in 1967.

If it is any comfort to the Senator, I assure him of my full support and cooperation. I raise my voice with him in this cause because it is a just and a great cause.

Mr. PROXMIER. I thank the Senator. There is no one whose support I would rather have than his support. The Senator from New York is a great champion of human rights.

THE 25TH ANNIVERSARY OF THE WOMEN MARINES

Mr. MANSFIELD. Mr. President, another milestone in the long history of outstanding service to the Nation by women will be noted on February 13 of this year. On that date, the Women Marines will celebrate their 25th anniversary.

Actually, one could say that the organization is considerably older, since some 300 women served as "marinettes" in World War I. However, the Women Marines, as we know them, date from 1943 when, in response to pleas by their Nation to "free a marine to fight," 19,000 of their numbers volunteered. Since that time, they have served with great honor and efficiency in positions ranging from stenographer to meteorologist, and in posts ranging from Quantico to Tokyo.

Mr. President, the Women Marines, like the men and women of all our Armed Forces, deserve the sincere commendation of the American people. I salute them on the occasion of their silver anniversary, and ask unanimous consent that certain letters and documents relating to the celebration be printed in the RECORD.

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

DIRECTORS OF WOMEN MARINES

Col. Ruth Cheney Streeter, USMCWR, Director, U.S. Marine Corps, Women's Reserve, February 1943 to December 1945.

Col. Katherine A. Towle, USMCWR, Director, U.S. Marine Corps, Women's Reserve, December 1945 to June 1946.

Vacancy, July to August 1946.

Maj. Julia E. Hamblet, USMCWR, Director U.S. Marine Corps, Women's Reserve, September 1946 to November 1948.

Col. Katherine A. Towle, USMC, Director of Women Marines, November 1948 to April 1953.

Col. Julia E. Hamblet, USMC, Director of Women Marines, May 1953 to March 1959.

Col. Margaret M. Henderson, USMC, Director of Women Marines, March 1959 to January 1964.

Col. Barbara J. Bishop, USMC, Director of Women Marines, January 1964 to present.

SERGEANTS MAJOR OF WOMEN MARINES

Bertha L. Peters, January 1961 to November 1963.

Evelyn E. Albert, November 1963 to December 1966.

Ouida W. Craddock, December 1966 to present.

HEADQUARTERS, U.S. MARINE CORPS, Washington, D.C.

Twenty-five years ago, our Corps looked to woman-power to meet a new war's unprecedented demands for man power; and America's women—19,000 strong—answered the call to "free a Marine to fight."

Since that time . . . in war and in peace . . . those women and others like them have faithfully sustained the strongest military tradition in the world, that of the United States Marine Corps.

With pride in your past achievements . . . with faith in your promise for the future . . . I extend to you—Women Marines past and present, congratulations on your Silver Anniversary and best wishes for the years to come.

L. F. CHAPMAN, Jr.,
General, U.S. Marine Corps,
Commandant of the Marine Corps.

**DIVISION OF RESERVE,
HEADQUARTERS, U.S. MARINE CORPS.**

On behalf of the Marine Corps Reserve, it is a distinct pleasure to extend congratulations and best wishes to you, the women of the Marine Corps on your Twenty-fifth Anniversary.

The marking of a quarter of a century of dedicated service is indeed a significant occasion. It is a time to recall the Marines of World War I and the Women Reserves of World War II who fostered your tradition of unwavering loyalty and steadfast devotion to duty. You may well take pride in this legacy and in the way you daily uphold and enrich it.

Your achievements are in keeping with the highest traditions of our Corps. May the future find you continuing to add luster to the rich heritage left you by the women whose dedicated service we honor in this Anniversary Year.

Happy Silver Anniversary!

C. B. DRAKE,
Major General, U.S. Marine Corps,
Director, Marine Corps Reserve.

**MARINE CORPS
RESERVE OFFICERS ASSOCIATION,
Washington, D.C., January 1968.**

Twenty-five years ago next month America's women, proud to share the Leatherneck heritage, responded to the recruiting invitation "Free A Marine To Fight." The record of dedicated service set by those women has been faithfully sustained since 1943. During the present period of crisis in Southeast Asia, as in past times of national stress, Women Marines have strongly reaffirmed the vitality of their traditional role.

Today, our Women Marines are better prepared by specialist training to support Marine Corps programs with greater skill and immediately than ever before. They serve in a wider variety of occupational fields and in an enlarging sphere of world-wide locations. For the first time, Women Marines are serving alongside the men of the Corps at duty stations in Okinawa and in Japan. There they are helping to ease overseas rotational imbalances among our men.

With pride and satisfaction in your past achievements and with confidence that your future holds even greater accomplishments, MCROA salutes all Women Marines—Reserves and Regulars alike—on your Silver Anniversary, 13 February 1968.

RUSSELL A. BOWEN,
Brigadier General,
U.S. Marine Corps Reserve.

[From the Marine News, February 1968]

How Old Is a Woman?

13 February 1968 . . . The Women Marines are 25 years old. Or, depending on how you look at it, perhaps they are approaching their 50th birthday. With women, it's hard to tell.

Going back to their earliest beginnings, 305 women served briefly, but efficiently, in the Marine Corps during World War I. But, when the Great War was over, these forerunners of today's Women Marines packed away their uniforms and returned to civilian pursuits. Then, for another peaceful quarter of a century, the Marine Corps remained strictly a stag affair.

With the onset of World War II and its unprecedented demands for manpower, men of the Corps—hearkening back to the service of those World War I "Marinettes,"—again looked to woman-power to build their fighting strength to meet their fighting commitments. Upwards of 18,000 women answered the call to "Free A Marine To Fight." Again, their service was with distinction, and their numbers—comparable to a war-time Division—enabled the Marine Corps to send its famed Sixth Division to the far reaches of the Pacific, there to wrest victory from an outnumbered and, now, outnumbered enemy.

Recognizing their value in time of war, the Corps chose to keep a nucleus of trained women in its ranks at the close of World War II. The wisdom of this choice was proved five short years later, when platoons of trained women stood ready for mobilization for Korea.

What they have done, as Marines, has varied through the years. Their sphere has expanded with the times. Each succeeding era has found them assuming new and more responsible roles. In World War I, they served principally as typists, stenographers, bookkeepers, clerks and orderlies. World War II and the years following saw them in specialist jobs: in photography, classification, communications, supply, disbursing, post exchanges, motor transport, food services, personnel, intelligence, administration, recruiting, legal assistance, community relations, education, language instruction, data processing, and combat art. In aviation, their skills ranged from parachute rigging, to Link trainer, to control tower operator, to meteorologist.

Limited in earlier days to strictly stateside duty, their theater of operations widened, and over the years they served in Hawaii, England, Italy, France, Germany, the Dominican Republic, Panama, and the Philippines. Most recently they have moved into the Far East, with billets in Okinawa, Japan, and Vietnam.

Through World War II and the immediate years thereafter, all Women Marines were Women Reserves. Regular status was not open to them. However, 1948 brought the Women's Armed Services Integration Act, which permitted women—no less than men—to be members of the Regular Establishment. From that time, women could serve in either capacity—as Reserves, or as Regulars.

So it has continued right up to the present. Women Marines, serving their Corps and Country in today's crises, can claim a record of unbroken service since 13 February 1943. With equal pride, they can point to their World War I predecessors whose devotion to duty in 1918 opened the door to later and greater opportunities for service.

How old are the Women Marines today? It all depends on how you read the record. In any light, it is a proud record—worthy of the proud Corps of which they are part.

MARINES SAY: "1968 IS THE YEAR OF THE WOMEN"

When Marines are heard referring to 1968 as "The Year of the Women," it is a safe bet they will not be thinking solely of that fifth Thursday in February this year. What they will actually be talking about is a trio of dates that fall before and after the extra day which traditionally makes every fourth year of the Julian calendar a Leap Year.

First of the trio—and most important to all the skirted-not-trousered Marines—is February 13th, which marks the 25th year of continuous service by women in the Marine Corps.

A hundred and twenty days later, comes the second occasion for celebrating, on June 12th, the 20th Anniversary of the Women's Armed Services Integration Act, which permits Women Marines and their other-service counterparts to "Go Regular."

Last member of the anniversary trio—A Golden one, to prove that Three's A Charm—is the 12th of August: time for today's Women Marines to honor their forerunners—the trail-blazing Marinettes of World War I, whose dedicated service during the brief year they were permitted by law to serve the Corps made more palatable the initial pride-swallowing acceptance of World War II's Women Reserves.

With three birthdays in a single year, they may be growing older fast; but 2,700 active duty Women Marines are determined that—like good wine—they will continue to improve with age.

**MARINE CORPS MUSEUMS TO ACCEPT
"WOMEN'S PAPERS"**

Unique among Marine Corps records, but most appropriate to the year during which Women Marines are observing three significant milestones in their service to the Corps, is a collection of Women's Papers being added to the manuscripts collections of the Marine Corps Museums at Quantico, Virginia.

Formal acceptance of the first contribution to the new, anniversary-inspired collection of personal correspondence and other Marine Corps oriented papers of Women Marines will take place at dedicatory ceremonies at Quantico on February 12, the day immediately preceding the 25th Anniversary of the Women Marines. First presentation will be made by Colonel Ruth Cheney Streeter, first Director of the Marine Corps Women's Reserve, followed by former Director Colonel Julia E. Hamblet, and current Director Colonel Barbara J. Bishop.

Museums Director, Colonel John H. Magruder III, hopes many former Women Marines will follow their Directors' lead, by making similar donations of historically significant material from their accumulations of assorted letters and related papers. Correspondence relative to such donations should be addressed to the Curator of Manuscripts, Marine Corps Museums, Quantico, who arranges for the preservation and utilization of personal papers of former members of the Corps as source documents of Marine Corps history.

MILWAUKEE IS A GOOD CITY

Mr. PROXMIRE. Mr. President, Milwaukee got into the headlines of the Nation's newspapers in 1967 with great regularity as a result of the bitter controversy aroused there over open housing legislation. The headlines did not paint a pleasant picture. In some respects, it was a misleading picture. The Milwaukee Sentinel, in a recent editorial, sought to set the record straight. I ask unanimous consent that the editorial be printed at this point in the RECORD.

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

It's A Good City

An open letter to all of America:

We hope you haven't been misled by what you may have seen about Milwaukee on television or read about us in such publications as the Wall Street Journal.

Not that we are perfect. What city is?

But neither are we all bad, as a relative few strident voices at opposite extremes of the race issue might make it appear.

Please be assured that most Milwaukeeans, as they have done and will continue to do, try to be good, decent, law abiding citizens.

They are devoted to their families. They respect all of their neighbors. They are rightfully proud of their community and resent those who give the false impression that this is a place consumed by hate and violence.

As you know, Milwaukee enjoys a reputation as one of the nation's greatest workshops. Milwaukee has an uncommonly large and powerful force of skilled workers. Industriousness remains a hallmark of this community.

As for cleanliness, the city of Milwaukee still can claim to be one of the best. By and large, our homes, yards, private and public places of business, streets and parks are among America's neatest and tidiest. Our government holds a reputation as one of the cleanest.

As we said, we wouldn't try to kid you into thinking we are perfect. We know only too

well that we have our faults. But we do contend that they are no worse, and in many cases not as bad, as those of many another American city.

Furthermore, we would contend that we are trying our best to deal with our faults. Through the din of charges and countercharges in the open housing issue, the voices of reason are beginning to be heard. A start has been made in passing open housing legislation.

Much remains to be done. Milwaukee is particularly concerned about education. Despite the distractions of the fight over open housing, the city is going ahead with efforts to improve the quality of its schools. Milwaukee has just provided for an average raise of almost 20% in pay for public school teachers, believed to be one of the largest increases in the country.

Above all, the point we would like to get across to you is that Milwaukee is not, for all the adverse publicity it has been getting, headed for ruin. The forces of goodwill are superior. The community remains fundamentally sound. Milwaukee is great and growing greater.

Come, visit us or, better yet, come, live with us. You'll like it here.

Sincerely yours,

The MILWAUKEE SENTINEL.

GUN CONTROL—ANSWERS NOT SO SIMPLE

Mr. HANSEN. Mr. President, the American people are deeply troubled, even fearful, in the face of the rising rate of violent crime. Some Members of the Senate, the administration, many members of the press and other media, and a great many citizens have been arguing that legislation which would greatly restrict the sale of firearms would make a great contribution—if not the greatest single contribution—in stemming this tide of lawlessness.

Unfortunately, Mr. President, the answers are not so simple. The relationship between the availability of firearms and the crime rate is not clear. Nor is the correlation between legal restrictions on selling and owning firearms and the occurrence of crime. Many other factors, such as population density, climate, poverty, family structure, and local law enforcement, are all much more strongly correlated with the numbers and kinds of crimes committed in any given place.

On the other hand, administration-sponsored legislation to control and restrict the sale, ownership and transportation of firearms threatens to impose great burdens upon any citizens who own, or who might wish to own, firearms, for whatever purpose. Other costly burdens would be laid upon Federal, State, and local administrators, police officials, and firearms dealers, manufacturers and importers. None of us could object to new restrictions even if costly and burdensome, if indeed they would prove to be major weapons against crime. But the facts indicate fairly clearly that this would not be the case. Indeed, only about four-tenths of 1 percent of those who possess firearms in our country abuse their rights to do so. If S. 1—the Dodd bill—or similar legislation becomes law, however, the 99.6 percent who use firearms lawfully, would be subjected to serious deprivations and to ever-possible harassment—all in order for us to try to deal with those few who do misuse firearms.

But most of the latter do already or certainly would flout the laws regulating firearms.

In order, then, to put the discussion of firearms control legislation in perspective, I would urge my colleagues and others to consider carefully two fact-filled, thoughtful articles on this subject.

The first, written by Dick Thomas, a veteran investigative journalist, appeared in the *Denver Post* on November 5, 1967.

The second was published by the National Shooting Sports Foundation, in March of last year. While coming from an admittedly interested source, the second article displays a calm, "let's look at the facts" approach—an approach I wish were more prevalent in the discussion of this complex issue.

I ask unanimous consent that the articles be printed in the *RECORD*.

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

[From the *Denver Post*, Nov. 5, 1967]

GUN LAWS CHALLENGED: DEBATE HEATED ON CONGRESSIONAL FIREARMS CONTROL MEASURES (By Dick Thomas)

An estimated 100,000 deer and elk hunters swarmed into the Colorado Rockies two weeks ago in an annual pilgrimage that pumps millions of dollars into the state's economy.

These men and women, engaged in the most common lawful use of firearms, tote a variety of ordnance that ranges from junk military rifles hardly safe to fire to expensive \$300-\$400 outfits that cost their owners another 40 cents every time they pull the trigger.

And some of them—usually through what amounts to criminal negligence—shoot other hunters. At the time this was written six such deaths had already been recorded.

This year's hunting season came at a time when the Johnson administration and a gaggle of Eastern lawmakers are making a concerted effort to enact one of the most all-encompassing firearms control bills ever before Congress.

President Lyndon B. Johnson, a deer hunter himself, observed recently that the pending legislation would "reach into every home in the land."

Like most politicians he probably overstated his case, but the basic idea is there.

President Johnson, appearing at the 74th annual meeting of the International Association of Chiefs of Police, was urging support for Senate Bill 1, which Sen. Thomas Dodd, D-Conn., has been trying to steer through Congress in one form or another for seven years.

Its cosponsors and most vocal proponents include two brothers of a slain president, Sens. Robert F. Kennedy, D-N.Y., and Edward M. Kennedy, D-Mass. Practically all the sponsors come from areas of heavy populations and high crime rates—New York, Miami, Boston, Philadelphia, Honolulu.

Ten state legislatures have gone on record as opposing the Dodd bill. They include Pennsylvania, Louisiana, Arkansas, Alabama, Michigan, Montana, Alaska, Kansas and two states that Lyndon Johnson knows well—Oklahoma and Texas.

It has been estimated that 30 million to 50 million Americans own one or more firearms, and a great many of them look upon that ownership as a part of American tradition dating back to pre-revolutionary times.

Frequently one of these gun-owning Americans shoots himself or another, accidentally or with criminal intent.

There were 2,600 accidental deaths in the United States last year from careless use of firearms and explosives, the National Safety

Council said. About 800 victims were hunters, and more than 400 of them were killed by shotguns while in pursuit of small game.

There were 53,000 automobile deaths in the same period, 20,000 in falls, 7,900 in fires and 7,000 by drowning. Firearms and explosives deaths, meantime, were at the same level they were in the period 1913-1922, when the country's population was about half what it is today.

Thus the death rate per 100,000 Americans from careless firearms handling has shrunk from 2.5 then to 1.1 in several recent years. The 1962 total of 2,092 was the lowest in a half century.

There has been a marked decline in such deaths since the early 1930s, the National Safety Council said, with the most dramatic downturn coming in the years since World War II when millions of American men have been trained in firearms use.

More than 100,000 Americans a year use their own gun or someone else's in the commission of a crime. Some of them, Charles Whitman's shooting spree from the bell tower on the University of Texas campus at Austin, for instance, are dramatic proof of what a hunting rifle can do in criminal hands.

For reasons such as this, Justice Department officials and many police administrators support the Dodd bill and its counterpart in the House sponsored by Rep. Emanuel Celler, D-N.Y.

But this writer, for one, wonders whether the sponsoring officials really have a legitimate case against the guns themselves.

This writer is a gun owner, a hunter, a target shooter and a member of the National Rifle Association (NRA), but does not speak for the NRA in any capacity.

This organization, with 805,000 members, has been damned by some congressmen, newspaper and magazine editorialists and television commentators as a Minuteman-style outfit opposed to any meaningful firearms controls.

BOTH SIDES EXTREME

It has lately borne the brunt of criticism from the Dodd bill supporters, one of whom, an aide to Senator Dodd, likes to refer to "the apes in the NRA."

There are extremists on both sides of the issue, however.

Despite its denials, the NRA does constitute a very powerful lobby in Congress. Thirty congressmen are members. And two of its time-worn arguments against what it feels are harmful firearms controls are just that—time-worn.

One is that the U.S. Constitution guarantees the right to keep and bear arms. This is true up to a point, but reasonable restrictions on individual ownership have been upheld in many court decisions.

Another is that registration laws lead to situations where authorities could seize every gun in the land. Action by authorities following the recent military coup in Greece and the Nazi armies' seizures in occupied countries during World War II are cited as proof.

These arguments aside, NRA policy on firearms controls, which many opinionmakers have never bothered to read or choose to ignore, can be found on page 17 of the May 1967 issue of its official publication:

"1. Amend the National Firearms Act by banning so-called 'destructive devices' such as antitank guns, bazookas and rockets.

"2. Strengthen state firearms regulations by providing federal cooperation at the interstate level.

"3. Increase penalties for crimes in which firearms are used.

"4. Ban all handgun sales to minors and require sworn statements of eligibility to buy and own pistols from buyers seeking handguns by mail order."

Those principles seem pretty clear. To the NRA's critics they are not nearly enough.

Robert Sherrill, a reporter for *The Nation* who had an article in the *New York Times*

three weeks ago, urges that every firearm buyer be investigated down to finding out whether he or she is involved in a "passionate divorce case," and adds, in what the trade calls a sweeping generalization:

"The police chiefs of most of the nation's major cities would approve safeguards of this type."

"CRIME IN STREETS"

Even though he supports something a lot stronger than the Dodd bill, Sherrill opines that President Johnson is trying to draw attention away from the increasingly embarrassing Vietnam war with his domestic "crime in the streets" issue and:

"Nothing would please him more than to be able to sweep into the 1968 campaign waving a gun-control law, approved by Congress, to show he means business."

The Atlanta Constitution editorialized in September that "during the 13 months since this legislation was (most recently) introduced, guns were involved in 6,500 murders in this country, 10,000 suicides, 2,600 accidental deaths, 43,500 aggravated assaults and 50,000 robberies."

These figures, supplied by President Johnson, total 122,600.

In other words, firearms during those 13 months were used in 122,600 crimes—an amount equal to 3.77 per cent of all major crimes reported in 1966 by the FBI in its Uniform Crime Report.

These misused firearms total four-tenths of 1 per cent of all privately owned firearms in the United States if one assumes the total is 30 million, and that is probably low.

So the federal legislation is aimed equally at 99.6 per cent of the guns owned by people who respect the law as well as that fraction of 1 per cent that are used by criminals.

There are any number of scare tactics used by supporters of the Dodd-Celler bills to make what they call the "easy availability of guns" seem the dominant factor in the nation's rising crime rate.

LIST OF FACTORS

No such conclusion was drawn in the FBI's Uniform Crime Report last year.

Among the factors it listed as affecting the amount and types of crimes committed were population density, composition and stability; climate and seasons; economic, educational, recreational and religious factors; public attitudes toward law enforcement; the strength, standards and efficiency of local police departments; and policies of prosecuting attorneys and courts in local jurisdictions.

If guns were that important the FBI surely would have mentioned them.

The FBI report does note that "the over-all crime rate increase in 1966 was attributable for the most part to the continuing upward climb of crimes against property"—categories in which weapons of any kind are rarely involved.

The reported 10 per cent increase in murders includes justifiable homicides and all cases filed by police in which "willful killing without due process" was involved. It doesn't take into account those cases dismissed for lack of prosecution or those which ended in acquittal.

This particular statistic led to a Look magazine article entitled "The Shocking Rise in Murders" which again hit at the "easy availability of guns."

The NRA and its allies in Congress have always taken the view that firearms controls should be enacted that would impose stiffer penalties for the criminal use of guns.

The organization supported, in 1934, passage of the National Firearms Act which prohibits machineguns, sawed-off shotguns and other weapons that were then in the arsenals of Depression-era gangsters.

It also supported enactment in 1938 of the Federal Firearms Act, which regulates interstate shipment and importation of all firearms and ammunition.

The Dodd-Celler bills state that there is "a casual relationship between the easy availability of firearms and criminal behavior." This absurd statement is not even borne out by the figures supplied by President Johnson and FBI Director J. Edgar Hoover.

According to testimony before congressional committees, scores of shooting clubs, wildlife and sportsmen's associations and state game and fish departments feel Dodd and Celler are trying to swat a fly with a sledgehammer.

RESTRICTIONS RATED SEVERE

The disturbing thing about the bills is that they put virtually the same restrictions on sporting rifles and shotguns that they do on pistols and revolvers—the most common type of firearms used in crime.

Severe restrictions would be placed on surplus military weapons, thousands of which are used as is or converted to sporting rifles by hunters.

This certainly couldn't hurt Senators Dodd and the Kennedys with some of their more powerful constituents. Every major firearms manufacturer in the United States, save two, is located in Massachusetts, Connecticut and New York.

Yet the New England armasmakers also oppose the Dodd-Celler bills as too restrictive.

The State and Defense Departments, under the Mutual Security Act of 1954, may limit imports of arms, ammunition and "destructive devices"—the bazookas, antitank guns and other heavy ordnance items that NBC-TV made such a big thing of in a program titled "Whose Right to Bear Arms?"

Congress now is being asked to do legislatively what the administration has failed to do administratively. One Democratic congressman who doesn't like that aspect of the bills is Rep. Robert Casey of Houston, Tex.

DENVER INCIDENT CITED

"I—for one—am getting just a bit tired of this Congress being made the whipping boy for failure of these departments to act under the ample authority granted in existing law," he told the House Judiciary Committee.

A textbook example of such failures to enforce existing law occurred in Denver five years ago.

There is a city ordinance that requires any gun purchaser to fill out an information form provided by the dealer, which is then turned over to police for an after-the-fact background check of the buyer.

One man who provided that information was Michael John Bell, then 26, and now on death row at the State Penitentiary in Canon City.

Like most felons who wind up killing a policeman, Bell had a long criminal history.

Twice a parolee from the Kansas State Industrial Reformatory at Hutchinson and once an escapee from the Kansas Penitentiary at Lansing, he was returned to Lansing in late 1958 on concurrent sentences of 5-15 and 1-5 years for auto theft and escape.

Officials at the prison rated his chance for rehabilitation as "very doubtful." But he was a good conduct prisoner and won his parole on May 3, 1962. This was 13 years after his first trouble with the law.

In Denver the following August Bell bought an Italian-made .32 automatic and signed his own name to the dealer's information form. Two weeks went by before Denver police came across the information.

The following day, Sept. 7, the State Parole Division was notified. At this point Bell had already violated Colorado law regarding possession of firearms by felons and the terms of his Kansas parole.

He was reporting regularly to a Colorado parole officer, John D. Stanley, under the terms of the Interstate Parole Compact. It was three days, however, before Bell's regular visit to Stanley was due. He wasn't brought in sooner even though it was now known he had a gun.

On Sept. 10 Stanley questioned him about it. Bell said he had sent it to a sister in Kansas.

If that were true, it would have been a clear violation of the Federal Firearms Act. Nevertheless Stanley let Bell go.

Two days later Bell pumped four bullets from a .38 revolver into Patrolman Carl Bernard Knobbe, 39, when the officer caught up with him after a Colorado Blvd. service station robbery. Bell had bought the .38 after his visit to the parole office.

KILLERS HAVE RECORDS

A seven-year analysis of 335 police murders by the FBI shows 76 per cent of the 442 suspects arrested in the killings had been previously arrested on criminal charges.

Thirty per cent—Bell was one of them—were on parole at the time they killed policemen.

"The problem, gentlemen," said Representative Casey, "is crime—and the criminal. It is particularly the repeat offender who uses firearms to rob, rape, assault and murder."

The Dodd-Celler bills would:

Ban all mail-order sales of pistols, rifles and shotguns to individuals. Rural Americans, for instance, would no longer be allowed to buy a shotgun out of the Sears or Montgomery Ward catalog. Nor could a Lee Harvey Oswald buy an assassination rifle from Klein's in Chicago.

Severely limit imports, including a man's right to bring back into this country a rifle he had previously taken out. He would have to establish to the satisfaction of the Treasury Department that it is, in fact, the same gun. This raises endless possibilities for a person who drives out of the United States into Canada, then into Alaska to hunt, and back through Canada to the contiguous states after the hunt.

Make it a federal crime to go into another state, buy a gun and bring it back home if there is a law in your own state or a local ordinance at home that prohibits such imports. Thus if a Cheyenne resident came to Denver to buy a gun not available at home and there was a Cheyenne ordinance against his buying it, he would be subject to a federal charge whether or not he was aware of the local ordinance. No one would be able to buy a hand-gun except in his own state.

Give the Treasury Department broad discretionary powers in formulating regulations to implement the act.

End all sales of surplus U.S. government small arms and ammunition to members of NRA-affiliated shooting clubs. (More than 500 of these clubs are exclusively for policemen and law enforcement officers.)

MANY BILLS OFFERED

The National Rifle Association is on record many times in support of federal legislation to cover such men as the Appalachian mobsters or a Michael John Bell.

There is no question that an illegal firearms traffic exists and that it contributes to crime, but not nearly in the proportions that Dodd-Celler bill supporters would like us to believe.

There is no question either, if recent opinion polls are accurate, that many present gun owners would not object to reasonable controls. But the kind of controls is the governing factor.

Organized sportsmen's groups and the NRA don't want the kind that New York has, or that New Jersey recently enacted or that Philadelphia recently passed in ordinance form.

Anyone lucky enough to get a gun permit in New York—it takes months of time and a \$20 application fee—subjects himself to periodic police visits to his home to "inspect" the firearm. He pays a \$10 annual renewal fee for the license.

And if he wants to hang grandpa's old shotgun over the mantel in the den, he better do it while grandpa's still alive. When he dies

his guns will be seized and dumped in the ocean. They are forbidden to become part of his estate.

Advocates of the Dodd-Celler bills like to say a gun's primary purpose is to kill (true) and the implication is there that its only purpose is to kill people (false). Millions of them are never used that way.

The whole issue has gotten out of perspective.

[From *Ammunition for Sportsmen*, March 1967]

STATISTICS: THEIR USE AND ABUSE

The value of statistics in research and planning has long been recognized.

A statistic standing alone does not necessarily present a true picture. Yet there is a tendency for many people to believe any statistic they see in print, or hear broadcast, especially if the statistic comes from a source with an official-sounding title.

For sincere people who wish to study in detail the statistics on firearms, crime and accidents, in an attempt to interpret accurately the meaning of thousands of statistics, we suggest the following.

The basic book on crime statistics is, "Crime in the United States, Uniform Crime Reports—1965." Issued by John Edgar Hoover, director of the Federal Bureau of Investigation, it sells for 55 cents from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(The 1965 report is the latest FBI report on crime covering a full year. The report on 1966 will be available in July, 1967.)

The standard reference on accidents in the U.S. is, "Accident, Facts, 1966 Edition." This book is available for \$2.10 from the National Safety Council, 425 North Michigan Avenue, Chicago, Illinois 60611.

The American people are too often given misleading statistics by the anti-gun faction. One of their favorites is that "17,000 people are shot to death each year."

What they do not tell you is that more than half of this statistic, roughly 9,500, are suicides. Another 2,200 are firearms accidents. The FBI reports that there were 5,634 homicides with firearms in 1965. Yet the anti-gun people, playing upon the fears of the public, try to imply that there are 17,000 homicides with firearms each year. This is three times the statistics reported by the FBI.

Another statistic often exaggerated by the anti-gun forces is the number of fatal hunting accidents. Because of reporting procedures, the exact number of hunters accidentally killed in the field each year is not precisely known. It is about 400 a year.

The National Safety Council statistic of 2,200 fatal firearms accidents "Includes deaths in firearms accidents in recreational activities or on home premises and a small number (less than 3 per cent) from explosions of dynamite, bombs, grenades etc. Excludes deaths in war operations." More than half of the accidental firearms deaths were in the home.

The national death rate from firearms accidents dropped eight per cent in 1965 from 1964. It is down 15 per cent over the last ten years despite an increase in the number of hunters. The rate is lower than those for motor vehicle deaths, falls, fires and burns, drowning, railroad accidents and the combined rates for poisoning by solids, liquids and gas.

According to the National Safety Council, in 1965 the number of fatal firearms accidents in the home was less than one-tenth of the number killed in falls in the home.

In 1965, according to the NSC report, there were about 900 accidental firearms deaths outside the home. There were 4,400 drownings which the NSC states: "Includes drowning of persons swimming or playing in water, or falling into water, except on home premises or at work. Excludes drownings involv-

ing boats, which are in water transportation." No one has suggested that swimming be outlawed. It is an accepted fact that safety education is the best way to reduce any type of accidents.

A WAY WITH STATISTICS

There were 304 cities and towns in America, communities of 25,000 or more in population, which did not report a single willful killing during 1965. This fact is verified from a list of 857 communities of that size in the FBI 1965 Uniform Crime Reports. Sociologists might study these 304 cities and towns to learn what they have done to combat the crime problem in their communities.

In an era when crime is viewed as one of the most serious problems facing the nation, it becomes significant that better than one in three of these cities and towns surveyed by the FBI were free of murders and non-negligent manslaughter.

But perhaps even more significant is the fact that this statistic has never been mentioned by those who beat the drums for unduly restrictive new gun legislation in the country.

The anti-gun forces have a knack for dipping into several thousand statistics, selecting two or three out of context to suit their purpose, and publicizing them to "prove" a point.

For example, the anti-gun faction is fond of pointing to the homicide rate in metropolitan Dallas, which has realistic firearms laws, and disclosing that it is higher than the rate in metropolitan New York, which has the severe Sullivan Law. They contend that this is to the credit of the Sullivan Law and that similar gun laws (per se) will stop crime.

However, if they were to examine the three principal categories of crime in which firearms play a part—murder, aggravated assault and robbery—they would find that New York has a total rate of 244.2 offenses per 100,000 people, compared to 203.1 in Dallas.

The anti-gun forces have never informed the public that out of 183 standard metropolitan statistical areas surveyed by the FBI, there were 131 with over-all homicide rates lower than New York's. None of these areas has firearms laws as severe as the Sullivan Law. They include such cities as Phoenix, Des Moines, Denver, Milwaukee, Portland (both Maine and Oregon), Oklahoma City, Omaha, Spokane, Tulsa and Wichita.

If those who wish to link firearms laws with crime compared metropolitan areas of nearly equal size, they would find Dallas with an overall homicide rate of 10.3 per 100,000 people, Milwaukee with a rate of 2.3 and Minneapolis-St. Paul with a rate of 2.1, and all with liberal gun laws.

Both Alabama, the state with the highest homicide rate, and Vermont, which has the lowest, also have liberal firearms laws. And with 304 cities of varying size from all parts of the country reporting no willful killings of any kind, it would indicate that crime is affected by something other than firearms laws.

The estimated number of robberies, aggravated assaults and murders with firearms amounted to less than four per cent of the 2,780,000 serious crimes committed in the United States during 1965.

In a section on "Crime Factors" in the 1965 reports, the FBI states: "Since the factors which cause crime are many and vary from place to place, readers are cautioned against drawing conclusions from direct comparisons of crime figures between individual communities without first considering the factors involved."

The report states further: "The statistical tables in this publication disclose that the varying crime experiences, especially among large cities and suburban communities, are affected by a complex set of involved factors and are not solely limited to numerical population differences."

The factors cited by the FBI are: density, stability and make-up of the population; economic status and local customs; educational and religious characteristics; climate; strength, standards and efficiency of local law enforcement; policies of the local courts; and attitudes of the public toward law enforcement problems.

RUSS HART—ONE IN A MILLION

Mr. MANSFIELD. Mr. President, every city and town needs a topnotch businessman—civic leader, a combination of progressive business expertise, dedication to community development, and faith in a growing educational system. Billings, Mont., has such a man—Russell Hart, president of the Hart-Albin Co.

Russ Hart, who has been a good friend for many years, is a very active and successful businessman. The State of Montana and the city of Billings are very much a part of his life. He has gone against the trend of expanding suburban shopping centers and deteriorating downtowns. He has expanded his business operations in the heart of the city, providing the incentive and conveniences to bring people back into the city. Russ Hart believes in and practices the philosophy that continuous progress is the key to a competitive downtown.

This Billings businessman also believes that education has a great role to play in the future of his city. He is one of the most active Montanans in the field of education.

Mr. President, I ask unanimous consent to have printed in the RECORD a feature story and an editorial about Russ Hart, published in the Great Falls Tribune of January 14.

As stated in the editorial:

It's too bad there aren't more Russ Harts in Montana.

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

[From the Great Falls Tribune, Jan. 14, 1968]

CONTINUOUS PROGRESS—A MUST

(By Jerry Madden)

BILLINGS.—It would be simple just to say Russell Hart, president of Hart-Albin Co. here, just runs a business, but that's not true.

Hart, who has been president of the company for 30 years, would sum up his approach to business in these words, "I want to do a good job as a businessman, but I hope to be more than that."

As chief executive of the department store, which his father, Ray Hart, helped to found in downtown Billings more than 60 years ago, Hart realizes his first obligation is to run a good business.

"We must provide good service the public wants," he said, "but while, in the old days, that was sufficient, today more civic responsibility must be accepted by the businessman. He can exert leadership and shouldn't shrink from doing so."

To fulfill his primary obligation of running a good business, Hart, since becoming company president in 1938, has undertaken and completed six major phases of expansion in the downtown area.

It is in his attitude toward this expansion that one finds Hart's basic philosophy of service to the community.

"We tried to keep pace with the city, concentrating on updating the downtown area," he said, stressing that business and community are interrelated.

"We are not trying primarily to further our own interests," said Hart. "If any member of my staff takes an active leadership role, it benefits the city. We realize the community interest is at stake and anything, which benefits it, benefits us all."

Probably the most concrete examples of this philosophy are the parking garage built by Hart-Albin in 1961 and Hart's participation in construction of another such garage before that.

The first major venture of Hart and others at making "a real effort to provide off-street parking," was a garage, near a downtown hotel, constructed through community effort by 28 individuals and business firms.

Previous to this, Hart said, Billings had been "the pioneer in the West" in leasing private lots and putting meters on them for downtown parking use.

About these efforts, Hart remarked, "We heard a major shopping center was being planned in 1955," he explained, "and decided to improve our downtown store and property and supply parking to remain competitive."

Hart told why his company decided to upgrade its downtown holdings rather than move to the shopping centers.

"Much of the high value property of any city is in a geographically small area downtown," he said. "With the flight to the suburbs, high values go down and this affects the tax base."

"If merchants remain downtown," continued Hart, "it helps to keep the tax base high for the key area and makes for a healthier base all around."

Hart said that every major city in the United States must face the problem of parking today.

"What makes an area go down and merchants move out is lack of parking, congestion and failure to modernize buildings," he said. "By providing parking and modernizing, we were able to maintain and increase retail business."

Today approximately 150 Billings merchants participate in a "Park and Shop" plan, utilizing the two parking garages by allowing free parking if purchases are made.

But Hart cautions one must take the long-range viewpoint in maintaining downtown values through such ventures as building parking garages.

"Just building a parking garage won't insure a big profit," he said. "Also a person must not consider parking as just a step to maintain values but must see it as building new values."

He stressed there must be continuous progress to keep the downtown competitive, but one must be prepared to take chances because "there can be no progress without getting the feet wet now and then."

Extending his concern for his community to a statewide level, Hart has been extremely active as a layman in the field of education.

He began his educational activities by being chairman of a citizens' committee on education, appointed in 1965 by Gov. J. Hugo Aronson and serving until 1960.

"We concentrated on acquainting the lay public with problems in education," he said, "and helped to promote a favorable climate for schoolhouse construction."

Since then, Hart has served with the U.S. Chamber of Commerce Education Committee and the University of Montana Advisory Committee and is presently on the Board of Trustees of Rocky Mountain College in Billings.

He believes businessmen today are more interested in furthering the cause of education than ever before.

"Business should look upon education as an investment in our future employees," said Hart, "rather than just an expense. Education helps build good towns, and good schools attract industry to the state."

Specifically commenting on Montana edu-

cation, Hart expressed concern about the high number of high school dropouts.

"About 25 per cent do not graduate," he said, "and maybe we must begin thinking in terms of altering the program to keep them in school. You can't legislate to keep them there, so the problem becomes one of keeping them interested."

Hart sees vocational-technical education and work with the preschool "disadvantaged" as possible solution to the dropout problem.

"Vo-tech development is one of the biggest challenges facing the state today," said Hart, "and much of the present thinking has to do with the disadvantaged."

"Another problem we must face is whether or not to extend education to the present preschooler in order to recognize and help the potential high school dropout at an early age."

The Billings businessman agrees the Head-start program has made inroads toward solving the preschool education question, however, points out "there are disadvantaged regardless of the income of the home."

"We must become involved in an organized educational effort in these fields," and Hart. "We want to get the most for our money but must be prepared to spend an increased share of the national income on education, whether we like it or not."

Hart supports the theory of the present six-unit university system.

"Six campuses extend the educational opportunity," he said, "and, even if all six were put in one location, the taxpayer cost wouldn't be noticeably reduced."

He favors "well-planned growth of junior colleges."

"They have a place in centers of population for extending education to those who otherwise could not achieve it," said Hart. "Over the years, with well-planned growth, we can have more junior colleges; they will not come into being today or tomorrow."

Finally, Hart lauded the presence of private education.

"While I am just as strong a supporter for expansion of Eastern Montana College as I am for Rocky," he said, "I believe, as long as we have private education and not all state-dominated, we have a safeguard for free thought."

"Existence of private education is a check and balance system to insure democracy," Hart concluded.

[From the Great Falls Tribune, Jan. 14, 1968]

EVERY CITY NEEDS A RUSS HART

An imaginative businessman with a sense of civic responsibility can make the difference in the way a city develops—or stagnates.

Billings is fortunate that it has such a citizen in Russell Hart, president of the Hart-Albin Co. Hart is the subject of the cover story in today's Tribune's Montana Parade supplement.

A sound businessman who realizes his first obligation is to run a good business, Hart has a basic philosophy of service to his community.

Hart has been the sparkplug on many successful Billings projects, such as downtown parking. He has taken an active interest in education on the local and state levels.

"Business should look upon education as an investment in our future employees rather than just an expense," Hart believes. "Education helps build good towns, and good schools attract industry to the state."

The versatile and capable Hart also is interested in bringing semi-professional baseball back to Montana and to help the outdoor recreation industry.

"Where does he find the time to do so many things and still operate a successful business?" is a question asked by many who know Hart.

It's too bad there aren't more Russ Harts in Montana.

AFL-CIO HIGHLIGHTS PUBLIC STAKE IN OIL SHALE LANDS

Mr. PROXMIRE, Mr. President, approximately 1 week before the close of the first session of the 89th Congress I introduced legislation intended to provide for development of enormously valuable Federal oil shale lands in Colorado, Utah, and Wyoming in the public interest. I am very happy to say that this proposal is being given careful and serious consideration by the Department of the Interior as well as residents of the areas affected and, of course, a number of consumer oriented organizations such as the AFL-CIO and the National Farmers Union.

I am particularly indebted to the department of research of the AFL-CIO for their work in this area—work that I found most helpful in putting together an oil shale and multiple minerals development program. For this reason I want today to draw the Senate's attention to an excellent article on oil shale which appeared in the October 1967 *Federationist*. The article was written by George Taylor whose long hours of work on this problem are quite evident to anyone who reads the piece. Readers will also discover that the article had a substantial influence on my conception of how the oil shale problem should be met as incorporated in my legislation, the Oil Shale and Multiple Minerals Development Act, S. 2754.

So that all those persons interested in this very significant problem area can read an excellent capsule review of the question I ask unanimous consent that Mr. Taylor's article, entitled "The Public's Stake in Oil Shale," be inserted in the *Record* at this point.

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

THE PUBLIC'S STAKE IN OIL SHALE

Beneath the surface of the wild and beautiful plateau country in the Upper Colorado River Basin covering portions of Colorado, Utah, and Wyoming lies treasure almost beyond comprehension. The treasure is oil shale.

It is the largest energy resource in the world, containing a petroleum equivalent capable of meeting the future requirements of the United States for two centuries.

It is almost 40-fold greater in its energy potential than that of the nation's combined reserves of coal, liquid petroleum and natural gas. In dollar value, it may be worth \$2.5 trillion if economic methods of processing low grade deposits are achieved.

Eighty percent of the oil shale potential is owned by the U.S. and is found beneath public land administered by the Bureau of Land Management of the Department of the Interior. The emerging question is whether this energy storehouse will be developed and controlled to benefit the nation or to enrich a handful of corporations.

In 1964, Secretary of the Interior Stewart L. Udall said:

"Only on a few other occasions has the federal government been in a similar strategic position in resource development—a position in which the formulation of a single set of policies could have such long-term and such pervasive effect on the well-being of the nation. In retrospect, the early beginning of the atomic energy program has a certain parallel."

Americans are generally unaware of what oil shale is, what it can mean in the future

and the large and complex public policy, technological, economic and conservation questions involved.

Back in 1963 the AFL-CIO called for protection of the public interest in oil shale with a federal yardstick program to achieve economically competitive development of this resource under the most stringent safeguards against private monopoly. In 1965 it urged "full protection of the enormous stake that all Americans hold in the oil shale deposits on federally owned lands. The federal government should rapidly enlarge its efforts to develop economically competitive techniques of processing liquid petroleum out of shale rock. It should build demonstration plants as yardsticks to private industry performance and costs. Resumption of leasing on federal oil shale land should not be authorized without the strongest protections against private monopoly and speculation."

The policy positions and warnings of organized labor, conservation, farm and consumer groups have slowed the final decisions on how best to use this tremendous resource. Secretary Udall has informed the Senate Interior Committee that he has under way an intensive study of oil shale policy to be finished by mid-January 1968. This study will presumably clarify questions and answers concerning the secretary's proposed regulations leading to commercial leasing on federal oil shale lands.

What is involved is a series of extremely complex questions—the role of the federal government; alternative development programs; problems of oil shale processing technology; extraction of both oil shale and other minerals; protection of the environment; the method of determining revenues from a leasing program and apportionment and use of such revenues; how to prevent monopoly and to foster a vigorous competitive oil shale industry; how to provide abundant low-cost petroleum products for tomorrow's consumers.

To begin with, there is oil shale itself. It is an impure limestone containing a waxlike substance called kerogen. Heated to temperatures of 800 degrees Fahrenheit or above, the kerogen melts and gives off liquid oil.

Fifty million years ago, this lonely, canyon-slashed land was dotted with large freshwater lakes. Dead algae clogged up the lakes, mingled with the silt which gradually turned to oil shale as the lakes dried up and millennia passed. Few human beings come there except cowpunchers, sheepherders and a few hikers.

The Green River Formation is a geological term which says a great deal about what lies beneath the surface. Located in the northwestern corner of Colorado and extending into northeastern Wyoming and southwestern Utah, it comprises an area of 5.1 million acres and holds the richest shale deposits in the world, exceeding the U.S. domestic petroleum reserves by a factor of 70.

Within the Green River Formation there is a smaller area known as Piceance Basin on the Colorado side. A parcel of land no more than 5,000 acres in this rich heart of the oil shale deposits can yield as much as 1.25 billion barrels of oil, almost one-third of the total U.S. consumption in 1966, and worth \$3.75 billion at 1966 prices per barrel of crude oil.

Other minerals are intermixed with the oil shale in the Green River Formation. They include dawsonite, a potential source of aluminum; nahcolite from which sodium bicarbonate can be obtained; and halite which yields sodium chloride. Very little is known at present as to the quality, richness and distribution of these sodium minerals, but their existence in the oil shale strata makes intensive investigation necessary. It also raises a number of technical, legal and economic problems which must be solved before realistic development plans can be formulated.

The Green River Formation lies on the headwaters of the Colorado and two of its

principal tributaries, the Green and the White rivers. It is not one continuous area of land, but broken up into the Green River and Washakie Basins in Wyoming, the Uinta Basin in Utah, and Colorado's Piceance and Sand Wash Basins. It contains large herds of elk and antelope, scenic and recreational potentials of great magnitude. These must be weighed and given proper value in any minerals development plan.

The energy in the atom burst suddenly upon the world in the final moments of World War II. In contrast, organic-rich shale has been used as an energy source for solid fuel, oil and combustible gas in many parts of the world for the past 125 years, particularly where other fuels were expensive or in short supply.

In Scotland, Russia, France, Estonia, Sweden, Germany, Spain, South Africa, Australia and Manchuria, oil shale deposits have been mined and processed commercially, mostly for oil.

Oil shale was used for space heating (canned coal) in both Europe and the United States in the 19th Century to produce minor amounts of illuminating gas. Presently oil shale for gas is processed significantly only in Estonia, and in Leningrad, USSR, where it is used for domestic and industrial purposes.

The discovery of major well oil deposits in 1859, and the subsequent opening of vast new oil and natural gas fields in the United States, brought the small oil shale industry to a halt.

After World War I, however, there was an intense but short-lived speculative oil shale boom on the Colorado Plateau. Thousands of claims were located there under the Federal Mining Act of 1872. Some were patented at \$2.50 per acre and became the property of the claimant. Most of the remainder were not patented and no assessment work was done on them as provided by law. Sixteen major oil companies and others have gotten clear title to more than 300,000 acres of land on the Green River Formation by their own patenting prior to 1920, and buying up other patented claims, of which two-thirds are now in their hands.

There are an additional 750,000 acres representing claims both patented and unpatented, that were located before 1920, where title is in dispute between private claimants and the Department of the Interior. Until these titles have been cleared, it will be most difficult to undertake an effective oil shale development program.

In 1920 the Minerals Leasing Act became law placing all oil shale development on a lease basis no longer governed by the 1872 Mining Act. However, the boom on the Colorado Plateau had burst almost as quickly as it had started. There was little or no leasing activity until the Second World War. In 1930 President Hoover withdrew all federal public domain from oil shale leasing by an executive order which is still in effect. However during the New Deal President Roosevelt issued two executive orders opening up the area to oil, gas and sodium leasing.

Between 1944 and 1956, stimulated by the petroleum shortages of World War II, the Federal Bureau of Mines under the Interior Department, undertook an extensive pilot program at Rifle, Colorado to develop an economically competitive oil shale technology, including operating of a mine and several pilot processing plants.

This program was abandoned under the Eisenhower Administration. It has been resumed on only a limited scale under contract to two oil companies under the present administration.

In 1963 and early 1964, the AFL-CIO informally urged the Secretary of the Interior to appoint a broad based Oil Shale Advisory Committee to assist in the formulation of a national oil shale policy and a recommended program.

The secretary did appoint such a board. Some members were in favor of turning the

deposits over to private industry to develop, with few restrictions. Others feared that a natural resource of a magnitude on a scale matching atomic energy must be ringed around with strong protections.

The 1965 report of the advisory board agreed on only one thing—that the oil shale resource was indeed vast, valuable and significant to this country's energy future. As to program, leasing and the respective roles of government and industry, there was no agreement. Two members, J. K. Galbraith and Benjamin Cohen, urged the utmost vigilance and warned that the oil companies wanted to control, not develop the federal oil shale lands. They proposed a cautious long-range program under tight federal government control.

The same year the Secretary of Interior recommended that Congress, rather than his department, hammer out an oil shale policy and program. Congress in a separate action established the Public Land Law Review Commission.

This commission, composed of equal membership from the House of Representatives, the Senate and the public was given the job of assessing laws, policies and programs dealing with the federal public domain. It was to submit a report and recommendations to Congress and the President in 1968, but has recently requested an extension of time.

In 1966 there was a sudden and massive filing of claims on the Green River Formation. These claims were located for dawsonite—a source of aluminum. They came like an avalanche and finally totalled 10,400, all in a few months. By coincidence they were filed in the midst of the richest federally owned oil shale land.

These 10,000-odd claims were filed by a handful of locators according to Department of the Interior records. It appears more than likely that some of them were filed in hope of getting control of the oil shale deposits, and not to develop the dawsonite resource.

In effect these claims tie up title to about 1.4 million acres of land on the Green River Formation, about half of Colorado and the remainder in Wyoming and Utah.

The Bureau of Land Management in May 1966, when only 1,400 of these claims had been recorded, formally proposed a stop order for Secretary Udall's approval. The secretary issued such a stop order in January 1967. During the period between the request and the order an additional 9,000 claims were recorded.

Two methods are now being studied for processing oil from shale: mining and processing, and a place treatment.

The first involves mining the rock, removing it to the surface where it is crushed and heated to obtain the kerogen containing the crude petroleum.

There are four techniques being followed. All have in common, mining, crushing and transporting the shale rock to a suitable place where heat is applied to the kerogen to melt it. The difference is the way in which the heat is applied to the rock.

The one technique which appears nearest full scale commercial application has been developed by the Oil Shale Corporation (TOSCO), formed in 1964 and backed by Celvland Cliffs Iron Company and Standard Oil Company of Ohio. TOSCO recently announced plans for construction of a plant with a daily capacity of 66,000 tons of rock and 58,000 barrels of oil, with completion set for 1970.

Some work is being done at the reactivated Bureau of Mines plant at Rifle, Colorado, by contract with the Colorado School of Mines, with technical and financial aid of six major oil companies. An adaptation of the Rifle experiment is being operated on a prototype scale by the Brazilian government's oil agency. Union Oil is working on still another process with no release of details.

But the conventional mining, crushing and

distillation method creates as many problems as it solves. For example, the TOSCO process would pile up more than 17 million tons of tailings a year, and in excess of 500 million tons of spent rock on the landscape over a 30 year useful working life of the plant. Gargantuan mountains of such materials could deface the land and affect soil erosion, water quality, recreation and esthetic resources. It could create another area of resource devastation to match Appalachia.

Estimated reserves of well oil and oil shale
[Billions of barrels]

Well oil.....	500
Oil shale (U.S.).....	170,000
Green River formation.....	8,000

Sources: Resources in America's Future, Lanseberg, Fischman, Fisher, Johns Hopkins Press, 1963. U.S. Geological Survey Circular 523, "Organic-Rich Shale Oil of the United States and World Land Areas, 1965."

The second method leading to processing oil shale into liquid petroleum is by use of methods still in the laboratory and field research stages.

The aim of the in place process is to mine, crush and heat shale oil underground, thus reducing the costs of processing and eliminating what to do about spent rock, how to abate air and water pollution and adverse effects on fish and wildlife and recreational values.

Field tests have been undertaken to achieve large scale fractures of the oil shale rock strata using water pressure, high voltage electricity, liquid chemical explosives.

The Secretary of the Interior announced early this year that his department, together with the Atomic Energy Commission, and the CER Geonuclear Corporation, a consortium of 25 major oil companies and other industries, are close to an agreement to adapt AEC's Project Plowshare low-yield nuclear explosive techniques to the problem.

Project Bronco, as it is called, would entail a 10-year feasibility study prior to conducting an actual experiment, assuming all parties sign and an agreement is reached to go ahead.

The inherent dangers of widespread underground nuclear explosives—even low-yield—include escape of radiation to the atmosphere, radioactive contamination of underground water sources, and perhaps dislocation of underground water resources which contribute to the surface flow of the Colorado River system. Water supply needed for full development of oil shale and component minerals and to serve the communities that will rise around the processing plants of the future has not been assessed. Obtaining such water supplies would inevitably mean construction of storage or diversion facilities. There could be water losses of unknown extent which might affect deliveries from the Upper Basin to the Lower Basin states under the Colorado River Compact.

The avalanche of sodium claims filed in 1966 raises a dilemma. First, what is the extent of the sodium deposits and their location? Second, assuming existence of important reserves of these minerals and their need in the economy, how can they be extracted without destroying the oil shale?

There is only one way out, according to oil shale technicians. That is a multiple-minerals development approach whereby whole deposits would be mined, and methods discovered to separate and process the various minerals. Much more needs to be done by the Interior Department to locate and assess the sodium reserves. This much be done before it can be determined if such a multiple-minerals approach is worthwhile.

Assistant Secretary of the Interior, J. Cordell Moore, pointed out in January 1967, "one of the problems encountered on the oil shale land is illustrative of a broader and much more complex problem, namely the multiple

use of resources. Some of the oil deposits have been found to contain dawsonite and other valuable saline minerals, and also some of the oil shale lands contain oil and gas at other horizons, recovery of which might be jeopardized by oil shale mining. Similarly, some mineral-bearing lands also have non-mineral values—recreation or scenic resources, for example, that may be damaged in mining."

None of these unresolved difficulties and unanswered questions had been resolved when Udall, on Jan. 27, 1967, proposed a five-point program leading into full scale commercial leasing on the federally owned oil shale lands in the Green River Formation.

The Secretary proposed:

A preliminary land exchange between the United States and the oil companies to enable the latter to "block-up" their holdings into "efficient development units."

Clearing up unresolved title to federal oil shale lands.

A 10-year study of technological and environmental problems associated with development of the oil shale and other minerals.

An eight-year program to determine the feasibility of using low-yield nuclear explosives underground to mine the oil shale and release the liquid petroleum.

Small scale private test leasing operations on federally owned shale lands with a ceiling of 30,000 acres. The lessee would be required to submit a plan to develop and demonstrate his ability to carry it out. If successful such a program could result in approval of applications for full scale commercial leasing by a single company or consortium.

Announcement of this program was followed by hearings before the Senate Interior Committee in February, at which organized labor and other groups testified. The AFL-CIO told the committee that "... we strongly oppose proposals which would lead toward commercial leasing of oil shale before the major problems of public interest protection, technology and conservation are solved." It also urged adoption of the strongest safeguards to prevent excessive and dangerous releases of subterranean radiation from contaminating the environment both beneath and above the ground.

The AFL-CIO a few months later repeated its objections, declaring: "we do not oppose development of our oil shale resources, but we insist on full and complete protection to the public interest with such restrictions and controls as may be necessary to prevent monopolistic exploitation which benefits a few giant oil companies."

GREEN RIVER FORMATION RESERVES AND ESTIMATED U.S. OIL CONSUMPTION, PRESENT AND ESTIMATED
[Consumption in billions of barrels]

Item	1966	1975 estimate	2000 estimate
Consumption.....	3.1	5.3	10
Number of years demands reserves could meet.....	258	150	80

Sources: Resources in America's Future, op. cit., U.S. Geological Survey Circular 525, op. cit.

The Secretary of the Interior on May 7, 1967, issued proposed regulations to govern oil shale leasing and land exchanges. On Sept. 14, 1967, the secretary told the Senate Interior Committee that "the further intensive study of oil shale policy which is so necessary in arriving at the decisions on a proper program" was due in mid-January 1968.

A national policy on oil shale cannot be drawn up without considering its relationship to oil policy in general and the major oil companies in particular. The giant oil companies can put small independent oil

producers and refiners in a precarious situation that could endanger genuine competition. The oil industry is cushioned with tax benefits, import quotas and domestic production restrictions.

Therefore oil shale policy becomes a critical matter to consumers. The question is whether there will be policies which will guide oil shale development into a beneficial instrument to lower prices of petroleum products to the consumer, or whether the giant oil corporations will dominate this resource and tie its production costs in the well-oil economy.

To this could be added the problem of the gradual drying up of competition among various forms of energy. Large integrated oil companies are not only merging with each other but with coal companies. Major oil companies are among the principal locators of claims in the new uranium rush on the Rocky Mountain Plateau prompted by the expansion of the nation's nuclear power industry.

If the oil company giants were to extend their power over well-oil and much of the natural gas resources to shale oil, uranium and coal there would be created a super monopoly of the key energy sources of this nation.

The nation must be alerted to an understanding of the issues at stake and the future control of one of the richest resources belonging to the American people.

BOB HOPE—AMERICAN PATRIOT

Mr. SYMINGTON. Mr. President, tonight all Americans will have the opportunity of viewing "Bob Hope's Annual Christmas Show," a review of his latest visit over the Christmas holidays to our soldiers, sailors, and airmen in the Vietnam and Far East theaters.

There is no further honor I know of which this Government could give Bob, that citizen who probably has brought more of our constitutional right to the "pursuit of happiness" to more people than any other man in our history.

All know the truth of that statement, but not so many of us know about the quiet dedication Mr. and Mrs. Hope have had over the years to the problems of the less fortunate.

In this latter connection, under the title "Where There's Hope, There's Life," the January 5 issue of Time magazine printed letters from three of its readers. I ask unanimous consent that the letters be printed in the RECORD.

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

[From Time, Jan. 5, 1968]

LETTERS: WHEN THERE'S HOPE, THERE'S LIFE
SAN FRANCISCO.

SIR: Reading your cover story on Bob Hope [Dec. 22] was like opening the very best Christmas gift. In a world torn by war and famine and racial tensions, it's gratifying to know that we can still have hope—and Hope.

JOHN WILLIAM DOWLER.

CHANUTE AFB, ILL.

SIR: Adlai Stevenson once said, "I venture to suggest that patriotism is not a short and frenzied outburst of emotion but the tranquil and steady dedication of a lifetime." Surely no less can be said of Bob Hope, an American among Americans.

Sgt. K. WILLIAM AVERY, USAF.

MIAMI.

SIR: Your excellent story on Bob Hope, one of the world's greatest humanitarians,

did not mention that for the past nine years he has served as honorary national chairman of the National Parkinson Foundation. He has been a staunch supporter in our continuing quest for the cause of, and cure of, Parkinson's disease. Not content with giving us his valuable time and talent, Bob has for a number of years given us an annual personal check for \$10,000. When the big breakthrough comes through research on Parkinson's disease, as surely it will in the not too distant future, much of the credit for financing that research must go to our friend Bob Hope.

Mrs. JEANNE LEVEY,
National Chairman,
National Parkinson Foundation.

PRESIDENT JOHNSON AIDS PUBLIC SERVANTS IN VIETNAM

Mr. MUSKIE. Mr. President, in a bill-signing before Christmas at the White House, President Johnson said:

Not all soldiers in freedom's cause carry guns, or wear their country's uniform.

The President was referring to hundreds of American Government civilian personnel who toil day in and day out in the villages, towns, and cities of Vietnam to carry out the diplomatic, economic, and information policies of the United States.

These men and women—who by the way receive too little attention in the press and publicity media—are as much soldiers for the American cause as are the marines, airmen, sailors, and fliers who carry out the military policies of our Government.

President Johnson and his administration have not forgotten these public servants. The bill which President Johnson signed on December 23 now permits American Government employees in Vietnam to rejoin their families more frequently each year at Government expense. It provides transportation in the event of a family emergency. It provides special medical benefits for the employee and his family.

As one who has always been interested in improving the public service of this country, I applaud President Johnson for having signed this bill which recognizes the importance of our foreign and domestic service people in USIA, the State Department, and AID now assigned to Vietnam.

Mr. President, I ask unanimous consent that the statement by the President, made on the occasion of signing S. 1785, be printed in the RECORD.

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

STATEMENT BY THE PRESIDENT ON SIGNING S. 1785

Not all the soldiers in freedom's cause carry guns, or wear their Country's uniform. The war they fight is against the enemies that breed war—hunger and sickness and ignorance.

They fight this war not with bullets but by building the foundations of peace.

They advance the cause for which the soldier serves.

And when they carry on their work in the heat of armed conflict—in Vietnam or any other background—they share the soldier's risk.

American public servants in the villages and hamlets of Vietnam are helping a small

nation shape its destiny. Their quiet labors are a shield against aggression's success.

But they are exposed to the hazards of a war which knows no fixed battle lines. Some have been kidnapped by the enemy. Some have been killed. Some are missing today.

The Bill I sign recognizes the hardships those civilians face as they serve their country.

Here is what it does:

It lets them go home twice a year to rejoin their families. And the government pays the cost of the trips.

It provides free transportation home in the event of a family emergency.

It gives a year of convalescent leave to those injured in hostile actions. And this is not charged to their annual or sick leave.

It provides special medical benefits for employee and his family.

These are small compensations measured against their sacrifice. But they show that America cares. They show that America has not forgotten its public servants in the State Department, AID, and U.S.I.A. . . . Whose courage and dedication to humanity are a badge of our commitment in Vietnam and the other troubled areas of the world.

MILWAUKEE JOURNAL CALLS FOR WAGE-PRICE GUIDELINES

Mr. PROXMIRE. Mr. President, the Milwaukee Journal recently called for the revival of wage-price guidelines as a necessary anti-inflation weapon. In an economy in which prices are rising very largely in response to cost push, and in which excessive wage settlements are the prime cost element, this editorial makes excellent sense. Productivity has increased very little in the past year. But wage increases have leaped ahead and promise to move even faster unless the President steps in and does so decisively.

The administration has denied any intention to impose wage or price controls. Under present circumstances they may well be correct. But something more than after the fact mild reprimands for inflationary price and wage increases are needed.

If the administration feels a specific wage-increase guideline such as the 3.2 level of 1965 is now unworkable, because of the expected rise in the cost of living, why not recognize the fact? Then, the President might move to a compromise figure, perhaps including a part of the increase in the cost of living. Without a definite, recognized basis for judging wage increases, a basis relating wage increases largely to productivity increases, inflation is sure.

The wage-price guidelines served this Nation well for 4 years—from 1962 through 1965. Even under the present more difficult circumstances they can do so again, if sensibly modified.

Mr. President, I ask unanimous consent that the editorial from the Milwaukee Journal to which I have just referred be printed in the RECORD at this point.

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

NEW GUIDELINES NEEDED

President Johnson has indicated that in 1968 he will be more aggressive in combating inflationary wage and price increases, but so far battle plans are sketchy.

Bold declaration of a new set of reasonable wage-price guidelines would be welcome.

The old set, which tied wages and prices to average gains in output per man-hour, collapsed last year when the White House weakly resisted a wave of costly wage settlements and some hefty price hikes in major commodities. But with an election nearing, a sweeping effort to recover lost ground is not likely. One report indicates that Johnson will "zero in on some of this year's big labor-industry wage negotiations in a case by case approach."

Whatever the technique, sustained pressure from a determined president will be necessary. Subtle wage-price manipulations also must be watched and exposed, as in the current case of Ford quietly dropping some standard equipment from its cars without changing the basic price—in effect, a price increase. A comparable labor example might be a moderate pay increase that screens a substantial reduction in the work-week—in effect, an extra jump in labor costs.

The presidential jawbone may not always work wonders, but it can help. A Brookings Institution study recently concluded that the guidelines of the early 1960s were highly useful in restraining inflation and that they can be so again, as long as they are not applied in ways blind to varying circumstances in different industries.

In his new program to defend the dollar and the international monetary system it supports, Johnson had to lay out some unpleasant measures. This comes with the job. However, his work will not be complete until he risks the unpopularity possible under vigorous White House challenge or inflationary leaps in wages and prices.

Johnson has one important bit of leverage. If inflation gets worse and voluntary restraints falter, the distasteful alternative after the election could be official wage-price controls, clamped on for the duration of the Vietnam war. Who wants that?

VOCATIONAL EDUCATION IN NATION'S SCHOOL SYSTEMS

Mr. THURMOND. Mr. President, the value of vocational education in providing the necessary training for one to earn a livelihood has been proven in countless school systems.

Thus, it was with surprise that I recently read an article entitled "Vocational Education Is Youth Welfare" which appeared in the December 30, 1967, issue of Human Events under the byline of Alice Widener.

The author points out that the New York City Board of Education recently decided to phase out the vocational high schools in that city which are now serving the needs of some 33,000 students.

In a city where welfare costs are soaring to record levels it is shocking to learn of such shortsighted developments. Vocational education teaches basic skills to children which often enable them to become income producing members of our society. While the need for some basic academic subjects in one's education is recognized by all, the opportunity to learn at an early age a means of gainful employment often determines whether a person can contribute to society or be supported by it.

Too often it is forgotten that our educational system should be designed to serve the needs of the people and the Nation, and not shaped in such a way as to direct everyone toward a white-collar job or a profession.

Mr. President, I ask unanimous consent, that this article be printed as an extension of my remarks.

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

VOCATIONAL EDUCATION IS YOUTH WELFARE
(By Alice Widener)

CLEVELAND, OHIO.—It would be a tragedy for youth in our nation, and especially for youth in minority groups, if boards of education were to follow in the footsteps of the New York City Board of Education. Early this month it voted—in opposition to the schools' superintendent—to phase out most of the vocational high schools serving the imperative needs of more than 33,000 boys and girls in greater New York City, thus passing what the press describes as "a death sentence" on vocational education.

The board did this at the very time when more than 5,000 members of the American Vocational Association were holding a convention here in Cleveland to discuss means of advancing and improving their indispensable, modern and socially dedicated work.

How cruelly unwise is the New York City educational decision was brought home to me personally in Cleveland on a visit to the Thomas Edison Vocational School in the impoverished Hough area, scene of tragic riots in the summer of 1966. The dramatic facts concerning the school prove that Floyd B. McKissick, national director of the Congress of Racial Equality and militant civil rights leader, was certainly right about one thing in an article for the *New York Times*, Nov. 13, 1967, when he said, "Public education does not teach practical skills to children. Basic skills are needed to earn a living."

Recognition of that fact by the residents of the Hough area led to a remarkable situation during the riots. Though windows in every home and building surrounding the Thomas Edison School were smashed, not a single school pane was broken, not a brick was hurled at the building, not an inch of school property was damaged.

In the office of the dedicated school principal, Mr. Romcea, I had a long talk with three Negro teachers at Thomas Edison, which is attended by 350 pupils from the Hough area and other Cleveland communities.

"You can only get the true picture of what this school means to people around here by learning something about its history," explained one of the teachers, a woman specialist in helping pupils acquire basic academic skills needed for a student to progress in his chosen occupational skill. "Years ago, Thomas Edison was a 'bad boy' school and had a very bad name. It was hard to overcome. But now it's a good name school. The students know it gives them their big chance to make it on their own out of homes where adults living on welfare sit around all day and night, drinking beer and playing cards." I asked what she thought about welfare for Negroes.

"Our worst enemy," she said. "And schools like this are our best friends."

Recently, the business community in Cleveland gave more than \$100,000 in new equipment to Thomas Edison Vocational School, a brick building more than 75 years old. Soon it will be replaced by a new school and a big community complex—built with federal, state and city funds—with housing units, stores, medical and service installations, day nurseries and other necessary facilities.

At a meeting with public information officers belonging to the American Vocational Association at the Sheraton-Cleveland Hotel, I had a chance to talk with their director, Mary P. Allen of Washington, D.C. She is deeply appreciative of the intelligent attention that Congress is beginning to give to vocational education and of the efforts being made by President Johnson's special commission to study the subject.

It truly is said that New York City—with 775,000 citizens on welfare and thousands upon thousands receiving unemployment

benefits—has failed to recognize the fact now being acknowledged by educators in most other regions of our country and in all the advanced industrial nations of the world: At least 70 per cent of young people do not go in for a profession requiring years of higher education in college. What they want and need is to learn at an early age how to work enabling them to get and hold a job after high school. Vocational and technical education—accompanied by instruction in basic academic subjects—is a highly desirable form of social security for the majority of young people. Such education is the best insurance of their welfare.

CURIOS IN CLAY

Mr. BYRD of West Virginia. Mr. President, a most interesting article was published in the December 24, 1967, issue of *State* magazine, of the Charleston, W. Va., *Gazette-Mail*.

The article, entitled "Curios in Clay," describes some of the curios, artifacts, and antiques which have been collected by Mr. Ed Hyer, a resident of Clay County, W. Va.

Some of the antiques are heirlooms of great value.

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:

CURIOS IN CLAY

Ed Hyer of Clay County has his first dollar and a lot of artifacts of early West Virginia.

"That man," said my uncle, pointing to a large coal operator driving a large car through small Eskdale, "has the first dollar he ever made."

I was 10 years old and had never before heard such a statement about anyone. I believed it. It was not until some months later, when I heard the same thing said of my uncle, that I realized the remark was not meant to be taken literally.

My uncle and the man who spoke of my uncle were exaggerating in order to make a point: The object of their censure was, they felt, as miserly as Midas.

Ten years later, in a college English course, I discovered that my uncle and his critic were employing hyperbole, a fact I'm sure neither of them ever learned or ever cared to learn.

Hyperbole is as typical of American humor as understatement is of British wit. Mark Twain, for instance, wrote:

"In the South, the (Civil) war is what A. D. is elsewhere; they date from it." He also wrote, in "Huckleberry Finn," "Hain't we got all the fools in town on our side? And ain't that a big enough majority in any town?"

Twain, of course, would have insisted that in these two statements he wasn't exaggerating, or at least not enough to be accused of hyperbole. You may agree.

You may also agree with some of my editors who think I ramble and digress most abominably in my feature articles. But it amuses me, and if you had to write the wordage equivalent of a long novel every year, under penalty of starvation, you'd find ways to amuse yourself, too.

And that's no hyperbole.

Neither is the statement that Ed Hyer, who is 71 years old and lives up O'Brien Creek in Clay County, about six miles down Elk River from Strange Creek, owns the first dollar he ever made. He does, he really does.

Hyer, a kindly looking, white-haired farmer, is not, however, particularly stingy, or, to use a milder word, thrifty. It's just that he likes to collect and save curios and feels that keeping the first dollar you ever earned makes that dollar a curio, especially if you keep it until you are 71 years old.

The Clay County man did not, it seems, labor very hard for his first dollar, earning it when quite young by doing a few errands for an uncle.

"I was about seven years old then," Hyer told me, "and my uncle, Dr. John Hyer, who was a doctor for the Curtin Lumber Co., came down here to visit my father. My brother, Corder, was about four, and before my uncle left he gave each of us a paper dollar. I have both of those dollars yet, as I got Corder's when he died in 1925."

Hyer handed his large, old-fashioned, heirloom dollar to me for inspection. It was an 1899 silver certificate, crisp and without tear or tatter, with Grant and Lincoln facing each other on one side.

"I have lots of old things here," Hyer said, "but I thought a man hanging on to the first dollar he ever made would be the most interesting."

"I suspect you're right," I said. "What else do you have?"

Perhaps I shouldn't have asked, for I spent several hours looking at and photographing oddities.

"The reason I have so many old things," the old man said, "is that our family has been up this creek for so many years. My great grandfather came from Germany to Jamestown, Va., a long time before the Civil War, and my grandfather settled near where Flatwoods is now about 1875. My father, one of seven sons, came up this creek and built this big house. I was born over in that corner."

Hyer lives in a great frame house, still heated by coal-burning fireplaces, with his wife, Etta, and his sister-in-law, Ocie Chapman.

Some of Hyer's more common Appalachian artifacts are a "knotmaul" from Greenbrier County, a hickory broom whittled from a single log and a ceramic serving dish once owned by his wife's grandmother.

The knotmaul is simply a large sledge with a head fashioned from an extremely tough, hard, gnarled wooden knot. It was used to hammer the wedges that split out fence rails, and for pounding down fence posts.

A not-so-usual item, these days, is a "pig" of iron from the old Strange Creek furnace once owned by the Savage family of Charleston. "Used to find a lot of them," said Hyer.

A real museum piece is a hand-powered chaff blower, laboriously hauled from Charleston, 70 miles away, in 1858. It works like a fan, the wheat chaff blowing away as wooden blades revolve.

"They had to pole a boat up Elk with that blower," Hyer explained, "dragging the boat through the shoals. The men carried the blower two miles up this creek from the river."

Even as late as 1880, transportation was primitive in Clay County. Loggers floated their wood down Elk to Charleston, and that river was the main highway for human beings, their produce, and their necessities. Hyer showed me a photograph of a logging camp, made at nearby Standingrock in 1880, that is as sharp and crisp as the day it was made.

What an unknown professional photographer was doing in the wilds of Clay County in 1880 is not known, but this print he left to posterity is a document of great historic and social value.

The fact that logging was once a Clay County industry of first importance is attested by some of the old tools Hyer has collected. Among them are a ring-dog, a chain-dog, and a J-grab.

The ring dog was a sharp iron spike with an eye on one end. In the river, you drove the spike into a log and attached a rope to the eye. The log might then be pulled into a raft.

A chain dog was made of two spikes connected by a short chain, used to hold a raft of logs together. The J-grab got its name

from the "J"-shaped iron hooks that formed most of the tool.

"You drove the hooks," said Hyer, "into a log and horses pulled it. On snow or ice, trained horses knew to step aside at the end of a haul, letting the hooks pull out and the log scoot on ahead."

Among other old timbering tools in Hyer's possession are a "bark spud," used in the removal of bark from hemlock, and a log-branding hammer that belonged to his father.

Undergoing even minor surgery in the old days in Clay County required some fortitude. Bleeding a patient, especially for high blood pressure, was common. As doctors with genuine medical educations were rare in the area, almost anyone who didn't mind shedding someone else's blood performed the bleeding operation.

Hyer has a folding bleeding-scalpel with several cutting blades on arms radiating from a common center. Cutting blades vary in size, apparently depending upon how deep a cut the amateur physician thought necessary in a given case.

If a toothache in the wilderness of Clay County was a nightmare, and it must have been, the extraction of an aching tooth was wide-awake and horrifying anguish. Hyer has a tool for removing offending molars that at first glance resembles an old-fashioned house key.

"It was called," said Hyer, "a turnkey forceps, and my great grandfather, Christian Hyer, was the local toothpuller in his day. This is a right-handed forceps. You'll notice that little hinged iron hook on one end. You wrapped that hook around the bad tooth, and then turned the whole thing, just like you would a key. It sort of tore the tooth out."

Country doctors in Clay County in the old days weighed new-born babies with a small, spring-type scale of the sort now favored by fishermen. Hyer has such a scale.

"The last baby to be weighed on this scale," said Hyer, "was J. C. Cruichshank, who used to be a Clay County legislator and runs a store at Ivydale."

Hyer has a house (and barn) full of oddities, so many that a mere listing would be wearisome. Perhaps one of the more interesting (considering the two items collectively) is a bell and siren from the horsedrawn fire wagon that once protected Montgomery.

The siren is a hand-crank model and there's nothing electronic about the bell either, but both can still perform their ear-splitting jobs quite well.

I noticed, by the way, that the postoffice near Ed Hyer's home is called O'Brien, whereas the creek up the valley is called O'Brien's Creek, with a slightly different spelling of the Irish name.

The story behind the postoffice change in the spelling of O'Brien is probably just another example of the many mixups that occur when local and federal communications break down.

But it is still plain that an old-time prominent citizen of this section of Clay County must have been Irish. Sure, do you think O'Brien could have shown you, at 71, the first dollar he ever made?

No, and not likely at 15, either, though many elderly O'Briens could show you a stack of green they've piled up since puberty. And I don't mean shamrocks.

ARTICLE ON COMMUNISM BY ROGER C. PEACE, JANUARY 18, 1968

Mr. THURMOND. Mr. President, over the past few months, we have read many analyses of the Bolshevik Revolution and communism on its 50th anniversary. Many of these have been glowing tributes to the success of the Soviets in achieving their ideal of a Communist dictatorship. Others have been more realistic in count-

ing the costs and weighing the materialist organization which the Soviet society has achieved by force.

However, this winter, the Greenville News, of Greenville, S.C., published a different kind of article about the Soviet Revolution. It was different because it provided a much longer perspective on the events in the U.S.S.R. since this article was written in 1934 by Roger C. Peace, then publisher of the Greenville newspapers and now chairman of the board.

Thirty-four years ago, Mr. Peace wrote with succinct observation an astonishing insight into the revolution which was then still in ferment. The accuracy of his observations is attested to by the fact that now, so many years later, the article may be read unchanged.

But it is not only his reporting that is unchanged. Mr. Peace, in a comment to-day on his former reporting, says:

I thoroughly agree . . . that though some changes have taken place on the Soviet scene in this half Century, Communism remains fundamentally the same throughout its history. There have been some changes based mainly on economics, but the primary structure of Russia governed by masters and supported by slaves is the same now that it was at the beginning.

If the Communists were content to work toward achieving a true democracy in their own country and leave the rest of the world alone, there might and probably would be a round of applause. But no, they are carrying a torch to remake the world, starting revolutions everywhere, including here in the United States, where they are lighting the fires of racism.

It is extremely illuminating to read Mr. Peace's article written so long ago and compare it with what we know about the Soviet Union today. I wish to salute Mr. Peace for his fine journalism and for the service he has rendered in reprinting that article today.

I ask unanimous consent that the article entitled "Real Progress Still Eludes U.S.S.R. After 30 Years," published in the Greenville News of Sunday, November 12, 1967, be printed in the RECORD.

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

REAL PROGRESS STILL ELUDES U.S.S.R. AFTER 30 YEARS

(By Roger C. Peace, chairman of board,
News-Piedmont Co.)

You have not been in Russia many hours before you learn by observation the full meaning and import of communism.

To understand anything at all about the 165,000,000 people who comprise the Soviet "republic" you must start with the underlying fact that the communist party considers itself as "tutor and guardian" of the Russian masses.

Communism is a Godless "religion" whose zealots burn with an intense desire to make a heaven of earth, where all men have peace and happiness in uniform and equal proportion. They care nothing at all about the hereafter. "Take the cash and let the credit go," as Omar said.

You must reflect that at the time of the overthrow of the czars in 1917, at least 93 men and women out of each 100 could not read or write. They were enslaved by ignorance and poverty. They were a cringing and servile race for whom someone else had always done their thinking. "Dark Russia" it was called, and rightly.

So when the communists brought on the revolution in 1917 they knew the masses were incapable of self-government, for many years at least. They had every factor in their favor because the Russians knew nothing else except to follow rigid, two-fisted leadership. Their debts were to be wiped out, their education undertaken, their standard of living raised and their children provided for by the state.

It was inevitable that communism should make a good showing in Russia and become popular with the masses because any change was bound to be an improvement over the oppressive reign of the Romanoffs. If the masses had been capable of self-government, they would never have bowed to communism.

It is important to recall that the United States was settled by men who sought another world in order to govern themselves, whereas the Russian masses have never shown this initiative.

The Russian was and still is intensely poor. It is hard in the United States where our chief problem is a surplus of everything to understand just how poor Russia is. Russia has not near enough of anything.

What befuddles you most as you go about this large, benighted country is the arrogance of the communists who believe they can teach a country like the United States anything. Capitalism is not without its faults, but it has provided nearly all of the people of our country with the necessities of life, many of which in Russia would be considered luxuries.

Among the thousands of women you see on the street and along the roadsides and railroad tracks you will not observe one pair of silk hose. When stockings are worn they are of cheap cotton and if you look closely many of them have been darned.

You see men, women and children filing out of the food stores with loaves of hard bread and as often as not they pinch a piece of bread before they have gone 10 feet.

CABBAGE SOUP WITH CREAM

Along one of the principal streets of Lenin-grad came a tall Russian with the proverbial beard (no longer worn by most of the young men) carrying a briefcase in one hand and an unwrapped cabbage in the other. Cabbage soup is the Russian national dish; as an added delicacy you pour whipped cream in it.

Bear in mind, as you witness the poverty and untidiness of Russia, that for hundreds of years the peasants were under the heel of the most pretentious and extravagant monarchy known in the modern world with the possible exception of Louis XIV.

It has been only 17 years since this monarchy was brought to an end. And the Soviet government did not really begin to function until five years later. War, revolution and famine decimated the masses to a point hitherto unknown.

You have heard of the pomp and grandeur of the czars, but you cannot picture the extent of it until you visit the palaces where they lived and see with your own eyes the way they threw away the money which their tax-collectors extracted from the pockets of the poor and illiterate peasants.

But why, you ask, should their revolution encompass the destruction of capitalism also? Capitalism was not their oppressor, but monarchy. That is the work of the Bolsheviks. They have told the peasants in the most effective propaganda the world has seen that monarchy worked hand-in-hand with capital and the church to keep them down, that capital and the church must go the way of monarchy if they are to be free.

In a communist nation, all wealth is in possession of the state. Everybody is employed by the state to work the resources and the state retains all of the profits for the benefit of the people. There is no such thing as owning your home, or business, or investing your money in Russia. You cannot leave your widow and children real estate or other

property to support them. "Communism supports no drones," not even widows.

You wonder what must have been the thoughts of the emperors and empresses as they rode through the streets and countryside to their suburban palaces in the old days?

You pass over the same cobblestone streets their richly furnished carriages traveled with eight, twelve and sixteen horses. You are told the plight of the people is better now than then, and yet today you see a standard of living the American people would have revolted against fifty years ago.

You see battalions of people with bread and other kinds of food, none of them well dressed, many with cloth or rubber substitutes for shoes. And scores of women carrying two large buckets of water on their shoulders. At intervals you see them washing clothes. They are the launderers of the nation.

You see no pretty homes, only old three and four story buildings which formerly had shops on the ground floor, but now are only occasionally occupied because the Soviet government alone is in business here today.

What dawns on you during a trip of this kind is that Russia is still in the man-and-horse-power period. Nearly all of its labor is performed by men, women and horses—and there are not so many horses. You understand why the Soviet instituted the five year planning system to provide the country with machinery to take some of the hard labor off the shoulders of the people.

FARMING EFFORTS POOLED

You pass collectivized farms where the government has bought tillers of the soil into combinations to pool their efforts and production—a project that is not yet completed and has been the most difficult nut of all for the government to crack. Russian farmers, like all farmers, are individualistic. They have adopted communism at the point of the gun, but the chances are they will learn to like it.

On one side of the road you see black and red boards and inquire the meaning of them. The black board, you are told, gives the names of farmers on this collectivized farm who raised less than their quotas and exposes them to passers-by as shirkers. The red board holds up to public acclaim those who raised more than their quotas. This propaganda is carried to every nook and corner of the empire.

You come presently to the destination of the former Russian rulers who administered the nation during the last 200 years of its monarchical existence. Immediately you are transformed from a dreary countryside to castles and gardens and fountains, the likes of which the world has not seen with the possible exception of Versailles.

You enter the summer palace built by Peter for Elizabeth and live for a few minutes in the presence of some of the great names of Russian royalty.

An ivory room, Chinese room, Arabic room, blue room, silver room, amber room and lavish gold ball room transplant you to the brilliancy of czarism. But the Soviets never let you forget, while you are in this enticement, that the palace was built by serfs under the crack of czars' whips.

In the corridor outside Catherine the Great's bedroom is the communists' propaganda. The queen is at the top of the picture, the lords and dukes beneath her feet, then the church and trades-people, and at the bottom holding all of them up is—the Russian peasant!

Then you go on, a few hundred yards away, to the less pretentious palace which Catherine built for her grandson, Alexander I, and which was the home of the last czar, Nicholas II. In the study of Nicholas you see his desk as he left it the last day, with papers and maps before him. And the calendar on the desk is July 31, 1917, the day he deserted the palace.

To guard all of this splendor are Russian women, young and old, clothed in the customary black dresses and white headpieces. They furnish a striking contrast to the grandeur about them. The picture of them in the castles is symbolic; what they guard is the Russia that was; they themselves are the Russia that is.

Mockery of royalty is no less part of the communist creed than mockery of religion. Is there no ounce of pride in these men and women who served as your rulers?, you ask your interpreter. And, with characteristic bolshevism, she replies, "No, they were all degenerates."

NEW SOVIET WORLD IS AIM

The communists are trying to build an entirely new world in Russia, not to improve on the old. They have scrapped the old religion, or rather all religion. They have scrapped royalty and capitalism. They have scrapped sex and superstition. And they are bent upon remaking human nature.

Reluctantly, your interpreter admits that the scrapping of marriage and divorce laws has not worked so well for the children of the nation.

Under soviet law, one marries without benefit of clergy, simply by civil ceremony, and the marriage "ties" are broken quite as easily. If one or both parties to the contract wish it broken they have nothing more to do than signify their intention and it is cancelled.

And with what result? Forty to 50 per cent of all marriages are divorced and hundreds of thousands of children live without their fathers and mothers under the care of the state. The children belong to the state, anyway, so that is no added hardship, but one wonders what kind of citizens they will make.

Loafing, drunkenness and instability have grown since the revolution and the government has tried to combat these faults by severe measures. Always there is the Red Army at hand with its firing squad. And habitual offenders are done away with on the principle that all are political enemies who do not help their fellowmen create the ideal state.

So, THIS revolution continues, as they speak of it in Russia. It is by no means completed, or else they refer to it as current so that the proletariat will not get half-hearted about the results so far accomplished.

The "Great Experiment" of Russia has been enveloped in so much mystery, secrecy, melodrama and—propaganda—that there is nothing like seeing it for yourself.

Propaganda in fact, is the cornerstone of the Soviet Republic, born within and without, and there has been a dearth of real information with which to combat the heavenly pictures of communism painted by its adherents.

The Soviets tell you they welcome "constructive criticism" but they do not define that term. Thousands of men and women, on the other hand, have been executed because they merely questioned the ultimate success of Russian socialism.

RESTRICTED TO RUSSIA

When Stalin triumphed the only question to be decided was whether Trotsky should be executed or exiled. That he should be allowed to continue his residence in Russia, while not supporting the Stalin administration 100 per cent, was out of the question. So he was sent to Turkey along with such other leaders as were not shot.

This is typical of the Soviet attitude toward criticism and opposition—the same Soviet that through the "Third International" is trying to bring the whole world to its principles of government.

One thing of importance these Soviet "missionaries" do not tell us is that citizens of Russia are not permitted to leave the country and take up residence elsewhere. It would

follow that if Russia were the Valhalla it is painted, no restriction would have to be placed on its citizens to keep them there. Something must be wrong, however, because it is about as hard for a Russian to desert his homeland as for a prisoner to escape Sing Sing.

The Soviet theory in this case is that only the ground work has been laid for the ideal "Republic," that many hardships must be endured for a few years yet, and that citizens who might wish to leave now would not dream of leaving after a few years when milk and honey shall flow in profusion for all the people.

It is that picture of the beautiful future that binds and captivates most of the Russian people who are persuaded to the new order of things. "Conditions are not so good now," they are told, and usually believe, "But think how nearly perfect they will be in only a few years when there will be plenty of everything for everybody, and no one will get more than his share."

The propaganda machines feed them bushels of such stuff. After awhile, they are told, Russia will be a greater and richer country than the United States, with the difference that the wealth will belong to all the people and not to the few who have the intelligence and ambition-meaning "avarice" in bolshevism—to acquire it.

Nor have the Communists failed to make splendid capital of the world-wide depression. "See," they tell their comrades, "what evil days have befallen the capitalist world. Millions of people are out of work in the United States and other countries, while we have no unemployed persons and life goes on here better than ever. As sure as anything, capitalism is on its last legs and will fall of its momentum in a few years. We are showing the world the only kind of civilization that will survive."

SOLDIERS HELP BUILD ROADS

In Moscow there are as many women working on construction projects as men, and relatively little of the work is being done by machine. Only here and there a hoist or a drill, but hundreds of wheelbarrows with small loads flitting all over the place. No, the United States would have no unemployment problem either if most of its work were still done by human hands.

And here is a moving picture show, the first one you have seen in Russia, featuring Joan Crawford! You learn that the government censors movies carefully and permits the showing of none that may "poison" the Russian mind. In fact movies are discouraged and Moscow boasts it is the only city in the world with more theaters than movies.

You see uniforms everywhere, officers of one kind or another, most of them in the Red army, which Duranty says is the best institution in modern Russia. You learn that all young men must serve three years in the army, that "off duty" there is no distinction between officers and privates, no saluting.

Furthermore, men of the Red army must work on the same roads or help build the subway certain days of the week. Their life is not all drilling and idleness. You see them later constructing a country road of rock, picking out the stones with their hands and shaping them into place, with no machinery save their mallets. And you contrast it with the pouring of concrete into our American highways.

The street cars are loaded to the limit and you inquire if any of the people own their own automobiles. Yes, there is one at least, and he is pointed to as a model for all good Soviets. Under the five-year plan he averaged 165 per cent efficiency during the whole period, the finest record made in the republic. The government wanted to uphold him as an example to his comrades, and presented him with a Ford touring car. Private ownership of motor cars will be generally unknown in Russia until the government can provide them for all. Many are owned by the govern-

ment, but there is a severe penalty for their pleasure use.

And those who drive cars had best be on their guard since the penalty for a wreck resulting from reckless driving, whether injuries occur or not, is death! The trial in this and other cases is not before a jury, but before two judges, one of whom conducts the case and the other renders the decision. Juries, say the Soviets, are too often swayed by demagogic lawyers and render unfit verdicts. Appeals are valueless.

You try to contemplate living under a "judiciary" of this kind, but there are other methods in the Soviet Republic equally strange. Suppose, for example, you became a Russian citizen and cast your lot with the Soviets. You have a wife and one child of two years. First, you must have a home. You have no choice in the selection or location of it. An official studies your needs and assigns you an "apartment," which in this case is apt to be one room.

Chances are your pay will be so slim that your wife will have to work also. She will leave your child at one of the nurseries during the entire day where it will be cared for and fed, with one nurse to each five children.

You are not permitted to be absent from work at any time save holidays for any reason except illness. If ill, you must call a doctor who is also a state subject and will administer to you without fee.

Recreation during the summer vacation will be provided at a "camp" outside the city for workers of your classification. It is a villa once occupied by a nobleman of the Czarist regime. It is impressive to see "Comrades" walking over fields where once went only "Counts".

Soon you will learn that everything resides in the state. If you become a good communist, you will forget about the old instinct of acquiring anything for yourself. You will be anxious only that your fellowman has as much of everything as you yourself have, and strive unceasingly to help him get it.

But what incentive will there be for you to improve your work, to better your production, to make every laboring minute count? If you must be selfish then there is the promise of a better classification with more pay, so that you may be able to live in a nicer apartment with running water perhaps. You do not worry about "laying up" anything for your child because it belongs to the state.

Obviously there will be little "spending money." It is next to impossible to find out how much the Russian earns because he tells you most things are provided by the state, and second that the money he does receive buys much more than the outsiders' money. One intelligent worker disclosed a salary of \$10 a month, and you get the impression that it is more than the average income. Food, clothes and carfare must be bought with wages, which accounts, no doubt, for the scarcity of silk stockings.

You will be under the constant scrutiny of your neighbors, and, if you dress better than they think your income justifies, the secret police will be called by them to investigate you. And woe unto you if they find you "gold-digging" anywhere. Off with your head!

As you look up the busy boulevards of Moscow you see no brilliant electric or neon signs such as you see even in the small cities of other countries, for there is no reason for the stores to advertise. They are not in business to make profits.

At one of the corners you observe a long line of men and women awaiting their turn to buy one of the four-page government newspapers, with only such news in it as the Soviets think worthy of their digestion. No papers are sold on the streets.

In short, you will become a good communist if you want to live with such satisfaction as the country affords. "If you don't,"

the communists tell you effectually, "We won't actually kill you, but you won't eat much, won't be happy, will remain forever an outsider, as an enemy, because in this communist ant heap those who are not with us are against us, and the final fate of such enemies is death."

Nothing like it has ever been tried before in the world, and the communists do not hope to achieve final success until the present crop of children reaches maturity. Lenin once said, "Give me four years to teach the children, and the seed I shall have sown will never be uprooted." It is the old Jesuit theory and the communists believe in it 100 per cent.

The children not only belong to the state, but are educated by the state, beginning in their cradle days. And their education continues on through high school, with no escape from compulsory attendance except physical disability. Text-books have been rewritten to teach, over and over again, that capitalism is the death-knell of humanity and only by embracing Marxian socialism can the world be saved.

Each year hundreds of thousands of Russian schoolchildren, as well as their elders, tramp across historic Red Square to the freakish modernistic tomb of Nicolai Lenin. There they look into the face of the man who to them is a combination of Jesus Christ and George Washington.

LONG LINES VISIT LENIN TOMB

It has been 10 years now since Lenin died and was placed in the tomb in an open casket, but each day a long line forms outside his sepulchre to march single file past his body. The tomb is of red marble outside—red in the Russian language signifies beauty.

You enter this weird tomb with hat in hand and descend 20 feet to a pit while motionless soldiers guard every foot of the passageway. In the amber light of the sepulchre you see the impressive face of the man who rocked the world in 1917. His face has sunken a little after 10 years of stillness, but you can recognize him easily by the pictures you have seen. He has the sharp Russian countenance and the little reddish goatee with which the world is so familiar.

How much of this display is worship and how much is propaganda, nobody can say. But certain it is that the body and memory of Lenin are used without stint to keep alive the spirit of communism in the Russian masses.

There is no question that communism is firmly entrenched in Russia. Much of the strength has been won at the point of bayonets, but it appears to have succeeded to the place that it will not be uprooted for many years at least.

Why people other than Russians should even contemplate communism, though, is a mystery. Perhaps communism or some other despotic form of government was necessary there after the revolution. But people who have shown the ability to shape their own destiny, such as we in the United States, would not live under communistic government five minutes.

COMMUNISM REMAINS FUNDAMENTALLY SAME

Since Communist Russia is celebrating now its 50th anniversary of existence, we are publishing a condensation of articles written in Russia in the summer of 1934 and published serially in The Greenville News. They were written by Roger C. Peace, then publisher of the Greenville papers and now chairman of the board. Mr. Peace has been an avid but not ardent student of communism since its beginning and has these comments to offer:

"It hardly seems 33 years since my visit to Russia. The picture at that time was engraved indelibly on my mind and I have followed the day-to-day developments since then. Communistic rule had been in force just 17 years and was, in fact, just getting

underway. The country had been recognized by the United States only two years before and was just beginning to admit visitors from our country, or from any country. It pleased me when they gave me a visa, for they were not enthusiastic about admitting newspapermen.

"I shall not attempt to compare in detail the observations contained herein with the situations that exist today. This has been well done by a number of writers and particularly by Eugene Lyons, whose series 'Workers' Paradise Lost' appeared recently in The Greenville Piedmont and now, in condensed form, in this month's Reader's Digest.

"I thoroughly agree with Lyons that though some changes have taken place on the Soviet scene in this half century, communism remains fundamentally the same throughout its history. There have been changes based mainly on economics, but the primary structure of Russia governed by masters and supported by slaves, is the same now that it was at the beginning.

"If the communists were content to work toward achieving a true democracy in their own country and leave the rest of the world alone, there might and probably would be a round of applause. But, no, they are carrying a torch to remake the world, starting revolutions everywhere. Including here in the United States where they are lighting the fires of racism. In their distorted dictionary, they are an enlightened democracy and we are a murderous capitalistic nation.

"On my visit to Moscow I talked with a journalist. 'In the United States,' I said, 'we have nearly 1800 daily newspapers, with all shades of opinion. Here you have only one. Doesn't that make you sad?' He replied, 'We are fortunate. Our one newspaper is Pravda (Truth) and it tells the truth. What do we need with a lot of lying newspapers?' Just how do you answer that?"

FORTUNE MAGAZINE SAYS SURTAX WOULD BE A DRAG ON A TOO SLUGGISH ECONOMY

Mr. PROXIMIRE. Mr. President, one of the few forecasters that accurately predicted the sluggish economic year we suffered in 1967 was Fortune magazine. Fortune's January forecast last year hit economic developments right on the nose.

Fortune did not just happen to be right. They did something too few Government forecasters—especially those pleading for a tax increase—have done. They analyzed the economy in detail and they considered especially the driving forces in the economy: the impact of Vietnam, the plans of business to invest in plant and equipment, overall government spending, including State and local, consumer spending and saving plans in all of their ramifications.

Once again this year Fortune has made a forecast for the coming year. And once again the forecast is painstakingly based on all the elements that will go into determining the kind of year we will have.

Fortune concludes that the imposition of a surtax on the economy by the Congress in the coming year would be a mistake. Fortune stated as follows:

A year ago, though the President was talking about cutting federal spending, the budget was in fact turning strongly expansionary. The deficit will stay large through the spring, when social-security benefits go up. But then the budget will be swinging sharply toward restraint. The cuts recently legislated in appropriations and obligations

will delimit the rise of outlays in fiscal 1969 to less than half the rise in potential federal revenues. A surtax on top of this could produce an outright surplus in eighteen months.

Because this would mean a further drag on the economy, Roundup six months ago did not expect Congress to vote the tax, and this logic has not changed. It is conceivable though not likely that when Congress gets around to extending present excise tax rates, it might just tack on some limited surtax. All this assumes no change in the Vietnam war.

Mr. President, the Fortune conclusion is sound. A surtax would be a drag on the economy. It would result in increased unemployment without getting at the heart of the cause of inflation—the sharp rise in costs especially labor costs. Indeed a surtax would add to costs and to prices, because demand is not excessive and will not be excessive in the coming year in relation to the capacity of this economy to produce what is needed.

I ask unanimous consent that the article from the January Fortune forecasting economic developments for the coming year be printed in the RECORD at this point.

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

FORTUNE'S FORECAST FOR THE NEXT 18 MONTHS: BUILDUP TO A LETDOWN

The period of readjustment in the economy is by no means completed. Over the next eighteen months as a whole, real output is likely to grow at no better than the 2.5 percent rate registered over the past year. The current pace, however, is a good deal faster, due to special circumstances.

Industrial production last month got back above its December, 1966, high of 159.5 on the Federal Reserve index, after averaging 157 or so in the interim. Detroit put on extra car assemblies to make up for strike losses, and steel buyers were beginning to stockpile to hedge against a strike next summer. These continuing tendencies in cars and steel (after some G.M. stoppages this month) will help the index rise a bit further this spring, say to 162, with an added push coming from the increase in social-security benefits that goes into effect in March.

After midsummer these special factors will subside, with a consequent negative effect on economic activity. The auto assembly rate will come down with the start of the new model year next summer. At around the same time, excess stocks of steel will begin to run off, too, either all at once, in a strike, or, as this forecast assumes, gradually over a period stretching well into 1969. By a year from now, moreover, higher social-security taxes will be taking as much out of the economy as the higher benefits will be putting in. So by then industrial production may well be running a percent or so lower than it is now, or about 159 on the index.

The effect of the ephemeral factors will be first to add an extra percent to real G.N.P. by this spring and then to remove that much or more thereafter. Thus real G.N.P. in the spring will be up by 4 percent over last spring instead of the 3 percent that was envisaged six months ago, and after that it will level out for a while. As valued in constant prices of last quarter, G.N.P. for the year as a whole will total about \$820 billion, or \$25 billion higher than 1967's. In actual 1968 prices, the figure will be around \$835 billion, a \$50-billion advance, counting in inflation.

The basic factors in the economy continue to shape a sluggish trend. Investment in the industrial sector is still in a stage of readjustment, not recovery, much less boom. And as noted last month, the Washington

policies that seek to influence the economy are now shifting from expansion to a subtle measure of restraint.

Both inventories and capacity, and their present rate of growth, are larger than current needs dictate. The process of bringing them back into line will continue to act as a depressant over the coming period. The rates of inventory and capital buying may fluctuate, of course, owing to special factors; steel stockpiling and a buildup of cars and parts helped bring last quarter's inventory rate up \$4 billion over the spring level. In their reports to Commerce, manufacturers had earlier indicated ebullient sales expectations and inventory plans for the autumn, but now they say they will take on much less in the way of new stocks in the coming quarter. Plans are highly susceptible to revision, of course, and so have been current estimates of actual investment. Last month new Commerce figures (not yet in G.N.P. data) reduced the indicated summertime rate of inventory buying by \$1 billion, and that of capital investment by nearly \$2 billion.

In every quarter in 1967, actual capital outlays turned out lower than had been intended, and on final data lower than the quarter before. But instead of trimming further now, business is currently reporting intentions to increase outlays this year. The suspension and later restoration of the investment tax credit (and the run-up and run-down of interest rates) evidently had the effect of shifting some planned outlays from early 1967 to early 1968. Actual outlays are likely to fall short of initial plans again—i.e., to level out in dollars and diminish in volume in the course of the coming year and well into 1969. This is because manufacturers' utilization of their capacity has declined and will continue to ease. With a few exceptions, such as office space, the same trend—capacity building up faster than the need for it—prevails in most non-manufacturing industries.

THE SURTAX WOULD BE A DRAG

A year ago, though the President was talking about cutting federal spending, the budget was in fact turning strongly expansionary. The deficit will stay large through the spring, when social-security benefits go up. But then the budget will be swinging sharply toward restraint. The cuts recently legislated in appropriations and obligations will delimit the rise of outlays in fiscal 1969 to less than half the rise in potential federal revenues. A surtax on top of this could produce an outright surplus in eighteen months.

Because this would mean a further drag on the economy, Roundup six months ago did not expect Congress to vote the tax, and this logic has not changed. It is conceivable, though not likely, that when Congress gets around to extending present excise rates, it might just tack on some limited and compromise surtax. All this assumes no change in the Vietnam war.

A subtler turn toward restraint is also in the making in the financial markets, which have been clamoring for a tax increase. Interest rates have risen sharply since spring despite a year of massive expansion in credit and money supply by the Federal Reserve. A year ago Roundup remarked: "Renewed reliance on a policy of combining big deficits with easy credit could raise large and unexplored questions having to do with the adequacy of savings, the level of interest rates, and international confidence in the dollar." Now the answers have come in.

Much of the rise in interest rates has been founded on expectations of a new boom, fears of a new money crunch, and a surprising thirst for liquidity—as well as on the natural fact that, whereas an industrial boom is self-financing, a recovery based on federal borrowing perforce puts pressure on the financial markets. The rise in rates is now itself beginning to serve as a brake on

future economic activity, by pushing some municipal and corporate borrowers out of the market, and diverting some of the flow of savings away from the thrift institutions. As a consequence, housing will level out in 1968.

The psychological factors in the market should begin to ease as prospects for the budget and investment clarify. But interest rates, still on the rise, may not ease much, if at all, for a while, because the Fed may be gradually drawing in its reins on bank credit. The rate of expansion has already slowed and may slow further as the Fed, at least for a time, gives more weight to the risks inherent in rising prices than to those presented by rising unemployment. The unemployment rate, which has averaged 4 percent the past six months, may be up a little—say, half a percent in a year's time. But meanwhile, prices will have advanced at least another 3 percent, due to rising wages and pressures on costs.

By the end of the year, however, the changes in the budget pictures, in the economy, and in psychology should open the way for a somewhat freer flow of funds, even if the Fed's rein on credit keeps interest rates fairly high by historical standards. In 1969 this should permit a strongly renewed advance of home building, for by then demands for housing will be growing dramatically. This should help see the economy through various hazards into further growth next year.

DEFENSE

In real terms, defense purchases, which rose at an annual rate of some \$20 billion in the two years ending in mid-1967, have gone up only \$1 billion in the past six months. They promise to go up at about the same slow pace in the next six months, and even more slowly thereafter. By a year from now, spending could even be edging downward. This will surely be true for military construction and military assistance, and probably for overall procurement as well. While some programs, such as the anti-ballistic missile, will be increasing, others will be moving toward a lower level—e.g., ordnance and equipment for Vietnam. If large-scale fighting abates later this year, a possibility recently hinted by General Westmoreland, a new downtrend in arms production could well come in 1969. Pay and maintenance costs, of course, will be advancing as the size of the armed forces grows slowly. The number of men under arms will be rising at most at about the pace of the past year—i.e., by considerably fewer than 100,000.

BUDGET

Over the next year and a half, the annual rate of total federal spending will go up by only half the \$30 billion rise of the past eighteen months. On the national income accounting, the rate should reach about \$183 billion by the spring of 1969. The rise in defense outlays will be minuscule by comparison with the buildup phase of the Vietnam war. And the nondefense spending rate will advance perhaps \$11 billion instead of the \$14 billion of the past year and a half. Grants to states and local communities—e.g., for Great Society programs—will rise after leveling out during fiscal 1967; cuts made by Congress and the President merely have prevented explosive growth now.

Revenues—now reaching a \$160-billion rate—will be closing in on expenditures. An economy growing at its full potential would ordinarily be generating annual increments of about \$10 billion in revenues. But with prices rising more rapidly than normally, the growth should be, say, \$13 billion. Under these circumstances, the federal deficit in the national income accounts, which has averaged some \$14 billion in the last three quarters of 1967, should be falling this year to about \$11 billion (without a tax increase).

By 1969, counting in higher social-security tax rates, the deficit rate should drop abruptly. Of course, if economic growth fails to live up to its full potential, revenues will fall short by a few billion. On the other hand, if Congress votes the full 10 percent tax surcharge, and suspends the excise-tax reduction due next spring, the budget would shift rapidly to surplus a year from now.

CAPITAL GOODS

Since late 1966, dollars outlays by business on new plant and equipment have eased on average by 1 percent per quarter, according to latest SEC-Commerce data. Roundup now expects dollar outlays to hold about steady at present levels, which would mean a decline in volume of about 1 percent a quarter.

Manufacturers' utilization of capacity fell from 91 percent in the spring of 1966 to 83 percent last quarter, and will keep on easing. In consequence, new capital appropriations fell by one-fifth through last spring, temporarily rebounded last summer, and inevitably will drop back again. Since current expenditures are still going into winding up some of the big 1966 projects, outlays will perforce decline this year and into 1969. Excess capacity will be affecting some other investment areas, too, and some will be more sensitive than manufacturing to high interest costs. Some programs—e.g., in electric utilities and airlines—are still moving up, but even these will level out soon, due to growing margins of unused capacity. A sharp downswing in investment could develop in a year's time, but the hope is that by then the long-term money costs will let up enough to nurture an upturn in construction of offices and stores, outlays for communications, and similar investments.

INVENTORIES

In the first half of 1967, business' rate of inventory accumulation plunged from \$19 billion virtually to the vanishing point. Stocks of steel, cars, and consumer goods were declining then, but are building up now, so the inventory rate has lately come back to \$4 billion or so. This buildup will go on at the same or heavier rates through the spring, after which there will be a letdown—and, indeed, a runoff of steel.

A major turning point is now being reached in industries making arms and capital goods. Their inventory rates have gradually come down from sizable levels a year ago to near zero currently; in the course of the coming year or two they will be liquidating stocks at a gradually ascending rate. This is because, first, purchases of arms will be leveling out and sales of business equipment declining, and second, the stock-sales ratios in these industries increased in the past year to levels far above usual and will have to come down.

In general, inventories rose over 3 percent during 1967, but final sales went up only 2 percent more than that. Thus business is almost as overburdened with surpluses now as a year ago, though in some cases their locale has shifted (e.g., from consumer goods to heavy industry). By past standards the over-all surplus may be at least \$5 billion, and perhaps even twice that much. Roundup is projecting that this will be trimmed a couple of billions in the next eighteen months and that there will be modest liquidations a year from now, largely because of the runoff of steel stocks. Conceivably the liquidation could be much more severe, but it is more likely that by 1969, the inventory rate will gradually firm up again, adding sinew to the recovery.

CREDIT

Since midsummer, bank credit has grown by 8 percent (the average for the 1960's) following the crunch of 1966 and the rapid expansion early last year. In view of British devaluation and the inflationary environment here, the Fed may want to restrict credit growth a little from here on. But it will move with care, since long-term rates

are now at their high for a century, and short-term rates, though still below the 1966 peak, have increased by one and a half percentage points since June. The Treasury-bill rate could rise a bit more, say to 5¼ percent, long-term rates could also edge up for a while, and in the next few months the Treasury's demands will be voracious. The latest thrust in money-market rates has already resulted in a slowing of savings flows into the thrift institutions.

By late spring, the Treasury's tax "season," the pressure in the money markets could begin to slacken. Private needs for funds for capital goods, inventories, and housing construction should be no higher than they are now and may be turning lower. And the corporations' thirst for liquidity may abate. As it also becomes clear that the Treasury's requirements will anyway be declining, the fever of expectations should subside and long-term rates begin to ease.

CONSTRUCTION

After rising all during 1967, housing starts at year-end were back at about the 1965 rate of 1,450,000 private nonfarm units. Since this includes more apartments and fewer single-family units, housing activity is worth 10 percent less in constant dollars than in 1965. Starts should level out at the recent rate because the outlook for housing funds has clouded. Rates on new mortgages are getting discouragingly high, and new commitments for mortgage lending have already begun to decline, because of the reduced inflow of savings to thrift institutions. This limitation will get more severe for a time. But everyone is agreed about avoiding another 1966 debacle in housing. Washington can protect savings flows better now by coordinating competitive rates for thrift institutions, and if necessary, large funds could be injected into the housing market via the Federal Home Loan Bank and Fannie Mae. Later the money situation should loosen up, and by mid-1969 the rate of starts could push close to 1,700,000 and head still higher—to meet the potential demand of two million units or so that Fortune has calculated as probable for the early 1970's ("That Coming Boom in Housing," May, 1967).

The volume of public works for 1967 as a whole was up some 8 percent from 1966, one of the largest gains in years, but most of the rise had taken place by the first quarter. The rate will stay fairly steady, given recent budgetary constraints.

PRICES AND WAGES

Consumer prices—and the over-all G.N.P. price deflator—rose 3 percent in the past year, a mite less than in 1966. But the rate of rise was nearly a percent higher during the past six months, and it may slack off somewhat only a year from now. On average, over the next eighteen months the rise should be at least 3 percent, perhaps even 3.5 percent, as cost factors continue to push their way through the economic system.

Food prices will rise through summer, as they have since last spring, until meat supplies respond to the availability of abundant and cheap feed. Consumer services, up 3.5 percent a year lately, could move up smartly next month when minimum wages go up roughly 15 percent. Construction costs, up 5 percent from a year ago, may keep to this higher pace a while.

At the heart of the matter, industrial wages have been accelerating while productivity has been decelerating. Factory wages rose 5 percent in the past year, average compensation even faster, and new wage settlements have been running to 5 percent or more. Since productivity gains have slowed—to only 1 percent or so in 1967—unit labor costs have risen 5 percent. While productivity should soon speed up, nearer to its normal 3 percent, unit costs will keep up with costs—profit margins declined along with utilization of capacity—but industrial quotations have just begun to go up smartly, at

nearly a 3 percent rate of late. They could keep on rising through the summer. Yet the new plants coming on stream should have an effect on productivity results and marginal profit calculations, and so perhaps tone down the whole wage-price spiral. This toning down may be the No. 1 objective for economic policy in 1969.

INCOME AND SAVINGS

Disposable income has grown by some \$35 billion, or 6.5 percent, in the past year, but nearly half the rise was dissipated in higher prices. At that, real income did better than G.N.P., as is usual in a sluggish economy. Profits and retained earnings were squeezed as labor costs outstripped prices, and medicare payments increased a lot. Through next summer, there will again be some temporary pluses—e.g., the hike in social-security benefits, federal pay rises and a boost of possibly \$2 billion in minimum wages next month. To the extent that rises in minimums (or other wages) get into the income stream before prices go up in compensation, buying power gets a short-lived filip. But over the whole eighteen-month period, the controlling factor on incomes will be the slow growth of the economy.

Everyone is now aware that the rate of savings out of disposable income has been high over the past year, 7 percent versus 5.5 percent on average for the 1960's, but the reason isn't simply that consumers are being contrary. Savings tend to be higher at the crest of a boom because unemployment is low, dividends are high, and new installment credit is in better balance with repayments. Besides, more labor income is now going into pension reserves (i.e., savings), and, since 1964, more after-tax income has been going to people in the upper brackets, who save more. The savings rate first approached 7 percent last Christmas, and is above that level now only because of the recent Ford strike. It is apt to be a little below 7 percent a year from now.

CONSUMER SPENDING

Retail sales, which have been pretty flat since spring, should be making some sprightly gains by next spring, before going fairly flat again thereafter. Car sales fell about 10 percent between last spring and last quarter, when they averaged about eight million (including imports). After some spillover of demand from autumn, and from the winter if G.M. goes out, sales should be high next spring. Thereafter the strength of basic demand will be tested. Henry Ford is right in saying that 1968 sales should match the 1965 record of 9,300,000. But recent sales performance has not been imposing.

A spring pickup can also be expected in other lines. Retail sales of home goods, apparel, and a broad spectrum of merchandise trade, in real terms, leveled out from last spring into early autumn. The temporary flood of income from payrolls and social-security payments should turn sales upward by the spring.

Over the longer pull of the next eighteen months, however, sales of consumer goods will be rising in real terms by less than 4 percent a year, or about as fast as in the past year. Food volume will again tend to rise a couple of percent a year. Services, which in the past year have gone up 4 percent, in part owing to medicare, may do a little less well.

EXPORTS

Last year saw a modest improvement in the U.S. trade surplus from the very low 1966 level. But several adverse factors loom in the next year or two. Britain's devaluation will tend to increase our imports somewhat and hurt our exports. Sharp cuts in foreign aid will trim some markets. And the temporary bulge last summer in the U.S. oil trade, resulting from the closure of the Suez Canal, is already subsiding. These factors should just about offset any small improvement in the trade surplus that might ordi-

narly be expected to develop in a relatively soft economy in the next eighteen months. In fact, the trade balance might actually worsen a bit before a gradual recovery sets in. The threat of a steel strike could bring about sharp further increases in steel imports. Exports will continue to limp along with the sluggish economies of Western Europe and the general trend of world trade.

RESOLUTION OF SUPPORT OF THE WAR IN VIETNAM

Mr. TALMADGE. Mr. President, there is naturally a great deal of frustration in the country over the prolonged and costly war in Vietnam. However, I believe that an overwhelming majority of the American people support our commitment in Southeast Asia and our efforts to turn back Communist aggression. It has been my observation that while the people do not like this war and they have not been altogether satisfied with the long course it has taken, they do not believe that the United States should tuck tail and run. To the contrary, there is considerable sentiment for prosecuting the war even more vigorously in order to attain either a military victory on the battlefield or for bringing the Communists to the conference table by demonstrating to them the futility of continued aggression against South Vietnam.

I share this position, and like most Americans I have been appalled by demonstrations which have undermined the security of American soldiers fighting in Vietnam and which have in effect given aid and comfort to the enemy. Without a doubt, these shameful demonstrations have had the effect of prolonging the war.

During the adjournment period, there came to my attention a resolution adopted by the Columbus, Ga., Chamber of Commerce and the Columbus-Phoenix City-Fort Benning chapter, Association of the U.S. Army, expressing patriotic support of our fighting men in Vietnam. The city of Columbus has a particular stake in the conduct of the war, inasmuch as it is the home of Fort Benning and the 1st Cavalry, which at this time is among the units engaged in Vietnam.

I bring this resolution to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

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

RESOLUTION

Whereas, Columbus, Georgia, is the home of Fort Benning, the largest and most complete Infantry Center in the free world, and

Whereas, the Infantry Center has contributed directly to attainment of this nation's objectives in Vietnam by providing the leadership, esprit, and patriotism typifying the U.S. Infantryman, and

Whereas, this community has given freely of its sons, brothers and husbands in the fight for freedom in Vietnam, and

Whereas, it must be acknowledged by all who purport to understand the principles of modern political geography and the lessons of history that the security and freedom of Southeast Asia are vital to our own, and

Whereas, the recent past has taught us there can be no honorable compromise with the forces of Communism which seek to subvert by violence and discord, and

Whereas, while lawful dissent is a right, rights carry with them responsibilities, and

the present nature of demonstrations constitute tangible aid and comfort to the enemies of this nation to the extent that this question now is not only one of dissent, but of treason, and

Whereas, service to one's country is a sacred duty and a debt owed by all who enjoy its rights and freedom, and

Whereas, anything less than an honorable victory and peace would be desecration of the sacrifices made by those who have given their blood, limbs and lives in the struggle for freedom throughout history.

Be it therefore resolved, by the Military Affairs Committee, the Board of Directors of the Columbus Chamber of Commerce, and the Columbus-Phoenix City-Fort Benning Chapter of the Association of the United States Army, that we do with full measure pledge our loyalty, aid and resources to the support of our fighting men of all services in Vietnam, and call upon all Americans to join us in a rededication of patriotism and loyalty in this time of crisis, and pray for a quick victory and a lasting peace.

JAMES W. BLANCHARD,

President, Columbus Chamber of Commerce.

J. W. WOODRUFF, Jr.,

Chairman, Military Affairs Committee.

JAMES W. BLANCHARD,

President, Columbus-Phoenix City-Fort Benning Chapter Association of the United States Army.

THE DISTRICT OF COLUMBIA CRIME BILL

Mr. BYRD of West Virginia. Mr. President, there has been much controversy over the recently enacted District of Columbia crime bill.

A few weeks ago, "Dimension Washington," a television program emanating from Station WRC here in the Nation's Capital, had as its guest Mr. Herbert J. Miller, former Chairman of the District of Columbia Crime Commission. The discussion which took place was interesting and enlightening, and I ask unanimous consent to insert in the RECORD a transcript of that interview.

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

THE DISTRICT OF COLUMBIA CRIME BILL

Members of the District of Columbia Crime Commission, now disbanded, were the authors of one of the most extensive and scathing crime studies ever completed on an American city. That study was delivered to the President a year ago. However, in the year since, crime in the District of Columbia has risen 34.3%. Now the President has signed into law the compromised District Crime Bill; a document which itself has provoked considerable controversy. Our guest today is Herbert J. Miller, former chairman of the now disbanded Crime Commission, now an attorney in private practice in Washington. Joining me in the questioning are Jerry Brennan and David Rush both of NBC News. I'm John Masterman of NBC News, this is Dimension Washington: A look at the vital problems confronting our metropolitan region and the efforts to solve those problems. Dimension Washington is a presentation of WRC and WRC-TV public affairs. To begin our questioning: David Rush.

Q. Mr. Miller, it would appear from our ever-increasing crime rate little has been done to implement the recommendations of the Crime Commission and possibly that the Crime Commission's work may have been an exercise in futility or up to this point anyway. Has it been that?

A. No, I think not. You've got to remember that one of the major things that the Crime Commission's report did was to find the facts

with respect to many of the various parts and aspects of the District of Columbia and particularly the law enforcement process. Now it is those facts which should provide a basis for constructive action. Whether it be in terms of fulfilling the recommendations that we made or perhaps making much different recommendations and taking different steps.

I would be less than candid if I did not admit that I am disappointed with the steps or the speed in which steps have been taken to implement the report. It's very difficult for me, as a private practitioner, to know precisely when the steps are taken, to implement the crime report, and when not. So consequently, I must rely on talking to these various people indefinitely and reading the newspaper, much as yourself. But, I must say, that I have come away with the impression that while there has been progress, from a personal standpoint I do not consider it fast enough.

Q. What is lacking and what has been done?

A. Well, to answer that question appropriately we would probably have to take about three hours because as you know when you are talking in terms of crime, law enforcement, and the so-called crime problem, you cannot look for a phrase, a sentence or a paragraph.

I mean, our report, as you know, is about 1,000 pages long with an 800 page appendix. So in order to even come close to answering a question such as that you'd have to break it down to one facet of the system.

Now to do that, assuming you would ask the question, I would say this: to me law enforcement in broad scope, has two basic problems. One is the short range and one is the long range. In the long range you speak in terms of prevention, of trying to ascertain what basically are the root causes of crime, and then trying to eradicate those by a protective type of program. But by the same token, you've got an immediate crime problem here in the District of Columbia where people are being hurt. They are being hurt on the streets of the District of Columbia and I say the only thing this government or any other government has to fight that particular immediate problem is with the traditional law enforcement process. By that I mean arrest, trial and conviction.

Now I think that last part of the process is a problem in the District and that is one of the parts on which more emphasis should and must be made. Because that is the only way you are going to have any immediate impact on the crime problem in the District.

Q. Well from the crime statistics it would appear then that this problem has not been met Mr. Miller?

A. I do not believe it has, no.

Q. Well where does the problem lie?

A. Well one of the problems the Commission found by careful analysis and detailed studies, is that delay is the antithesis of good law enforcement. We found last year, and Senator Tydings made a statement three or four days ago, and the statistics are also available, that the delay factor has not stayed the same. In fact, it has gotten worse in the year since the Crime Commission Report was published.

Now once that happens you have a problem. We know by a study that we conducted that approximately 65% of those convicted of felonies in the U.S. District Court have been incarcerated before. In other words, they are recidivists. They have committed crimes before and have been in jail. Now we also know on the basis of a study we conducted, that once a person is indicted and is out on bail pending his trial that at least 7½% of those people will commit additional felonies.

Right there you have a highlighting of how the delay in the law enforcement process permits individuals who have already committed a felony to, in effect, commit more. So, one of

the prime ways you stop this is to bring your criminal docket up to date and to make sure that the time span between the time of arrest and trial, and conviction is reduced to its absolute minimum, consistent of course, with making certain that the rights of the defendant are appropriately protected.

Q. Mr. Miller, how can you pick up this case flow, how can you shorten or lighten this case load that the District now has?

A. Well the Commission recommended several things. One thing it recommended was, in effect, a selective type of prosecuting. Now anyone in the law enforcement process knows that there are certain individuals who commit more than one crime in the District of Columbia. Now if you have an individual like that, who is under indictment, the thing would be to bring that individual to trial as soon as possible. In other words to sift through your docket and find those who you know in all probability will commit additional crimes. There are some that are well known to the police. Take those, try those cases.

Secondly, take steps to insure that some type of immediate penalty will follow in the event that somebody who is either released on his own recognizance or is out on bail is indicted for a second felony. Steps should be taken to insure that he will not be permitted to roam the streets to commit further murders or further robberies or further rapes. One thing the Crime Commission recommended was if a person who has been indicted and is out on bail, or released on his own recognizance under the so called Bail Reform Act of 1966, is indicted for a subsequent offense, that, at that stage, his freedom or liberty on bond would be revoked. Now I think this would certainly be legal and constitutional. Where you have a man who is a danger to the community there should be a method whereby the community can protect its citizens. After all, one of the prime functions of government is to protect its individual citizens. If the government can't do that, what right does it have to even exist?

Q. Mr. Miller, you mentioned that one of the important things to emphasize is immediate arrest, trial and conviction. Can I ask you if the Crime Bill signed Wednesday by the President emphasizes these?

A. I frankly believe that it does. There has been a substantial amount of controversy in this community concerning not only this current crime bill but also the Omnibus Crime Bill of 1966. I think this current bill is a substantial improvement. It contains, I think, three areas which are more controversial than the other areas. One is the so-called Title III. Now you have arguments and discussion in the newspapers here in town, and, I assume on radio and television, as to whether or not the police are entitled to detain an individual for so many hours. This was the basis for a widespread attack on the Omnibus Crime Bill. That provision is not in this bill. What you have in the bill the President signed was, in effect, a modification of the Mallory Rule. Now I can understand how people would talk in terms of detention if they have not compared this bill with the one that was vetoed by the President a year ago.

But what this bill says, in effect, is that once he has been arrested, a suspect can be interrogated for three hours and if he confesses during that period of time that confession is admissible. Now the Mallory Rule, as you know, in effect, blocked the utilization of confessions where the suspect, once arrested, was not taken before the magistrate, without undue delay.

The Department of Justice, at least up until last year, always strongly recommended some type of a modification of the Mallory Rule. I know we took that position when I was chairman. As the Crime Commission found, and as anyone who knows anything about law enforcement will tell you, brief interrogation is a vital part of ascertaining

the truth. Now you can cut down on interrogation. You may or may not know it, but there have been cases where a man has been arrested and confessed within fifteen minutes. The cases and the confession have been thrown out under the Mallory Rule.

Another part of this bill which I think is controversial is the mandatory minimum sentence. This, in effect, deprives the sentencing judge of discretion to suspend a sentence or place an individual on probation. The type of crime generally referred to are those involving the utilization of a weapon, say armed robbery; that type of crime.

Now you will have substantial controversy as to whether minimum mandatory sentences are good, bad, or indifferent. The only type of mandatory sentence in the Federal structure that I know of today is in narcotic cases. Frankly, the reason that you have had mandatory sentences imposed here is because Congress became convinced fifteen years ago that the narcotics problem was becoming serious in this country and that one way to stop it was to put in a five-year mandatory minimum sentence. Now I think that the mandatory sentencing provision in the Harrison Narcotics Act has had a substantial impact in terms of keeping at a fairly low level the utilization of heroin in this country.

Whether a broadening of this concept to include robbery and the utilization of firearms will have an immediate impact, I don't know. I think that it might, possibly. In fact, I would think that it would. The trouble is always going to be in the hard cases, say the nineteen-year-old boy, who has had a perfectly clean record, has a few drinks, and all of a sudden finds himself facing a mandatory two-year prison term. When you have that situation it will unquestionably work an injustice. Hopefully, that type of case can be screened out by the utilization of your U.S. Attorney's discretion to take that type of case where there's a mandatory minimum and break it into a misdemeanor.

Q. Do you foresee the Title III being taken to the Supreme Court?

A. I fully expect the Constitutional argument will be made that this is a violation of the fifth amendment. I might say however, that while *Miranda* was decided on constitutional grounds, the Mallory decision was not decided on constitutional grounds; it was merely an interpretation of the meaning of Rule 5a of the Federal Rules of Criminal Proceedings. So, there is no clear idea as to whether this is constitutional or not.

Q. What are the benefits you see from the Crime Bill?

A. The benefits really are multitudinous. If you run through the bill you will find, I am happy to say, several of the things that we recommended.

For example, it permits the arrest without a warrant in certain types of cases. This did not exist before. Police could not arrest certain types of criminals unless they had a warrant. Now they will be able to make such arrests without a warrant.

The provision expanding criminal sanctions for those who would corruptly impede the administration of justice is, I think, a substantial move forward.

The issuance of citations instead of arresting persons will, I think, be a great step forward because one of the problems that we have in the District is lack of adequate police manpower. The use of citations will permit the officer to hand a man a document at the time of arrest, telling him to report to the court at a particular time, or it can even be mailed to him, at his home. This of course saves a substantial amount of police manpower. Believe me, this jurisdiction can use that manpower very well in other pursuits, rather than going out to arrest people for crimes not of the violent type.

The District of Columbia Bail Agency is a part of this act. Another very important

provision is to make the Youth Defender Act applicable to violations of the District of Columbia law. I think that's a great step forward because that is a very fine statute in terms of sentencing procedures.

Finally, anyone who is part of the law enforcement process knows that the provision in this bill to establish a commission to update and rewrite the criminal code for the District of Columbia is long overdue. So, all in all, I think it's really a fine bill.

Q. I'd like to get back to Title III, Mr. Miller. You were discussing whether or not this is a detention provision. If a man is being interrogated by police, obviously the police have him in custody. Can this not be classified as detention?

A. Well, as the situation now exists, a man arrested has to be taken before a magistrate without undue delay, under rule 5a. Now as a practical matter in the District of Columbia, substantial numbers of people who are arrested, remain in custody for at least three hours while the magistrate is being located. Particularly if he is being arrested, say at two or three in the morning. Now in that type of situation he may be in custody for the three hours plus the additional ones until the magistrate can be located. And there is now no detention provision involved here.

The language in the law leads people down the wrong track because it says any person arrested may be questioned, with respect to any matter, for a period not to exceed three hours following his arrest. That, by implication, means the police can hold you three hours. But if you look at the legislative history of the House and the Senate reports concerning this provision you will see that they were aimed more at solving the Mallory problem than they were on the question of unlawful detention. I am particularly sure I am correct in view of the fact the old Title III was an outright detention bill. It said you may detain for four hours, period. That is not a part of this statute.

Q. Despite the urgency of the crime problem, and the public interest in it, I doubt that this [the Crime Commission report] was much of a best seller. Could you have written it in a few less pages so that more people might have read it?

A. The President's Commission on Civil Disorders is doing that—narrowing down their report so that maybe somebody would trouble themselves to read it. The reason for the length of our report was, in the first place, the facts about law enforcement in the District of Columbia. Since we had to find those facts in order to make any type of intelligent recommendation, we felt that since we found them, we might as well express them in the report. We hoped that other jurisdictions would take this as a model and follow through on it. There's no sense in my sitting here and making a recommendation on one page that the Mallory Rule be modified. I mean that accomplishes absolutely nothing. What you've got to do is outline the whole law enforcement process as well as the other factors involved. Then, any person who really wants to know what is right or wrong about it can go through it, read the facts, see how the system actually operates, and then come to his own conclusions. They may differ from mine, but at least they will be an informed judgment.

Q. Do you believe as many as one member of Congress has read your report?

A. I know of one member of Congress who has read my report.

Q. Do you think Congress has acted responsibly this past year on crime legislation?

A. Yes, I do. You have to remember that Congress itself is torn by a lot of different pressures. Now I think this bill for the District of Columbia was a highly responsible bill. I mean I may disagree with some of the provisions, but by and large, when you look at the entire bill, I think it is a very fine effort. The fact that certain people,

groups, or organizations recommended vetoing it primarily indicates dissatisfaction with just one part of the bill. But looking at it as a package I think that this will be a substantial help. Though, by that I don't mean it's going to stop the crime in the District of Columbia.

Q. Why does the Safe Streets and Crime Control Act hang up in Congress? Why does gun control legislation hang up there?

A. The answer regarding gun control legislation is that you are living in a democracy rather than a dictatorship. And while I am strongly in favor of gun legislation, and just can't really see the other side nevertheless, there is a substantial percentage of citizens in this country who write their Congressmen against it. You know as well as I do that the National Rifle Association fosters this type of thing and, Congressmen, being Congressmen, listen to their constituents. I suppose that is basically why you have a democracy.

Q. Mr. Miller are you disappointed that the D.C. Crime Bill did not include a gun control provision?

A. Oh yes, very. It is very unfortunate that it did not.

Q. Well wasn't one of the major problems during hearings on the bill the fact that hardly any of the committee members in either house of Congress could agree on what type of gun control legislation there should be?

A. I am sure there were a lot of different points of view which would vary from Congressman to Congressman. I do know that Congressmen from the western states have a problem about gun legislation with their constituents. Constituents in the West feel more strongly about it than would someone, say, from the adjacent state of Maryland.

Q. Mr. Miller, one of the many concerns expressed in the Crime Commission's report was toward the area of juvenile offenses. Has anything really been done toward this problem in the District since the Crime Commission's report has been issued?

A. This is one area which has troubled me more than any other. We found as far as youth offenses were concerned, that there are a tremendous number of organizations in the District of Columbia which have something to do with juveniles and juvenile delinquency. But there was no overall coordination program; there was no one focal point for responsibility with respect to the juvenile offender or the potential juvenile offender. That is why we strongly recommended that a youth administration be formed which would have the overall jurisdiction and responsibility dealing with this problem in the District of Columbia. We backed this approach from this standpoint. That was a part of it, but also because a substantial number of crimes in the District of Columbia are committed by persons under 18 years of age. It was not just a question of trying to be nice to juveniles, which we want to be, but it was a question of trying to focus the entire capability of the District of Columbia government on this particular problem. It is not being done now. You still have this broken-down case-by-case patchwork approach.

Another thing was the Juvenile Court. When a juvenile asked for a trial it took six months. Now, if a youngster at 16 years of age is arrested by the police and then six months later is brought to trial—how is he going to have any real connection between what he did six months before and the fact that today he is being tried? There again, delay is a factor.

Q. Do you think that under the new type of government some of these recommendations which have not been carried out may proceed a little faster?

A. I definitely expect this will be the case. One of the problems was, that you had a change coming. Everyone knew that the three-man commissioner system was on the way out. They knew that someone else would

be coming in. I am sure what they decided to do was simply lay the groundwork for whoever the new head of the District of Columbia government was going to be. They left the implementation up to him, because he was going to have to face the problem on a daily basis. I can understand why they did it that way, but I would have just gone right ahead anyway, because to me it's a crisis and a problem, and people are getting hurt. I think someone should take a stand and do everything that needs to be done to stop the problem.

Q. Mr. Miller, Chief Headley in Miami has declared his own war on crime, perhaps you are familiar with that. He has armed his troopers. There is a tactical force with shotguns and dogs, and he is sending special units into the ghetto districts. He has said 90% of the people of the ghettos are law abiding but the other 10% are criminals. He has told his men to shoot to kill. Is this the type of law enforcement that you envision for the District of Columbia?

A. I would hardly say so. That type of law enforcement is not effective. You don't have to go around waving a shotgun or a rubber truncheon to have effective law enforcement. That type of law enforcement went out before the turn of the century. Granted you have to have visibility for your police officers, they have to be on the scene. Granted they have to have the capability of protecting themselves if attacked. But to announce that you are going to send swarms of law enforcement officers into a particular district with orders to shoot to kill, this to me is the antithesis of what is needed to control crime.

Q. Do you feel pressure building for this type of thing?

A. This has been one of the things I have been very concerned about. The normal citizen is going to take the Headley proposal and say "this is the way it ought to be. We are not going to stand for it. We're law-abiding, everybody's going to be law-abiding." What I am concerned about is that as this crime problem goes on, people will get madder and madder about it. Because of the anger of the law-abiding citizens, his frustration because he is afraid to walk the streets of his own town, then you may end up with a situation in law enforcement which will be detrimental in the long run.

Thank you, Mr. Miller.

ADDRESS BY ALF M. LANDON, FORMER GOVERNOR OF KANSAS

MR. CARLSON. Mr. President, Alf M. Landon, former Governor of Kansas, discussed the "State of the World," at a meeting of the Hutchinson Rotary Club, Hutchinson, Kans., on January 15.

Governor Landon has, for many years, been a student of government, both national and international. He delivered an excellent address on the problems confronting our Nation in both of these fields. I am pleased to ask unanimous consent that it be printed in the RECORD.

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

STATE OF THE WORLD

(By Alf M. Landon, Rotary Club, Hutchinson, Kans., January 15, 1968)

This is the first month of a most fateful election year—certainly one of the most fateful in our nation's history. U Thant, Secretary General of the United Nations, said two weeks ago, "We look around the world in vain for manifestation of either good will or good cheer. In the last twelve months, I have seen more crises and greater international tension than I can recall at any time during the eleven years that I have spent with the United Nations."

Our democratic processes still depend on the capacities and decisions of a majority of our people. The quality of a political campaign is of importance—because what people learn from the conflicts of the political arena on issues and policies changes the thinking and decisions of many citizens—the elected, the defeated and the voters alike.

I am not going to present a picture of how well or how poor is the state of the world—either domestically or internationally. I will attempt, rather, to present an objective, condensed picture of where we are—that may help our understanding of some of the key questions that have become obscured by our focus on the Vietnam War.

Two months ago, President Johnson opened his campaign for re-election. Vice President Humphrey said that meant that the President was "hitting the sawdust trail."

President Johnson rightfully and legitimately asked his opposition in that speech to state their alternatives to his Vietnam policy. And, rightfully and legitimately, therefore, his opposition can respond by asking the President to which one of his three Vietnam policies does he request alternatives.

In his 1964 campaign for the presidency, the President stated his promised Vietnam policy to consist merely of a continuation of the policy of his two immediate predecessors—Presidents Eisenhower and Kennedy—namely, of economic and technical help for South Vietnam to help themselves.

Four months after the election—in February, 1965—President Johnson adopted the policies advocated by his opponent in that 1964 campaign, Senator Goldwater—down to the last detail of instituting bombing of North Vietnam and the defoliation with napalm of Vietnam's jungles.

President Johnson for the first time committed our soldiers to battle and our nation to a major war. He continued to pour more American troops and military equipment into South Vietnam—constantly proclaiming only a limited war for a limited objective—his second Vietnam policy—namely, to set up the freedom and independence of the South Vietnamese.

At that time, the President compared South Vietnam to the original thirteen American colonies and the Vietnam War to our American Revolutionary War for independence.

Only occasionally and casually did he refer to the Vietnam War as a war for containment of Communism. A pertinent, valid question now is whether that policy was in the back of President Johnson's mind all the time.

As of three months ago—containment of Communism became the third announced Vietnam policy of President Johnson in the past three years. So it is the administration's containment policy in Vietnam which must be thoroughly discussed—in all its ramifications. After all, we are fighting the third largest war in Vietnam in America's interest. The Vietnamese interest is incidental. Instead of helping them to help themselves, we have made them more helpless and dependent.

When President Truman first proposed the containment policy in 1947, I supported it. Then that policy was designed to contain a solid monolithic Communist bloc. Today that bloc is bitterly split—principally between China and the Soviet Union. Also, it is fragmenting between many other conflicting governments. This split and fragmentation is growing all the time for two primary reasons. First, nationalism is transcending ideology throughout the world—including the Communist world. Therefore, national interests conflict with Soviet attempts to rule and dominate the Communist world in terms of Soviet interests.

Second, this steadily accelerating process

throughout Communist nations varies only in degree—of supplanting the unworkable theories of Marx, Lenin, Stalin and Mao—with the demonstrably more successful capitalistic principles of incentive profit motives for individuals and governments. State capitalism is eroding state communism. Even within the Soviet Union and China, we witness the growing demand for freedom from the police state rulers.

Therefore, if there is any policy outmoded for America today—it is the purely negative containment policy. It is outmoded because it does not take into account the changes in the world in the past twenty years. Nor does it take into account present incipient world changes of the next twenty years.

A settlement in Vietnam would still leave negative and outmoded containment as the basis of American foreign policy. This would be as sensible in today's world as putting the cart before the horse. This is to say that—because containment cannot be situational—it has to be international in scope. It has to be equally responsive to Communist diversity anywhere in the world at the same time.

That is the position President Johnson has expressed in varying ways at different times—especially at the Manila conference in October, 1966—in Santo Domingo in 1965—and in sending four big cargo planes to the support of the Congo government in 1967.

The President has been reported as saying privately that the Middle East is a greater threat to American interests than South Vietnam.

All this time—the President also talked of “building bridges” with Russia and China. One is opposed to the other.

That is why there is dire and urgent need for a comprehensive review by the Senate Foreign Relations Committee of just what is the Johnson administration's settled foreign policy in the light of the dividing Communist world as it exists today.

Containment is most severely tested now in the Vietnam War—the third largest war in our nation's history—which involves deep emotional issues. All wars—because of their costs and the emotions they arouse—dwarf all other menacing and vital problems the belligerent nations face. Vietnam engulfs our foreign and domestic fronts, as well as world politics.

Today, we face two foreign wars and one domestic war—and all are intermeshed. We face a war in Vietnam. We face a war on the soundness of the American dollar. And we face the so-called war on poverty at home. By expending thirty billion dollars a year on the Vietnam War, we have contributed much to the war on our American dollar. Even if we could win over Communism in Vietnam, we could still lose the war on our dollar—and then Communism would still emerge victorious.

Both the Vietnam War and the war on our dollar impede the goals of a new and enlightened nationalism at home to meet our complex social and economic problems that have erupted in civil disorder.

The problems created by our two foreign wars are converging here at home on our streets and in the homes and at the firesides of all Americans.

We are setting the jungles ablaze in far-off Vietnam and the embers are falling on America.

We are attempting to police the whole world at enormous financial cost—and are not adequately meeting the demands of the times for a viable economic and social structure with decent respect for law and order in America.

Like no wartime president before him, Mr. Johnson claims credit for keeping the Vietnam War a limited war. At one time, he even personally chose the bombing targets in North Vietnam.

Nevertheless, America today has over five hundred thousand men in the field of ac-

tion—compared to only fourteen thousand advisors when Mr. Johnson reversed the policy of his predecessors in early 1965.

At that time, the Viet Cong had only obsolete home-made weapons and ammunition—forged in the charcoal furnaces of the jungle. Hardly any North Vietnam regulars were in the field of battle, nor did the enemy have modern war planes or big guns.

Today, they have modern military equipment in the air and on the ground—guns, rockets and planes second to none—all furnished by the Soviet Union and China. Today we are still fighting major battles on the outskirts of Saigon.

In February 1965, Vietnam was nothing but a jungle country with no roads or airfields of military value, and no deep-water ports with modern unloading facilities.

Today, South Vietnam has airfields second to none in all Asia—hard-surface roads in place of jungle trails—and three modern-equipped deep-water ports—all built at the great cost of American money, sweat, blood and lives.

In February 1965, Vietnam had no military logistic or strategic value. Today, it has vital value—inflated by American sacrifice, suffering and sorrow.

Our obsolete containment policy has done this. In the name of anti-communism, we have created the agony of Vietnam.

Our containment policy involves much more than little Vietnam. According to President Johnson, it involves all countries that want America's shield and protection against Moscow and Peking.

So, in Vietnam, we established another outpost.

In these two wars—one for containment and the other on the dollar—plus our huge investments in foreign countries by American corporations—we seem to many foreigners—Communist and non-Communist—to be moving toward either Empire America or Fortress America.

Because we have not learned the essential truths of how to positively respond to the freedom aspirations of the peoples of the world, we have instead followed our negative military containment policy of anti-Communism with the unfortunate result that our efforts in this direction have been counter-productive of the goals we have sought to achieve.

Accordingly, we witness today the growing Soviet influence in the Middle East. Since the war of last June, the Soviet Union is rapidly fulfilling the centuries-old quest of Russian regimes dating back to the Czars—even to Peter the Great—for a Russian outlet to the warm waters of the Mediterranean. Russian focus on the Mediterranean is still a Soviet policy.

Arab states have withdrawn recognition of the United States. The influence of the British and other European colonial powers had previously been moved out of the area. The Soviet Union is filling the big power void in the Middle East—all this while America's attention and interests in the area have been diverted and absorbed by the Vietnam War.

Once again, the Soviet Union has followed its policy of letting other peoples fight with its military equipment. And another incipient but ominous change in this brief picture of where we are today is that Soviet troops recently concluded participation in joint military exercises with French troops in France under joint supervision of Russian and French staff officers.

We have a world-wide arms race. The Soviets are re-arming the Arab States. As the New York Times summed up last week's conference between Israel's Premier Eshkol and President Johnson:

“The implication of the joint statement was that Johnson would honor the new request (arms of Israel) if the Soviet Union continued to pass up his offer to arrange a

mutual slow down of arms shipments to the Middle East.”

It is unlikely that Russia will slow down. Russia and China are pouring more and more arms into North Vietnam to match the continuing American arms escalation in South Vietnam.

Despite internal upheavals—China has exploded a hydrogen bomb. The non-proliferation nuclear weapons treaty is stalled. Russia is constructing an anti-ballistic missile system. America is starting to match that with a “thin” one.

Despite Secretary Rusk's recent assurance that NATO is stronger than ever—all the evidence is that it is weaker than ever. France—the key country because of its location—has withdrawn. England is not meeting its commitments to NATO. Like other military outposts of our containment policy, it is exposed to changing world conditions.

Such tragic developments could well create other traps like the one Mr. Johnson nibbled our way into in Vietnam. The question is—would the elected representatives of the American people permit another such catastrophe?

Senator Fulbright—among others—has been trying to alert the American people to the fact that a president of the United States is so paramount in our foreign relations that he can create conditions that leave the Congress little discretion but to support his foreign policies—however they may disagree.

The Chairman of our Senate Foreign Relations Committee has not been trying to interfere with a president's constitutional powers and responsibilities over the conduct of all United States foreign relations. Rather, he has called for a fuller exercise of Congressional powers.

The Senate also has constitutional powers and responsibilities in foreign relations. While it cannot alone appoint ambassadors to foreign countries, it shares in the appointment process, as it must approve or reject presidential nominees for such positions. While the Senate cannot initiate treaties with foreign nations, it must approve or reject those initiated by the President. And, of course, both houses of Congress appropriate funds for foreign relations, and share in the power to make all laws—including those that cover our foreign affairs.

Accordingly, the chairmanship of our Senate Foreign Relations Committee is the most important elective position in our political system—save that of the presidency—in American foreign affairs.

Exercising responsibility and authority commensurate with his important position, Senator Fulbright on three occasions has extended cordial invitations for Secretary of State Rusk to appear in open hearings before the Senate Foreign Relations Committee—to discuss the foreign policies of the Johnson administration. On each such occasion, Secretary Rusk refused to appear—whereupon Senator Fulbright in vain requested the President for Secretary Rusk to appear.

The President has requested his opponents to offer alternatives to his foreign policies, but, at the same time, he will not permit his spokesmen for such policies to discuss them before the elected representatives of the people. Well, how can alternatives to the President's policies be discussed intelligently when he conceals them from the American people?

In refusing to recognize the right of the legislative side of our government to this highly important information—the President has exceeded his power and role of Chief of State in speaking for our nation in international affairs. His posture is unpleasantly reminiscent of the old sovereign decree of the divine right of kings, that “the King can do no wrong!”

To negate debate in foreign affairs is to negate Woodrow Wilson's policy for “open covenants openly arrived at.” While the Supreme Court of the United States has de-

clared that it is a necessary concomitant of our national sovereignty that the presidency be the sole organ for speaking for our nation in its relations with other nations—the President of the American people nevertheless must recognize the fact that he speaks not as their master—but only as their servant.

And so we witness, for example, Johnson administration talk of previous commitments in Vietnam—without the administration producing such commitments.

Any discussion of the administration's containment policy—therefore—is constrained by the serious handicap of the American people and their elected representatives not knowing what are the predetermined goals and destinations President Johnson has fixed in his mind for this nation.

Continued blind pursuit of containment would be tantamount to reversal of what appeared to be a new direction in President Johnson's foreign policy of "building bridges" with the Communist world.

While I supported President Truman's containment policy as fitting the international situation of that day—I have always viewed containment as a negative—not a positive—policy.

I vigorously supported President Johnson's newly announced policy of 1966 which he described as "building bridges" with both the Soviet Union and China. That is a positive policy. Yet President Johnson has not followed that policy with vigorous leadership and consistent action. "Building bridges" and building a containment outpost in South Vietnam do not mix any more realistically than oil and water.

There are many restrictions on our trade with Communist countries which the President himself could eliminate. Where he does not possess such authority, he could request Congress to repeal legislation restricting trade with Communist nations. He has neither acted to eliminate such restrictions nor requested repeal of such legislation.

Meanwhile, there is steady progress in the policy of "building bridges" between the Russian Communist bloc and Western Europe. Also with Japan, particularly, in Asia. Also between Japan and Korea.

Therefore, it is evident that "building bridges"—not containment—is the wave of the future.

Many nations restrict American investments and trade by various political and legal methods. But such restrictions are likely to be enhanced in retaliation to a new wave of protectionism under way in the United States.

There is a gathering force in Congress for package legislation that would return to high protective tariffs under the guise of limiting quotas on imports into the United States of textiles, oil, steel, cattle and so forth.

I agree with President Johnson's positive opposition to that trade barrier legislation. It destroys the hard-won trade agreements reached in the last three years of Kennedy Round tariff reductions. Considering the precarious position of the British pound and our dollar—and the political and economic turmoil in most of the world—I cannot think of a greater benefit to Communist powers than a return to a special interest tariff policy so unpleasantly reminiscent of the Smoot-Hawley high tariff legislation folly that ushered in the Great Depression in 1929.

Incidentally, the entire Kansas congressional delegation voted for that bill except Congressman William Lambertson, of the then First District. As the then Republican State Chairman, I wired him my congratulations.

This new high tariff proposal—if enacted—can really be a finishing blow to the United Nations, which still can serve its intended purpose if its recognized weaknesses are corrected instead of ignored.

The major weakness of the United Nations is reflected by big powers acting unilaterally

in what they consider to be their national interests—the same actions that wrecked the League of Nations.

The United States is the major financier and, on paper, the major supporter of the United Nations. Yet, along with the Soviet Union, we have consistently flouted the United Nations Charter by unilateral action.

That is exactly what is being proposed by this new high tariff wall. The tragedy is that it ultimately would wreck not only the United Nations—but also the United States. High tariffs would wreck the United States because they would evoke retaliation from other nations that could only restrict our trade at a time when we need more trade—more selling of our products abroad—to save the value of our dollar now under attack from other directions.

While we have been engaged in deficit financing of the third largest war in our history, there has been—for some time—an ominous attack in the world's monetary system gathering momentum that threatens to bring about a world-wide depression worse than that signalled by the crash of 1929. I quote from a November, 1966, issue of *Look* magazine:

"The French started the last disastrous gold grab in 1928, and they are doing it again today. This time, France's President Charles de Gaulle is deliberately spreading gold fever to weaken the U.S.A. His campaign took shape at a secret 1962 session with his foreign-affairs advisers—who include Bank of France officers. In the middle of a briefing on our continued deficit troubles, the General leapt from his chair, threw both arms high in the sign of victory. 'Voilà! La faiblesse!' he shouted. 'That's it! The weakness!' " (The American weakness)

Two weeks ago, President Johnson at last recognized the dangers inherent in the weak position of the American dollar. But his New Year's Day proposal is a mere stopgap—and unworkable, to boot—in terms of meeting the deliberately planned and sustained drive to destroy the dollar as the mooring post for measure of value in the world's monetary system. It is again a negative policy—to restrain foreign travel and investments—that may work temporarily. Repressive legislation on personal freedom, however, has never worked successfully over a long period of time.

This crackdown on foreign travel and foreign investments is another illustration of belated and contradictory expediency so characteristic of Mr. Johnson's presidency that constantly adds to his credibility gap. He rightfully opposes quotas as a barrier to international trade—and then proposes a new and additional one himself. In the long run, President Johnson's policy will be counterproductive to American prosperity. While it will pinch Europe, it will also pinch America. It represents an enforced retreat toward isolationism that may crimp everybody's prosperity.

There is general expectation that President Johnson will request legislation to strip the dollar of all gold backing in order to meet cashing of dollars for gold.

Paradoxically, much of our dollar outflow that we spend in Vietnam reaches France and gives De Gaulle more ammunition for his planned attack on the dollar. And so the price of Vietnam misery spirals ever higher.

The plain fact is that an essential for meeting our chronic balance of payments deficit is to stop the steady devaluation of the dollar, caused by inflation—by balancing the current American fiscal budget. To balance our payments abroad, we must also balance our budget.

When the new Johnson-Keynesian fiscal policy of deficit spending was announced almost three years ago, I said, "Wonderful if it works . . . disastrous if it does not."

I did not think it would work, because the fatal flaw to me in Keynesian economic

theory—first adopted in this country in 1933—is that there will always be a next election.

In other words, even assuming that the national Council of Economic Advisors could agree unanimously on what fiscal policies should be followed and could plan accurately in America—with its great size and vast varieties of land use and industrial production—politics will always interfere. The intertwining of politics and economics is inseparable. This is a simple fact of life that the new school of Keynesian economists has yet to understand or evaluate.

The recommendation of the economic experts would receive favorable attention if it was to lower taxes. To raise taxes would be a horse of a different color.

Political advisors of whatever administration is in power would argue against raising taxes—that fiscal predictions of economic experts may not be correct. They would say, let's wait until after the next election. By the same token, one administration is not bound by the fiscal policies and reasoning of a previous administration.

To correct this flaw—and because congressional action is always slow—it has even been seriously proposed by some of the Keynesian school that the President have the power to act alone to raise and lower taxes.

Such a proposal would establish the divine right of sovereignty that would be pure base tyranny. It would violate the constitutional power of Congress to tax and to control the purse-strings.

In 1964, the President's Council of Economic Advisors recommended that national taxes be lowered. They were lowered by joint executive and legislative action.

In 1966, the President's Council of Economic Advisors recommended that taxes be raised as a brake to inflation. They were not raised. And so the Federal Reserve Board felt impelled to raise interest rates, an expedient that worked only temporarily. When easy money was restored, the inflationary boom started again. The result is that our domestic deficit increased to astronomical proportions.

The President now blames a Democrat-controlled House of Representatives for not initiating the raise of taxes he requested last fall. There are two things wrong with his criticism. His recommendation was too late. Also it was too little—without accompanying reductions in expenditures—even if his recommendation had been enacted.

We are fed doses out of the same old black bottle—as, for example, that the chronic deficit of seventeen years in our balance of payments abroad does not matter so long as the growth of our gross national product continues at a satisfactory rate. And we have been continually assured that our favorable balance of exports over imports is the answer to this chronic balance of payments.

As you know, this balance of payments deficit means that—despite our national growth and our favorable balance in foreign trade—we spend and invest more dollars abroad each year than we take in.

As an alternative to President Johnson's New Year's Day proposals, it has been suggested that we increase our price for gold. But this is just another way to devalue the dollar. It would weaken our credit and reputation for financial integrity.

This proposal is like an overdraft at a bank. One cannot pay off that overdraft by a check written on that same bank. That is exactly what we would be trying to do if we raised the price for gold. Furthermore, it would surely bring about a financial catastrophe that would bring down popular governments throughout the world, because other governments would be forced to devalue their currencies if America devalues the dollar. Let us not overlook that the recent devaluation of the British pound caused bloody riots in far-off Malaysia.

Let us look at the British. Their devaluation of the pound is not helping them

much. The chances are they will take another whack at the pound before this year is out—which may seem politically the easiest way to meet their bankruptcy—but, economically—in fact—would only make it more difficult for Britain to get out of the quicksand of inflation and bank on fiscally sound ground again.

As Adam Smith said, there is a lot of ruin in any country. The British are certainly proving that by refusing to face hard facts. Sometimes I think we may be seeing in England a preview of our own debacle—arising from the subtle devaluation of our dollar through inflation—by our ignoring sound principles for maintaining financial integrity.

I am neither an economist nor a financier. My good friend, Jim Farley, once called me a "typical prairie state governor." Even assuming an early end to the Vietnam War, which is by no means certain, I believe there are other—immediately and comparatively simple expedient stopgaps than raising the price for gold—which would be a drastic shock to America's and the world's monetary system—and better stopgaps than the President's proposal.

One way to balance our foreign payments is by increased trade with the Soviet Union, Eastern Europe and China—by removing the many trade restrictions. And I would seek to remove restrictions on trade between countries of this Western Hemisphere.

I would meet our foreign payments by gradual withdrawal of our military establishments—with their dependents—from West Germany as that country increases its armed strength.

I would cut the size of our military establishment of over fifty thousand Americans in Korea and their dependents. Of course, that does not fit the President's containment policy. It does fit his "building bridges" policy.

We must, therefore, make other adjustments to protect not only our economic front by maintaining soundness of the American dollar—but our military front by concentrating—not dispersing—our military forces so that we can maintain a position of both economic and military strength.

Today, the American dollar is a major standard of value in international trade. Given continuation of the current trend of developments, it is obvious that we will not be able to meet the growing credit demanded by expanding world production.

The so-called "Group of Ten," comprising—with the exception of the Soviet Union—the major industrial nations—including the United States, Japan and West Germany—has been meeting regularly for the past four years or more to face current problems of the world's monetary system. It has not developed a plan for providing a new standard of value in the world's monetary system to meet the growing credit demanded by expanding world production. The problem is essentially one of reducing the gap between credit and production. So far, despite glowing claims of headway, the Group of Ten has been unable to reach any workable conclusion.

Once again, we are presented with the perennial problem of the intermeshing of politics and economics. The present devaluation of the British pound—the subsequent devaluation of the currencies of other countries—the run on the American dollar—all demonstrate that a permanent solution of a new world monetary standard of value can no longer be postponed.

This is an immediate crisis that demands an immediate permanent solution. The times require action now!

America has the financial and economic influence to bring out of the conference room—and to put the cards on the table of international monetary reform—a proposal for ac-

tion by the intertwined political and financial structures of the world.

Such a new monetary system should not—like Keynesian economics—be subject to the vicissitudes of elections. The Keynesian theory has not worked any better here than the theories of Marx and Lenin have worked in Communist countries. After thirty-four years of trial and error with the Keynesian theory of deficit spending—America has only proved that a so-called scientific theory for the scientific use of a highly centralized government economic power—managed by politicians and so-called experts—is like an airplane without a pilot or a ship without a rudder.

Today, the United States must devise some other world policy than the negative policies of containment—massive retaliation—and escalating brinkmanship. We must meet the gold drain with a permanent solution—not with a stopgap.

Many months ago, I—along with others—predicted the devaluation of the British pound and the perilous and dangerous position of the American dollar. Surely, the resulting street riots and political upsets are portents of a catastrophe to come if we do not design a better and permanent world monetary system.

A new world monetary system would mean world development—more encouragement of a feeling for world community, with exchange between businessmen, students, scientists and journalists—the building of that mutuality of interests between Americans and the rest of mankind.

It has long been my view that a peaceful world is always built on stable times. Since the memory of man runneth not to the contrary, that stability is built in the market place—on trade, commerce and personal exchange—promoting between peoples better understanding of their mutuality of interests.

PRESIDENT ANDREW JOHNSON'S VIEWS OF CIVIL RIGHTS BILL OF 1869

Mr. THURMOND. Mr. President, the State newspaper of Columbia, S.C., has a history of publishing editorials which are not only relevant to the questions facing this Nation but also are very knowledgeable expressions of opinion. On December 26, 1967, the State published an editorial which I believe will be of interest to many Americans. The article, entitled "Johnson Versus Johnson," is an excellent account of the views of President Andrew Johnson concerning the civil rights bill of 1869. I believe that the views of President Andrew Johnson are indeed applicable to the legislation which is now before Congress under the name of civil rights.

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

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

JOHNSON VERSUS JOHNSON

This month, the papers of President Andrew Johnson were presented to President Lyndon Johnson by the University of Tennessee.

Never one to miss a chance to do some fast politicking, President LBJ said in his remarks at the presentation ceremony:

"Andrew Johnson (who did tailoring work for a time in Laurens, S.C.) . . . proudly told his fellow Congressmen once, 'If being poor was a crime, I should have to plead that I was guilty. Yes, I have wrestled with poverty, that gaunt and that haggard monster, and I have met it in the day and the night.'"

Well, today, continued LBJ, "I spent a large part of my morning trying to get adequate funds to face (the problem of poverty). I hope the Congress will be cooperative in that respect later in the day."

Pretty neat for just a casual remark.

Perhaps, if LBJ gets time, he might leaf through the papers of Andrew Johnson in search of other quotations. For example, here's what AJ said with reference to the Civil Rights bill of 1869:

"In all our history . . . no such system as that contemplated by the details of this bill has ever before been proposed or adopted. They establish for the security of the colored race safeguards which go infinitely beyond any that the General Government has ever provided for the white race. In fact, the distinction of race and color is, by the bill, made to operate in favor of the colored and against the white race. They interfere with the municipal regulations of the States, with the relations existing exclusively between a State and its citizens, or between inhabitants of the same State—an absorption and assumption of power by the General Government which, if acquiesced in, must sap and destroy our federative system of limited powers, and break down the barriers which preserve the rights of the States. It is another step, or rather stride, to centralization of all legislative power in the National Government."

We might suggest that LBJ read that to the second session of the 90th Congress, and not casually.

THE FEAST AT THE PENTAGON

Mr. PROXMIER. Mr. President, the Nation magazine recently published an incisive article by Sanford Watzman, of the Cleveland Plain Dealer, about the Pentagon's record of enforcing the Truth in Negotiations Act of 1962, which is the taxpayer's only defense against overcharges on negotiated defense contracts.

As Watzman states:

A little known, highly technical fair-pricing law is supposed to protect the public against being overcharged for this war material. It is the Truth in Negotiations Act of 1962 (Public Law 87-653) which, were it adequately enforced, would buttress the famous McNamara slogan: "Buying at the lowest sound price." But the law has not been adequately enforced. Rather, spread across public records is evidence of derelictions so broad in scope as to appear incredible. Not only has the Pentagon allowed itself to be fleeced on individual multimillion-dollar contracts but it has also been guilty of unbusinesslike practices that in many cases seem to make overpricing inevitable.

I ask unanimous consent that Mr. Watzman's article be printed at this point in the RECORD, and I also ask unanimous consent that an editorial earlier this month in the Cleveland Plain Dealer on a bill I am sponsoring to tighten up the Truth in Negotiations Act be printed at this point in the RECORD.

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

[From the Nation, Dec. 25, 1967]

THE FEAST AT THE PENTAGON

(By Sanford Watzman)

WASHINGTON, D.C.—Behind Defense Secretary McNamara's official boasts as to "cost effectiveness" and "buying only what we need" and "buying at the lowest sound price," is the reality of war profiteering on a scale so vast that the private taxpayer can scarcely grasp the figures. The recent disclosures of

Rep. Otis G. Pike (D., N.Y.) dealt with nuts and bolts—mere pickings from the great table.

The incomparably greater feast in large defense contracts is well documented, nor is it challenged (or for that matter reported or even acknowledged) by the press officers around McNamara. They have evidently been ordered not to publicize the Pentagon's responses to charges that began to gain limited circulation last April, before Pike uncovered his smaller scandals. McNamara has fought a battle of news releases with Pike, who succeeded in getting the attention of the national media, but the Secretary chose not to advertise reforms he has been promising on the other front because to do so would reveal to more people that a second and more substantial front *does* exist.

The Secretary of Defense is the world's biggest spender. He is shelling out more than \$46 billion a year (or \$125 million a day) on military purchases—a figure which makes defense procurement the largest single item in the federal budget (25 per cent of it, at least). A little-known, highly technical fair-pricing law is supposed to protect the public against being overcharged for this war material. It is the Truth in Negotiating Act of 1962 (Public Law 87-653) which, were it adequately enforced, would buttress the famous McNamara slogan: "Buying at the lowest sound price." But the law has not been adequately enforced. Rather spread across public records is evidence of derelictions so broad in scope as to appear incredible. Not only has the Pentagon allowed itself to be fleeced on individual multimillion-dollar contracts but it has also been guilty of unbusinesslike practices that in many cases seem to make overpricing inevitable.

The Truth in Negotiating Act does not cover the innumerable but relatively trivial routine transactions cited by Pike—purchases of small gadgets, gears, clamps and knobs for thousands or hundreds of dollars. The law, aiming much higher, applies only to purchases starting at \$100,000. Its principal targets are the huge weapons systems: ships, missiles, bombers, bombs, detection and communications networks.

For years, the General Accounting Office (GAO), an investigative arm of Congress, has been criticizing the Pentagon in barely readable reports, weighted with the jargon of auditors, for not implementing the "Truth" Act. (See "The Putsch Against McNamara" by H. L. Nieburg, *The Nation*, December 26, 1966.) Although many of the reports were made public, they received scant attention from Washington newspaper men who, by and large, seem to prefer the McNamara handouts. The tastes of the press corps are perhaps accounted for by the fact that the Pentagon is crawling with press agents, while GAO had not even one on its payroll until the first was hired early this year.

But when the Cleveland Pneumatic Tool Co. was accused by GAO of overcharging the Army about 10 per cent on three contracts totaling nearly \$2 million (under circumstances bespeaking negligence by Army procurement officers), the Cleveland *Plain Dealer* took notice. Its Washington bureau examined a number of other GAO reports, and in April the paper published a series of articles, with follow-ups during the rest of the year—all of them ignored by the news establishment of the Eastern seaboard.

Sen. Stephen M. Young (D., O.), a Clevelandian and a member of the Armed Services Committee, was shocked by what he read. He ordered the articles reprinted in the *Congressional Record* and demanded an investigation. Rep. William E. Minshall (R., O.), questioned Pentagon witnesses about the stories at a closed-door hearing of the Defense Appropriations subcommittee, and in May, Sen. William Proxmire (D., Wis.), chairman of the Joint Economic Committee and of its Economy in Government subcommittee,

added the Truth in Negotiating Act to an agenda of public hearings that had been called to check on Secretary McNamara's housekeeping. With only one Senator, Stuart Symington (D., M.), a former Air Force Secretary, not concurring, the bipartisan panel issued a report in July censuring the Defense Department for "a disturbing record of loose management" and a "lackadaisical" attitude toward the Act. The Pentagon was accused of "a serious and comprehensive lack of compliance" with it. In September, additional hearings were held by the Special Investigations Subcommittee of the House Armed Services Committee, which had drafted the law. The Joint Economic Committee resumed hearings in November.

No one knows how much money has been thrown away on fatty contracts, and GAO will not even hazard a guess. The agency will say only that, over a ten-year period, it detected a total of \$130 million in overcharges, and recovered \$72 million for the government. But no projection is possible from these figures because they are based on haphazard spot checking. GAO has acted only on complaints or tips, ignoring all but a few of the 30,000 procurement transactions consummated each day. Another weak clue was afforded in GAO testimony given last July to a subcommittee headed by Rep. Chet Holifield (D., Calif.). It stated that a survey of 101 contracts selected at random during a ten-week period in 1965 turned up thirty-three cases of overpricing—with an average of \$100,000 and a total of \$3.2 million. The contracts involved purchases adding up to \$446 million. Again, a GAO official cautioned against generalizing on the basis of either the number of contracts or the amount of dollars, since both projections could be misleading. Two years ago, the former Army Audit Agency guessed that \$1 billion in pricing proposals could be "questioned." A more recent Pentagon estimate is \$1.8 billion. But GAO has come up with no evidence to sustain, bolster or knock down these figures.

The fact is that GAO, part of the legislative branch of government, has neither the resources nor the responsibility to enforce the law. It is the Defense Department, a unit of the Executive branch, that has the constitutional obligation to make certain that the law is obeyed. Compared with GAO, the Pentagon has a vastly superior staff of auditors. GAO has repeatedly urged that these auditors be unleashed, but until pressures built up just recently McNamara kept delaying his decision to order a comprehensive contract audit program. (One wonders how much income tax would be collected if the Internal Revenue Service refused to audit returns, or if it were known to ignore whole classes of returns.)

The "Truth" Act is necessary because competitive bidding is not feasible for major military purchases. Modern weaponry is so intricate that usually only one plant, or at best a few, can produce what's needed by a given date. The Joint Economic Committee reported that in fiscal years 1948 through 1966, 86.2 per cent of military buying was based on negotiated contracts. "During this period," the report said, "the 100 largest companies and their subsidiaries annually have received from 63 to 74.2 per cent of the part awarded to business firms. The ten largest concerns and their subsidiaries annually have received from 26.6 to 38 per cent of the business. Fifty per cent of the volume in each year has been awarded to a minimum of eighteen firms and a maximum of thirty-six."

The Pentagon keeps a different set of statistics. McNamara pictures a steady increase in the number of competitive contract awards, reaching a high of 44.4 per cent in fiscal 1966, but GAO officials point out that all purchases of \$2,500 and less "are reported as competitive even though many are not." In fact, a GAO survey established that two out of every three procurements of this type

had been falsely labeled competitive. The Pentagon's rebuttal, in testimony given the joint Economic Committee, was that the automatic classification simplified its book-keeping. Whatever the true figure be, the Defense Department acknowledges that it does a large amount of buying from corporations that hold effective monopolies or oligopolies on certain items. So when bargaining with these companies under the Truth in Negotiating Act, the Pentagon supposedly obtains assurances—in fact, a certificate—that material and labor costs, cited by the companies in support of their prices, are based on "accurate, complete and current" data.

The "Truth" Act has had an interesting history that is perhaps best understood in the context of President Eisenhower's warning about the "military-industrial complex." Throughout the postwar period, GAO checked defense contracts at random, repeatedly finding cases of inflated cost estimates. By 1959 the Pentagon was persuaded to promulgate a regulation requiring a "truth" certificate. But GAO kept nosing about, and discovered that the Pentagon was not enforcing its own regulation. In file after file, GAO found no certificate.

In 1960 the Truth in Negotiating Act was introduced by Rep. Carl Vinson, then chairman of the House Armed Services Committee, in an attempt to add force to the regulation by enacting it in statute. When the Pentagon objected (on the ground that the bill would hamper negotiating flexibility), the legislation died. Two years later it was introduced again, and this time passed: 362 to 0 in the House and on a voice vote in the Senate. Then the law was promptly forgotten by everyone except GAO.

The Congressional watchdogs were not satisfied. Though the law was already on the books, they kept turning up new cases of profiteering, and firing off reports which in many instances named the offending corporation and detailed the Pentagon's derelictions.

Then came a strange interlude. The corporations complained, charging that GAO was damaging their reputations before the charges against them could be adjudicated by the Armed Forces Board of Contract Appeals. Through their lobbyists, they were able to set up an extraordinary series of public hearings in 1965 at which GAO itself—rather than its findings—came under investigation. Representative Holifield presided, as chairman of the House Military Operations subcommittee. The hearings received almost no notice in the press.

GAO officials found themselves in a delicate position. As agents of Congress, they had been free to criticize the Pentagon, but at this confrontation with their bosses, many of whom were obviously sympathetic to the contractors, tact was required. The hearings concluded with GAO assurances to Holifield that it no longer would issue Truth in Negotiating reports on individual companies except in unusual cases. Instead, GAO would concentrate on examining groups of contracts to measure compliance with the Act, and these summary-type reports would name no names.

Actually, GAO officials were not unhappy about this new reporting strategy. Their attitude was that recent reports in the old style had been largely ineffective, and they reasoned that a new approach might pack more punch. As it turned out, they were right.

Although GAO stuffed the hearing record with examples of overpricing, Holifield and his colleagues were not greatly impressed. They made no real attempt to determine how the eighteen-month-old law was working, or whether it needed strengthening. Defense Department witnesses also had very little to say on this point. (Early this year, Pentagon officials complained to *The Plain Dealer* that the law was "imprecise," but they conceded

they had never asked Congress for clarifying amendments.) The Hollfield group held no further hearings on the subject until it suddenly called one last July, evidently to vindicate its own vigilance and to pillory the *Plain Dealer*.

Meanwhile, GAO made sensational disclosures in the new summary-type reports issued in 1966 and 1967—except that they were bound to be over the head of anyone not familiar with the subject. One report told of a check of 242 contracts, worth a total of \$600 million. The "Truth" certificates were in the files where required, but there were no supporting documents to indicate what the certificates were based on, and GAO objected that the certificates should not be accepted on faith. In other cases, where evidently no certificate was needed because of certain exemptions in the law, there was nothing in the file to explain and justify the dispensation. Only twenty of the 242 files were complete. Also noted was the absence of the Defense Department's Form 633—a questionnaire which, if properly filled out, would have supplied much of the information needed. A GAO inquiry established that the Form 633s were gathering dust in a warehouse. They had not been distributed to Pentagon contracting officers across the nation. (This at a time when the Department was spending \$125 million a day!)

Another summary report revealed that McNamara's staff was accepting contractors' cost estimates without requiring them to establish formal cost estimating systems. For ten years the Pentagon's own auditors had been emphasizing the necessity of curbing such guesswork. Some of the auditors' reports were choked by red tape. Others were ignored or receded from view. Still others were fated to become a basis for more studies and more reports. But none was adopted until GAO blew the whistle early this year.

Still another summary report disclosed an examination of 237 construction contracts involving a total of \$128 million. Rather than making a careful analysis of the contractors' proposals, GAO said, the Pentagon merely compared them with the government's cost estimates. "We noted, however, that when the proposal was greater than the government estimate, the government estimate was often raised—on the basis of information obtained during negotiations—to equal or exceed the price negotiated." GAO found in other cases that the government estimate was not a good standard for comparison because it was not organized in the same way as the contractor's proposal. Another finding was that the Department accepted contractors' estimates without requiring them to submit verifying data.

These summary reports raised eyebrows (and hackles) at the Joint Economic Committee hearings in May. Senator Proxmire and his colleagues were incredulous. They asked Comptroller General Elmer B. Staats, head of GAO, about the need for formal cost estimating systems. "This goes to the heart of negotiations," he replied. "Unless the government has some basis for estimating what the costs are going to be, the negotiations are going to be one-sided."

"Do you mean to say," Proxmire demanded, referring to another GAO report, "that the Pentagon had no system for checking back on contracts—to determine whether it had been cheated—until you prodded them into adopting such a program?" "That's right, sir," Staats replied. William A. Newman, an aide of Staats, interposed: "It's just impossible for us [at GAO] to audit all these contracts ourselves. We're pecking at it as best we can. But they have 3,600 auditors over there at the Defense Department." Further testimony revealed that the incipient audit program contained a large loophole. The Pentagon still had not decided (it was chewing on this issue when it appeared before the Hollfield subcommittee two years earlier) whether to post-audit a category of contracts that covers

most major procurements and is known as the Firm Fixed Price (FFP) contracts. "In the time it is taking the Pentagon to ponder this problem," Proxmire asked, "how much money has been lost to the taxpayers?" "There's no way of knowing," said Staats.

Shortly after the Proxmire hearings, the Defense Department announced new regulations requiring careful documentation of "Truth" certificates. In another development, Representative Minshall on June 6, introduced legislation to close the FFP loophole. Minshall's bill (H.R. 10573) is in the form of an amendment to the Truth in Negotiating Act. Proxmire dropped an identical bill (S. 1913) into the Senate hopper. A third reaction was an order to organize "seminars" on the law at procurement offices around the country. Five years after the law was passed, a concerted attempt was to be made to explain it to Defense Department personnel.

But then the summer lull set in. Minshall's bill was referred to the House Armed Services Committee, where it languished while the Pentagon delayed taking a stand. But Senator Young and Rep. Charles W. Whalen, Jr., a freshman Republican from Dayton, O., stepped in to keep the controversy alive. Young made a speech in the Senate entitled "Private Letters on War Profiteering." He said: "I have continued to look into this problem and have had a great deal of research and investigation made."

I am sorry to report I have found many additional cases of profiteering—cases uncovered by GAO but not reported to Congress and the public, as most are. Frankly, the dimensions of this problem are even greater than I first supposed. Young had obtained from GAO data on individual corporations—that is, reports of the kind that were routinely made public prior to the Hollfield hearings. Although he did not name the corporations, since they had not been given an opportunity to reply formally to GAO, Young revealed that one Ohio company had racked up a 42 per cent profit on one contract by padding the price \$143,681. Among other overcharges cited by Young was one of \$1.6 million and another of \$1.5 million. Many of these corporations won contracts even though GAO had accused them of overpricing in earlier cases. In the House, Representative Whalen made a similar speech, citing additional examples of swollen contract prices. Whalen, a member of the Armed Services Committee, also announced that he was joining Minshall as a sponsor of H.R. 10573 and would try to recruit additional sponsors on the committee.

On September 18, Minshall turned his anger on McNamara. "He has been stalling more than three months," the Congressman charged in a statement. "I introduced my legislation June 6, and there has not been a word from him since. What's he afraid of? That action under my bill would turn up more cases of multimillion-dollar overcharges—chiseling that could have been prevented had McNamara strictly enforced the Truth in Negotiating Act?" One week later, hearings were opened by the House Armed Services Special Investigations subcommittee, headed by Rep. Porter Hardy (D. Va.), with Representative Pike as its ranking Democratic member. The panel made it plain to Defense Department witnesses, who arrived with nothing new to report, that it agreed with Minshall.

McNamara finally got the message. On October 2, Assistant Defense Secretary Thomas D. Morris delivered personally to the offices of Minshall and Proxmire a copy of a new Pentagon order commanding audits of Firm Fixed Price contracts. Now, Morris suggested, the Minshall and Proxmire bills were no longer needed.

But the two lawmakers have not agreed to a cease-fire. They have said that they will continue to push for passage of their bill. They know, from a study of GAO reports, that the Pentagon does not have a distin-

guished record of carrying out its own regulations.

Representative Pike brought out one reason why the Pentagon will have difficulty convincing the Congressmen of its good intentions. At his subcommittee hearing, he asked Charles M. Bailey, deputy director of GAO's defense division, whether he knew of even one case where a Defense Department official had been fired, demoted or otherwise disciplined in an overpricing case. Bailey's answer was "no." The controversy will no doubt continue for some time to come.

[From the Cleveland Plain Dealer]

"TRUTH" BILL MERITS QUICK OK

Legislation authorizing the Pentagon to audit price contracts after the contracts have been completed should get early and favorable attention from Congress when it resumes work.

A lot of time and effort has been poured into the legislation by Greater Cleveland's Rep. William E. Minshall, R-23, and Sen. William Proxmire, D-Wis. It is designed to protect the taxpayer from losses resulting from overpricing on major Defense Department contracts.

The Pentagon belatedly agreed to assume responsibility for detecting overpricing after a series of articles by Sanford Watzman of The Plain Dealer's Washington Bureau exposed the lapse.

But it should bolster the Pentagon's determination to obtain refunds for overcharging if authorization of the audits is made a part of the Truth in Negotiating Act.

The Pentagon's decision to audit the big business it does with defense contractors was made under the strong pressure of publicity and from Minshall, Proxmire and Sen. Stephen M. Young, D-Ohio.

With the heat off and new direction coming to the Pentagon soon, the auditing could suffer new lapses. It is less likely to be neglected, however, if authority for it is made part of the law.

It is easy to alter or even to forget a regulation. It is more difficult and it takes a lot longer to change a law.

NATIONAL JEWISH HOSPITAL SAVE YOUR BREATH MONTH

Mr. CASE. Mr. President, I am glad to invite attention to Senate Joint Resolution 127, which I recently joined in cosponsoring. Senate Joint Resolution 127 urges the President to declare the month of March 1968 as National Jewish Hospital Save Your Breath Month.

The National Jewish Hospital, a non-sectarian medical center in Denver, Colo., for many years has engaged in research and education as well as the treatment and rehabilitation of patients with respiratory diseases.

The designation of National Jewish Hospital Save Your Breath Month will serve to emphasize the major public health problem presented by chronic respiratory disease and to alert all people to the need to observe appropriate safeguards for their own respiratory health.

DR. NEILSON, A COURAGEOUS VOLUNTEER

Mr. BYRD of West Virginia. Mr. President, several weeks ago the Washington Post published a small story that very well went unnoticed.

It told of 13 doctors who have given up 2 months of their time to practice their profession as volunteers in South Vietnamese hospitals caring for civilian victims of the war in that country.

One of these physicians was a thoracic surgeon, Dr. Robert W. Neilson, Jr., 49, of Bluefield, W. Va. What makes Dr. Neilson's mission in Vietnam even more outstanding is that this is his second volunteer tour in that war-torn land.

Before he left, Dr. Neilson was quoted as saying:

I believe our work in Southeast Asia is honorable and just. The courageous South Vietnamese need our medical assistance more than any other group of people in the world. I have never in my medical career seen suffering equal to that of the South Vietnamese.

Dr. Neilson has left at home his wife, Jean, also a physician, and four young children; Robert 3d, 11; Lynette, 7; Patricia, 6; and Ronald, 4.

In addition, of course, he has left his practice at the Bluefield Sanitarium Hospital and his many patients.

In my opinion, Dr. Neilson represents the responsible Americans; the American who, though silent, faceless, and unpublished is the true strength of our great country.

I salute Dr. Neilson and all his fellow physicians who have given of their time so generously to help their fellow man in the hospitals of South Vietnam.

I also ask unanimous consent that the article entitled "Doctors Arrive In Vietnam," be printed in the RECORD.

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

DOCTORS ARRIVE IN VIETNAM

SAIGON, January 1.—Thirteen more American doctors arrived today to begin 60 days of volunteer work in provincial hospitals.

One of them, Dr. Robert W. Neilson Jr. of Bluefield, W. Va., was on his second trip as part of the American Medical Association's volunteer physicians for Vietnam program.

The arrivals brought to 406 the number of doctors who have served in Vietnam under the program since 1965. Their transportation is paid for by the U.S. agency for international development, but they receive no pay.

THE VIETNAM WAR

Mr. THURMOND. Mr. President, in the December 15, 1967, issue of the State newspaper an article by Paul Scott reveals former President Eisenhower's private views on what the United States should do to end the war in Vietnam.

The former President elaborated on his theory of "hot pursuit," and added that he would warn Hanoi that the situation could possibly lead to the use of nuclear weapons.

The ex-President indicated that a similar tactic had been used to end the war in Korea in 1953. Ex-President Eisenhower suggested that President Johnson use this approach in order to end the heavy casualties that are occurring as the war drags on.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

IKE: GIVE HANOI FIRM WARNING NOW—KOREA TACTIC COULD WORK

(By Paul Scott)

WASHINGTON.—Former President Eisenhower's private views on what the U.S. should

do to end the Vietnam war are even more explosive than his recent TV statement.

In addition to his call for "hot pursuit" of enemy forces across the South Vietnamese border into Laos and Cambodia, Eisenhower wants President Johnson to issue a blunt warning to Hanoi similar to the one he sent Peking during the Korean war.

Conferring with the staff of the National Republican Coordinating Committee recently at his Gettysburg, Pa., farm, the former President pointed out that he had notified Peking that he was prepared to use nuclear weapons and that the Chinese Communists' knowledge of this "had a great effect in ending the conflict."

"I let it be known that if there were not going to be an armistice," stated Eisenhower, "I would no longer regard this war as being limited or deny ourselves the right to attack wherever we saw the enemy coming at us—meaning that we were not going to be bound by the kind of weapons that we would use."

"That is the message President Johnson should send to Hanoi," continued Eisenhower. "He must let them know that the U.S. will not continue to take these heavy casualties in Vietnam and that we are going to do whatever is necessary to end the war."

Quizzed on how such a warning should be delivered to the North Vietnamese leaders, Eisenhower replied:

"It could go to Hanoi through a number of channels. We sent our warning through a Far East diplomat who was known to have close ties in Peking. We know it got through. An answer came back within a week that they were ready to resume conversations about the armistice. That is one approach President Johnson could use. There are others."

When one GOP staff member asked if these views were known to the White House, the former President answered:

"President Johnson knows how I would act if I were in the White House. We have discussed the Vietnam war several times and my views are well known to him."

Asked about the use of nuclear weapons if the Chinese Communists should send troops to Vietnam, Eisenhower left no doubt about where he stood, stating:

"I don't believe there would be any alternative than for this country to use every weapon available including nuclear weapons. I wouldn't use them within South Vietnam, but it would be intolerable if we didn't use every weapon to strike at the enemy's supply lines and bases in China in order to protect our fighting forces."

In discussing the Vietnam war as a 1968 political issue, Eisenhower urged the staff to encourage members of the national GOP coordinating committee to play up the division among the Democrats.

"The Democratic Party is so divided on the war that I can't see how they can run the country," said Eisenhower. "This division should be highlighted in all statements made by members of this committee."

Note: Former President Eisenhower will appear at the 1968 GOP presidential nominating convention in Miami if his health permits. Tentative plan of the GOP national committee is to have Eisenhower deliver a major address on opening day.

NATIONAL ASSOCIATION OF MANUFACTURERS STEP PROGRAM

Mr. JAVITS. Mr. President, as most Senators know, I have made the involvement of the private sector in antipoverity programs one of my major interests and pursuits. I believe that that involvement is now rapidly picking up speed both in terms of governmental interest in it and actual private business participation.

One of the most useful initiatives in this area is the STEP program sponsored by the National Association of Manufacturers. Under this program, the NAM is serving as the vital middleman to make individual employers aware of what they can do to solve their own employment problems and at the same time to have an impact on the unemployment of the hard-core poor. Under the STEP program, the NAM has established a clearinghouse of case studies describing proven practices for solving difficult employment problems. Interested individuals and firms can now draw upon a crucial information bank which will help them increase their involvement in anti-poverty activities.

Information on the STEP program is now available in a variety of pamphlets which the NAM has issued, and through a motion picture which can be obtained by writing the STEP Department of the National Association of Manufacturers, 277 Park Avenue, New York, N.Y. 10017.

I ask unanimous consent to have printed in the RECORD the text of one of those pamphlets, entitled "New Dimensions for Action," in the hope that it will commend itself to Senators and, through the CONGRESSIONAL RECORD, will come to the attention of even more employers in the private sector.

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

NEW DIMENSIONS FOR ACTION

STEP: WHAT IT IS

STEP (Solutions to Employment Problems) is a nation wide program of the National Association of Manufacturers designed for use at the local level. The program's goal is the most effective utilization of human resources.

STEP's role is essentially informational and catalytic. STEP seeks to assist local leaders both in defining their problems and in helping to solve them. STEP has investigated hundreds of successful action-programs covering many facets of underemployment. Companies and communities are presently using this information to develop practical programs tailored to meet their own particular needs.

STEP: WHY IT IS NEEDED

Unemployment is lower today than it has been in more than a decade. Indeed, as most employers know, a tight labor market already exists, especially for skilled people. At the same time, as a result of an explosion in population, knowledge, and technology, the United States is facing serious problems of underemployment. This might be defined as a failure to sufficiently capitalize on this country's manpower potential.

Underutilization produces problems that range from high crime rates in some communities to the shortage of skilled labor that many companies are facing. Yet these problems and many more are being solved somewhere—by the effort and ingenuity of companies and community groups at the local level. Here the problems are best understood. Here they can be dealt with most effectively. The "plus" that would accrue from a fuller realization of these "people resources" is difficult even to measure.

Almost one million youngsters drop out of high school each year and unless they get help, some will virtually drop out of society as well.

An estimated 20 million functionally illiterate adults can hold only menial jobs at best.

Approximately 40 million people have less than a high school education, which often makes it difficult for them to move into more skilled positions. Of the close to 3 million people who are presently unemployed, almost all are unskilled or semi-skilled.

To learn more about successful solutions to employment problems, the NAM late in 1964 launched STEP as a national Clearing House to evaluate, collect and disseminate information about proven instances of successful local action. Initially STEP explored many company and community projects which sought to maximize human resources. In case studies and manuals STEP has provided information on successful programs in basic literacy training, skill training and retraining, redirecting employees to new jobs, job development, and work-study programs for high school dropouts.

Now, after a number of years of intensive research, STEP is entering a new and most important phase—the conversion of knowledge into action on a broad scale. With an experienced staff, the STEP program has available representatives who can help industrial and community groups determine the kind of program that will best meet their needs. They can provide information on similar programs that have been successful. And, when desired, they can put them in touch with organizations that have special skills or knowledge.

This booklet indicates just a few of the creative approaches now being used to resolve the various facets of the underemployment problem—even the most complex one. The NAM believes that the private sector must play a key role in solving this grave problem. The full resources of the STEP program are now available to those who want to play a positive role in bringing about constructive solutions.

WORKERS IN NEED OF SKILLS—EMPLOYERS IN NEED OF SKILLED WORKERS

No country can afford to waste its human potential. Confronted with a tight labor market and continuously advancing technology, industry seeks more training and retraining of present and potential employees. Both the learning of new skills and the upgrading of existing skills are essential in meeting the needs of industry.

Industry and community groups have designed and implemented group programs that adapt innovative training techniques. Brief descriptions of three programs investigated by the STEP staff are discussed below, serving to illustrate several of many alternative courses of action. Each deals with a different kind of problem in a different setting. All have the common objective of upgrading the skills and abilities of people to enable them to work and live more effectively.

IN-PLANT LITERACY TRAINING

In Houston, Texas, seventy laborers whose educational level ranged from "zero" to the 6th grade, were employed in a large manufacturing plant. The company needed skilled operators but none could qualify for skill-training programs due to their lack of basic reading, writing, and arithmetic skills.

Were these men, at best, locked into their low-skill jobs? Did the company view these men as a group that could not be "reached" let alone "taught" to be functionally literate?

This plant management did not. They engaged the services of an organization that specializes in motivating and training the functionally illiterate. An in-plant "school" was established, and a program designed to start with each individual at his present level, providing many of these individuals with their first truly successful learning experience. Even though it meant studying on their own time, and buying their own books, almost all of the men selected for the program enrolled immediately. Plant management reports that attendance, interest, and enthusiasm are extremely satisfactory. Some

of the men have already qualified for advanced training programs that will provide them with the skills the company needs.

While training functional illiterates is considered one of management's tougher problems, this company estimated that the cost will be less than the amount it would take to recruit skilled workers.

PROGRAMMED LEARNING TO UPGRADE SKILLS

After taking a hard look at the total cost and effectiveness of its employee training programs, a large chemical company decided to experiment with programmed instruction (PI) to teach its employees basic industrial skills. The pilot project, a course on reading engineering drawings, proved so successful that the company developed more than one hundred courses in the last five years, with subjects ranging from principles of combustions, to welding, carpentry, and pipefitting. To date, more than 10,000 employees have completed over 30,000 courses. Based on this, the company sees the following advantages in PI:

1. The students learn more
2. Learning is transmitted to job performance
3. No instructor is necessary
4. Training time is reduced
5. Uniform high quality instruction is provided
6. Programmed instruction approaches private tutoring—each student can progress at his own pace

Furthermore, the company estimates that it is saving \$50 per employee, per course, as compared to the cost of previous training programs. These materials are now available for use by other companies or communities to assist in the design and implementation of training programs.

A COMMUNITY TRAINING EFFORT

In Clinton, Iowa, the Vocational and Adult Education Department of the city school system designed a program to meet the higher skill requirements necessitated by the introduction of automated equipment. After extensive consultation with industry, the school system initiated a 5-year course covering mathematics, vacuum tube circuitry, transistorized circuits, and advanced applications of electronic instrumentation. Local manufacturers have testified to the value of this training effort. One company enrolled 41 employees in the initial course. Another promoted 8 people as a result of their progress in the first year of the course.

STEP has many case studies that focus on training and retraining programs being successfully used in industry and communities. These are available without charge upon request.

A STEP representative, moreover, is available to provide further information to assist you to design a program that will meet your particular training or retraining needs.

THE HIGH SCHOOL DROPOUT—CHALLENGE AND RESPONSE

Many high school dropouts perceive their past educational experience only in terms of failure. At best, they see little relevancy between the world of education and the world of work.

Because of many personal problems, as well as their lack of education, dropouts have generally been viewed as high-risk candidates for employment. Yet, STEP research on the dropout suggests that a job—that is, employment itself—may be the means by which these young people can be motivated to finish high school and, at the same time, perform satisfactory work in the industrial environment in the process of learning a specific skill.

Newark, New Jersey, is a city with a high dropout rate. While many job openings exist, unemployment, particularly among non-white teenagers, has remained relatively high. To at least one leader in the community, this was a call for action. His con-

cern, energy, and willingness to experiment provided the motive power to begin a work-study program for dropouts. One hundred young people are enrolled in this program that is sponsored by seven companies in the area in cooperation with the Board of Education. They alternate between a week at work, and one week at school. In essence, then, two people jointly hold one job with 50 youngsters at work, and 50 at school, each week. While this work-study program is new enough to still be considered experimental, one of its proponents notes that it has already begun "to turn out youngsters who are qualified to take their place in society as useful and productive citizens."

Other work-study programs have made use of the "buddy system" to help disadvantaged youngsters reorient themselves in a new environment. In Chicago, a department store set up an Employment-Education program to "convert youthful public liabilities into productive assets." The trainees go to school two days a week and work three days, in jobs ranging from clerical positions to sales. Each youngster is assigned a "big brother" or "big sister"—junior executive volunteers who work with the students as liaison between the company supervisors and their school teachers. The results so impressed 60 other companies that they are now sponsoring similar work-study projects in the Chicago area. Approximately 1000 dropouts have been hired.

The crucial "multiplier" effect has also occurred in other communities. In Racine, Wisconsin, one company's successful effort to keep potential dropouts in school by providing part-time jobs has been supplemented by 14 additional company programs.

A STEP manual on the dropout problem covers in-depth a variety of successful approaches that are helping these youngsters to find more meaningful lives.

A 20-minute STEP film, "The Bridge", documents industry's role in providing practical programs to help solve the dropout problem. It is available upon request, without charge.

REDIRECTING EMPLOYEES

For some employees, even a dynamic economy may require changing jobs or even careers several times. While this is accomplished with relative ease in many cases, in others, the problems of finding new employment may seem overwhelming. In particular, long-service employees who lose their jobs may have scant knowledge about the proven techniques for finding new positions.

Many companies and community groups have set up programs to assist people who are seeking employment. "Redirecting" programs range from helping the hard-core unemployed find productive work, to assisting highly skilled executives relocate in positions that will best use their particular talents.

One STEP case study focuses on the program established by a large oil company that was confronted by a substantial cutback in employment. The people released included personnel at all levels within the company.

Recognizing that the problem had certain psychological aspects, as well as presenting a need for training on job-finding techniques, the company made available the services of an organization that has an outstanding record of helping people find suitable new employment.

Workshop seminars focused on assisting the individual to organize his own job-finding campaign—including where to look for work, how to develop contacts, and how to conduct a successful interview. The workshop itself, as has happened in other programs, turned out to be a potent morale builder. Eighty percent of the people found jobs within three months, many of them embarking on new careers.

A different situation exists in Northern California. In order to deal with sharp employment fluctuations in the aerospace im-

dustry, 25 large companies have set up a computer service to share information on manpower needs and layoffs on a weekly basis.

Whatever the target group, a redirecting program can be an important tool in combating underemployment. STEP is prepared to assist any company or local organization that is interested in implementing such a program.

PUTTING IT ALL TOGETHER: THE TOTAL COMMUNITY APPROACH

Successful skill-elevation programs, in-plant literacy training, redirecting released employees who seek new jobs—all such programs are helping to upgrade the skills of this country's work force and to maximize human potential.

However, when a community marshals its total resources to mount a coordinated attack on underemployment, the payoff is likely to go far beyond what can be achieved by piecemeal methods.

Local associations or action committees, perhaps comprised of a broad cross-section of community leadership, can make use of a variety of STEP resources in solving employment problems. Or, if a local group is in the initial stage of organization, a STEP representative might provide information that will help determine who the underemployed are, what kinds of assistance they need to function more effectively, what resources are presently available in the community, and what new programs or facilities might be required. Based on this data, a comprehensive program can be devised to deal with underemployment in your community.

The successful programs discussed above are only examples of literally hundreds of cases studied extensively by the STEP staff. We urge you to contact us for further information or assistance.

STEP—WHAT OTHERS SAY

"STEP researchers have checked out and published case studies on different company and community solutions, already in use, for every kind of hiring and training difficulty. From this rich data, the home office knows what teaching technology is needed most and who is apt to try it first." Article by T. George Harris—Look Senior Editor, August 9, 1966.

"The STEP program can prove to be very valuable to the overall manpower adjustment capability of the Nation by emphasizing problem-solving approach to adjustment situations and by greatly increasing communication relating to such problems among managements." The National Commission on Technology, Automation, and Economic Progress, February, 1966.

"The NAM (through the STEP program) helps to solve employment problems by showing how other companies have arrived at solutions. More than 200,000 detailed case studies have already been distributed." Chicago American, April 15, 1966.

"STEP has learned that there are many practical, workable plans which have been highly successful in solving employment problems, and has studied how best to fit the jobless into available jobs. The future of this approach looks very promising." San Francisco Daily Commercial News, September, 1964.

COAL EXPORTS

Mr. BYRD of West Virginia. Mr. President, U.S. coal exports contribute approximately a half billion dollars annually to our Nation's balance of payments. Most of this sum is net gain for the U.S. balance of trade since only a nominal amount of coal is imported into the United States.

Various controls such as licenses,

tariffs, and quotas have played an important part in restricting the free flow of American coal to overseas destinations. Many foreign nations have coal import controls of one type or another. The United States imposes no restrictions against foreign imported coal.

The President, in his balance-of-payments message, referred to the problems of nontariff barriers that threaten the growth of world trade and our competitive position. He said that a special mission, headed by Under Secretary of State Nicholas Katzenbach, will go to Europe to work on the "nontariff barriers," which, according to the President, place "American commerce at a disadvantage."

If the existing barriers against imported American coal were removed, there is no doubt that U.S. coal shipments abroad could be increased. Many European fuels experts have predicted that for the next 10 to 15 years, Europe will require large volumes of imported fuels. The U.S. coal industry can supply great amounts of high-quality coal to any nation at reasonable prices. Long-term contracts between foreign buyers and the U.S. coal suppliers guarantee secure supplies. Many such contracts have been signed.

Expanded coal exports would benefit not only the coal industry, but also the railroads which derive large revenues from transporting coal. Allied industries, such as equipment makers, would also benefit from expanded coal exports. Benefits would be concentrated in the Appalachian area.

The U.S. Department of Commerce says the average value of U.S. bituminous coal exports, f.o.b. American port of exit, has increased only 17 cents per ton in the last 6 years, from \$9.12 per ton in 1961 to \$9.29 per ton in 1966. This includes rail freight to the port.

Of the 49 million tons of U.S. bituminous coal exported in 1966, the U.S. Bureau of Mines estimates that about 31 million, or 63 percent, came from West Virginia; 13 million tons, or 26 percent, came from Virginia; and 4 million tons, or 8 percent, from Pennsylvania. The remaining 3 percent was supplied by Ohio and Kentucky.

The National Coal Association estimates that 1967 exports of U.S. bituminous coal should total 33 million tons to overseas destinations, and 15 million tons to Canada, slightly less than last year.

U.S. coal suppliers have to deal with more than foreign restrictions in many of the countries which buy American coal. The American coal supplier also faces keen competition from other coal-producing nations, particularly Australia, Canada, Poland, Communist China, the U.S.S.R., and West Germany. Coal's only benefit from the recent Kennedy round negotiations was Canada's agreement to reduce the present 50-cent-per-ton tariff on imported coal by 10 cents each year beginning January 1, 1968; this will eliminate it in 1972.

I hope that with the interest shown by the Administration in expanding U.S. exports, the Government will continue trying to remove every obstacle to the free flow of coal, including the existing trade barriers.

TECHNICAL ASSISTANCE TO FISH FARMERS

Mr. FULBRIGHT. Mr. President, on January 9, the Economic Development Administration announced approval of a joint project with the Bureau of Commercial Fisheries to provide needed technical assistance to fish farmers in Arkansas and several other States.

I ask unanimous consent that the text of the EDA news release be printed at the conclusion of my remarks.

The project is designed to aid development of the fish farming industry by research on the harvesting, processing and marketing of catfish. The project is scheduled over an 18-month period and will cost approximately \$223,000. EDA is providing \$149,300 and the Bureau of Commercial Fisheries is providing \$73,700.

Mr. President, I congratulate these two agencies of Government for this decision to invest in the future of Arkansas and the fish farming industry. Fish farming is a rapidly growing business. Production has risen from only a few thousand pounds in 1963 to an estimated 15 million pounds in 1965. Recent forecasts anticipate that production will reach 40 million pounds annually within the next few years.

This growth of an infant industry cannot be realized without improved methods for harvesting, processing, and marketing of the fish. There is also a need for better methods to utilize the 40 percent of gross weight now wasted. This waste can be used in such products as fish meal, fish oil, and pet food.

The Bureau of Commercial Fisheries advises me that a significant part of this research project will be conducted in Arkansas. Over the 18-month period, approximately \$83,000 has been budgeted for use in Arkansas. To provide better marketing assistance and coordination of fish farming activities, the Bureau of Commercial Fisheries is establishing a Marketing Services office in Little Rock, and is transferring one marketing specialist on a permanent basis to this new office. In addition, Arkansas research organizations will have an opportunity to bid on research contracts which will absorb another significant portion of the budgeted funds.

Mr. President, I am particularly pleased by this announcement because Federal interest in fish farming began with legislation I advocated in 1957. During the last 10 years, I have consistently advocated research and development for this expanding industry. The Research and Experiment Station in Stuttgart, Ark., is a direct result of these efforts.

This investment will be repaid many times over by the economic contribution attending the growth of the fish farming industry. I am gratified that the natural resources and the ingenuity of Arkansas farmers can be developed and encouraged by this action of the Federal Government.

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

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

EDA FUNDS TO HELP DEVELOP JOBS IN FISH FARMING INDUSTRY

An estimated 2,000 jobs for unemployed farm workers are expected to result from a program of technical assistance for the fish farming industry approved today by the Economic Development Administration, U.S. Department of Commerce.

EDA will invest \$149,300 in the project to be conducted for the benefit of nine South Central States by the Bureau of Commercial Fisheries, Department of the Interior. As applicant for the EDA funds, the Bureau will invest \$73,700 to complete the project cost.

The Bureau will provide the industry research and information on the harvesting, processing and marketing of catfish. It plans to test two methods for improving harvesting procedures and to develop machinery for filleting of catfish.

The project also will include assistance and information on the development and production of new products for human consumption and on using the 40 percent of the catfish now wasted in such products as fish meal, fish oil and pet food.

The project will cover the fish farming areas of these States: Arkansas, Alabama, Georgia, Illinois, Kansas, Missouri, Mississippi, Oklahoma, and Texas. Catfish are known to be under cultivation in 92 counties. Thirty-six of the counties are qualified for financial assistance from the Economic Development Administration on the basis of high unemployment or low median family incomes.

The Bureau of Commercial Fisheries states that in recent years the growing of catfish in ponds has proved to be a profitable method of diversifying farming activities in the project area.

Production has increased from a few thousand pounds of pond-grown catfish in 1963 to an estimated 15 million pounds in 1965, the Bureau says. It estimates a natural growth in production to about 40 million pounds in the next few years and adds that the technical assistance project approved today could lead to the production of 150 million pounds a year, requiring a work force of 2,000.

Mechanization in traditional agriculture in recent years has eliminated thousands of farm jobs in the project area. Most of the workers in the fish farming industry, the Bureau says, would need only minimal skills or training and could be recruited from the surplus of unskilled and semi-skilled workers available in the ranks of the unemployed or underemployed in the area.

PRESIDENT JOHNSON'S ADDRESS WAS A REAL DELINEATION OF THE STATE OF THE UNION—MESSAGE OF HOPE AND STATEMENT OF PLAN

Mr. RANDOLPH. Mr. President, the state of the Union message of the President of the United States to the Congress and the people of the country last night was forthright. Moreover, it was positive and left no room for doubt about the determination of our Nation's leadership; nor for a questioning of the high quality and dedication of our elected leader.

President Johnson presented to the Congress and to the citizens of the United States what I consider to be a clear delineation of the conditions, the purposes, the needs, and the actions taken and projected in this country for the domestic good and by this country in international affairs. Yes, it was a delineation of the state of the Union and it was a message of hope and a statement of plan for the overcoming of adversity as well as for

the better use and distribution of our abundance and prosperity.

I commend the President of the United States for the clarity, the directness, the boldness, and the inspiration of that message and, Mr. President, I ask unanimous consent to have printed in the Record the text of a statement I issued to the news media last night following the joint session of the Congress convened to hear our Chief Executive in the traditional state of the Union message.

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

STATEMENT BY SENATOR JENNINGS RANDOLPH ON THE PRESIDENT'S STATE OF THE UNION MESSAGE

WASHINGTON, January 17.—U.S. Senator Jennings Randolph (D-W. Va.) said of President Johnson's State of the Union message after hearing it delivered to a joint session of the Congress and after having been one of a group of congressional committee chairmen who were briefed on the message earlier in the evening by the President at the White House:

"President Johnson's theme was that it is our will that is being tried, not our strength, and I agree. And I share the President's faith that we of the United States have the will to meet the trials these times require.

"Certainly our Commander-in-Chief was justified in asserting that there are marks of progress in the Vietnam struggle but that hard tasks remain ahead. We are reassured by our President's declaration that our goal continues to be peace—at the earliest moment. There is no assurance that peace negotiations will be underway in a formal sense within three months—or six months—or in any predictable period. But I have the feeling, after hearing the President's evaluation of the Vietnam situation and considering it against the backdrop of events as we read about them and hear about them day-by-day that our Communist adversaries in Southeast Asia are in difficulties of severe proportions. But those adversaries may disintegrate as fighting forces in the jungles rather than sue for peace or agree to negotiate for peace at the conference table. This nature of situation could make for a temporary truce, rather than a condition of peace, so I believe the President is correct in spelling out again our policies and goals as he delineated them last autumn in a significant address at San Antonio, Texas."

Senator Randolph said of the domestic aspects of President Johnson's message on the State of the Union:

"We do have a condition of abundance and prosperity in the United States, so the President appropriately and accurately expressed the theme for our domestic status and goals when he declared that the question is not how we can achieve abundance but, rather, the question is how all of our citizens can share in it.

"I believe that President Johnson capably assessed the major elements of the domestic posture of our Union and, more than that, he commendably outlined a positive program for improvement of that posture, including—a new job program . . . \$1 billion for model cities . . . \$2.2 billion to continue the efforts to roll back poverty . . . a 10-year housing program . . . a special child health program effort . . . stronger actions to protect and assist consumers . . . specific acts and programs to fight crime and obviate civil disorders . . . stem the rising costs of medical care . . . improve air safety and safety on our streets and highways . . . expand educational opportunities . . . and complete the unfinished work of the Nation in many areas from civil rights to conservation.

"That the Congress will act on all of

those fronts in this second session may be too much to expect, but I urge and I predict that most of the President's positive program will have positive and affirmative action by this 90th Congress. It may sputter at times and devote much attention to argumentation in this election year, but there will be much of a rewarding nature for the country in our results before adjournment. I will be surprised and disappointed if it can be said of the 90th Congress that its efforts did not prove to be good for the Nation and the citizens."

Senator Randolph said he felt that the President was candid in his discussion of the economic aspects of the Union—both domestic and foreign, but the West Virginian said that it will be on budgetary and tax matters that much of the debate in Congress will center—perhaps more in committees than in open debate in the chambers. He agreed that there must be some cutbacks in over-all expenditures and that perhaps there will have to be positive action on some portion of the Administration's surtax proposals to both add to the government's income and to reduce inflationary pressures.

"I doubt that if the Congress places any additional tax burden on the businesses and the individuals of the country it will reach the proportions of the 10 percent surtax recommended by the executive branch," Randolph explained. "My own view is that a 10 percent rate is too high and I renew my position of last year that something on the order of a five to seven percent surtax rate would be sufficient to counter inflationary tendencies of the economy and yield additional revenue to help offset high costs of the defense and security programs. This, of course, presumes that there will be considerable trimming of the government's over-all spending—cuts or withholding of obligation authority in expenditure areas which feed inflation most directly."

Randolph said that he does not anticipate West Virginia being especially in the legislative limelight this year—that very little if any legislation will be especially tailored to West Virginia conditions "because we must cause the programs already sanctioned by law and supplied with appropriations to work better in and for West Virginia and other states and regions for which those laws were especially enacted and their programs were adopted."

But, the senior Senator from West Virginia asserted that few of the major legislative programs to be refined or established will fail to have significant impact on his state.

THE REALITIES OF THE WAR IN VIETNAM

Mr. THURMOND. Mr. President, the December 30 issue of Human Events carries an article by Gen. Thomas A. Lane entitled, "L. B. J. Can't Win the Viet War With Present Advisers."

General Lane points out that President Johnson is shielded from the realities of the Vietnam war by a group of advisers who insist that his policy of restraint is avoiding escalation. The administration has not accepted former President Eisenhower's suggestion of "hot pursuit" as a means of shortening the war. Apparently the lessons of Korea are forgotten. We all remember that during the Korean war there was a constant fear in Washington that an extension of combat beyond the Yalu River would lead to an escalation that would have serious consequences.

When President Truman conveyed his position to the Red Chinese, this assurance led the Chinese to attack in North

Korea. There is a very viable parallel between the strategy of 1952 and the present conduct of the war in Vietnam.

I believe that General Lane has rendered a valuable service in his analysis of the situation. I ask unanimous consent that his article be printed in the RECORD.

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

L. B. J. CAN'T WIN VIET WAR WITH PRESENT ADVISERS

(By Gen. Thomas A. Lane)

In his address to organized labor at Miami, President Johnson reiterated his offer to receive from any citizen a constructive program for peace in Viet Nam. The President may believe he is open-minded on this issue, but he is not.

The real situation is apparent in his public statements. President Johnson is sure that he is pursuing the right course. He dismisses his critics as advocates of surrender or of escalation. He believes he is exercising firmness and restraint. His mind is closed.

The President is isolated from his critics by the staff which sustains his present policies. These men brush aside all suggestion of change. Alternatives are dismissed with canned answers.

The President himself sets the pace. Until he takes the initiative to broaden his consultation of conflicting viewpoints, no one else in government can do so.

Of course the President cannot deal personally with a multitude of critics. His obligation is to hear in depth the serious challenge to his policy made by responsible and competent critics like Generals Eisenhower and Bradley. Their view of sanctuary is widely held by informed and serious students of war.

The Administration dismisses the Eisenhower suggestion of hot pursuit as a step toward a wider war. If the president will examine the matter carefully, he will learn that hot pursuit doesn't widen wars; it ends them!

The Administration error is simple and obvious. It accepts the working premise advanced by the Soviet Union that North Viet Nam may attack South Viet Nam without provoking a wider war, but that South Viet Nam may not counterattack without such consequences. The proposition is on its face preposterous, but it is the heart of the Johnson position on Viet Nam.

We accept this irrational proposition out of fear that Communist China will intervene in Viet Nam. That fear is irrational. Who can believe that China would expose its industries to destruction rather than see Ho Chi Minh cease his aggression against South Viet Nam?

There is implicit in the fear of Communist Chinese intervention an assumption that the United States would not attack China but would fight in the enlarged conflict in Viet Nam. That is what President Truman did in Korea and it was assurance of this reaction which led the Chinese to attack. Why are we now set to repeat the same mistake in Viet Nam?

It is a tragic error to suppose that you can limit war by denying your forces access to territory from which the enemy is operating against you. That delusion encourages the hostile aggression and breeds war without end. This is the error which Prime Minister Atlee sold to Truman in Korea. This is the error which President Johnson now embraces in Viet Nam.

The consequences of the error are more disastrous in Viet Nam. There we cannot seal the border to protect the south from attack as we did in Korea.

No one is telling the President these realities of war. He is surrounded by men who insist that his policy of restraint is avoiding a wider war.

The commander-in-chief who approaches conflict with narrow, preconceived notions of available alternatives will find the enemy exploiting his limitations. Soviet strategists have built the Viet Nam war upon the Kennedy-Johnson misconceptions about sanctuary.

President Johnson could stage a full dress review of Viet Nam policy at the White House. Secretaries Rusk and McNamara could be called to defend present policy against attack by competent critics. Out of this process, the President would broaden his perspective of the war and find the avenue he is seeking to end the war. This would be doing what he so often says he wants to do, and what he has not done.

SOCRATES AND DR. SPOCK

Mr. BYRD of West Virginia. Mr. President, the Wall Street Journal on Friday, January 12, published an unusually well-written editorial entitled "Socrates and Dr. Spock." It deals with the indictment of Dr. Spock and others on charges of conspiracy to violate the Federal draft laws.

The issue in this case is the conflict between the rights of the individual and the rights of society—the right of the individual to dissent and the right of society to preserve its institutions.

The editorial states the case for society very well, at the same time that it recognizes the right of individuals to hold their own opinions.

Society, it says, is not "unjust" in prosecuting those who would destroy the very institutions that protect them. It is not infringing on the rights of adults who mislead young people when it calls those adults to account.

Mr. President, I ask unanimous consent that this editorial from the Wall Street Journal be printed in the RECORD.

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

SOCRATES AND DR. SPOCK

We confess a grudging respect for the draft resistance leaders indicted in Boston the other day, but we can find no shred of respect for the easy notion that society is somehow unjust in prosecuting them.

We say grudging because we find a lot of plain foolishness in the stance taken by Dr. Benjamin Spock, the Rev. William Sloane Coffin Jr. and the rest. They say, for instance, they seek a confrontation on the morality of the Vietnamese war. There may be real questions of morality to explore; say, how immediate a threat is necessary to justify the prerogatives of self-defense. But instead of offering cogent argument on some such ground, they babble about Lyndon Johnson's desire to "steal Vietnam."

If they really mean that rhetoric about the Nuremberg trials—that they are morally bound to oppose the Government because of its "crimes against humanity"—they also lack the elementary wit to see the distinctions between this society and Hitler's. To invoke Nuremberg is not to say that some of a society's laws are mistaken or even immoral; it is to say that society in its totality has become an abomination.

If the draft resistance leaders really feel American society has reached that state, their actions against it are curiously quixotic. If they do not believe this society is beyond salvation, they are most shortsighted in resorting to defiance of its laws instead of depending upon its ample means for seeking redress within the law. Defiance of the law strikes not only at a particular statute, but at the fabric that makes a society worth preserving.

However mistaken their moral judgments may be, though, these particular draft resistance leaders have been admirably steadfast in following them. The conflict between the demands of society and the dictates of individual conscience is at least as old as Socrates, and only an insensitive man could escape real sympathy for anyone involved in this dilemma. When the individual plays well his difficult role in the conflict, he must be treated with not only sympathy but respect.

Thus far the draft resistance leaders have done creditably. They have been above-board in their violation of the law. They are from all appearances entirely sincere. Above all, they profess a willingness to pay the penalties if convicted. Their moral stance is close to impeccable, provided of course they do accept any eventual penalty in the same spirit in which Socrates drank the hemlock his society had ordained for him.

For what Socrates saw—and what those who consider the anti-draft indictments unjust fail to see—is that society must be given rights of its own. Few individual rights could be secured without the help of society; therefore it must be granted the rights necessary to its self-preservation. Thus the dilemma shared by Socrates and Dr. Spock has been painful through the ages precisely because both the individual and society can claim moral justification.

In the anti-draft case, society is clearly within its rights as long as it prosecutes not for mere speech but for overt acts such as collecting draft cards. The measures at question, involving the means of self-defense when society's decision-making institutions deem it necessary, are among the most vital to the preservation of society.

Beyond that, there is a certain sense to Rousseau's social contract. Society has some sort of moral claim on those who accept its protections and comforts. At the very least, it can claim the right to make lawbreakers pay pre-established penalties. Indeed, since the continued force of law is necessary to society's preservation, it has not only a right but a duty to see that laws are enforced.

If society is to preserve itself, finally, good conscience can be no exemption from that law, though of course penalties may be tempered as the law provides. The rules of any society, however just, will occasionally affront the consciences of some of its members. If society's law must give way to the conscience of any individual—George Wallace in the college door as well as Martin Luther King in the streets—anarchy will quickly ensue.

Grant, then, that Dr. Spock and his friends are within their moral rights in defying the law and accepting the penalty. But do not fall to notice also that society is within its rights when it insures that the law is enforced and the penalty exacted.

THE TEACHING OF READING

Mr. FANNIN. Mr. President, is America becoming a nation of illiterates? I doubt it. But increasing evidence strongly suggests that many of our children are poor readers, or are at least not reading at the level normally expected of children their age. This is a disturbing fact that must concern each of us, educator and layman alike, and to a far greater degree than it presently does. Any wholesale lessening of educational attainment, and poor reading habits must ineluctably affect the overall quality of education, presents a threat to the Nation far too serious to contemplate.

Not being an educator, I do not wish to involve myself in the controversy of why Johnny cannot read, although like most armchair educators, I have definite opinions why this is so. However, my

purpose today is merely to invite the attention of Senators to a significant new book—"Learning to Read: The Great Debate"—reported in the summer issue of the *Carnegie Quarterly*, a publication of the Carnegie Corp. of New York. Based on a study financed through a Carnegie grant, which was carried out by Jeanne S. Chall, professor of education at Harvard University, "Learning to Read," McGraw-Hill, is destined, if only we read and then act on its recommendations, to pave the way for needed changes and improvement in the teaching of reading.

According to the *Quarterly*:

Mrs. Chall concludes with five major recommendations, the first and most important being, of course, that beginning reading instruction shift from a meaning-emphasis to a code-emphasis approach (phonics). She does not call for a "complete housecleaning," saying that school systems that are already getting excellent results should stick to whatever they are doing and that not all students would benefit (though most would) from code emphasis. She acknowledges that teachers colleges are a strong force against change, and says that probably the easiest way to make the shift would be to modify the prevailing basal readers, being sure to give the teachers in-service training so that they can use the new programs properly.

She also calls for a complete re-examination of what kind of content should be included in reading programs, saying "too many people are making too many recommendations about content without any proof whatsoever." She points out that although it is probably true that poor Negro children, for example, cannot identify with the white, middle-class families pictured in their readers, there is no proof that merely broadening the content would help them learn to read better. "The children's attitudes may be improved. But a reading program that improves attitudes and does not succeed in teaching reading is no program at all." Mrs. Chall's personal preference is for folktales and fairy tales for first and second graders; she says she has never found one child who cannot identify with "Cinderella," "The Gingerbread Boy," or "The Three Little Pigs."

Her third recommendation is that the grade levels of the readers be re-evaluated; nothing justifies their now restricted vocabularies. Until this is done, Mrs. Chall says, schools should lift the ceiling and permit classes to use more advanced readers.

Fourth, Mrs. Chall calls for the development of better diagnostic and achievement tests, saying teachers should be given more freedom in the use of methods and materials if they achieve good results, which can be assessed by good tests.

Finally, and hardly surprisingly, she calls for greatly improved research into reading. Too much, she says, has been undertaken "to prove that one ill-defined method was better than another ill-defined method. We need, instead, series of coordinated laboratory as well as extensive longitudinal studies . . ."

Many of us doubtless will disagree with some or all of her findings. That perhaps is as it should be. The mistake would be in turning our back to her findings, in turning our back to the fact that this national problem exists and grows daily in scope.

To my way of thinking, Mrs. Chall and her associates make a persuasive yet entirely reasonable case for change in the teaching of reading. And it is up to each of us—each concerned American—to do what we can to help schools to help children learn to read.

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:

LEARNING TO READ: THE GREAT CONFUSION

As befits its importance, the teaching of reading has been the subject of thousands of research studies going back over more than fifty years. Probably three times as much research has been done on reading as on, say, arithmetic.

Given the accumulated body of evidence, one might expect that there would be some small measure of agreement as to what it proves—that is, what is the best way to start children reading. Instead, as any adult who has been reading during the past few years knows, there has been lively and often rancorous controversy involving laymen as well as reading specialists, linguists and psychologists as well as teachers. The latest flap began in 1955 with the publication of Rudolf Flesch's *Why Johnny Can't Read*, to be followed by other popular books with scary titles (*Tomorrow's Illiterates* and *Reading: Chaos and Cure*). In some places the debate has actually taken on political overtones.

One of the many unusual features of the prolonged controversy is that the proponents of opposing methods often cite the same pieces of research as proof of the scientific validity of their respective approaches. In more rigorous disciplines this curious happenstance would doubtless draw attention. And so it eventually did in the field of reading.

Beginning in 1962, Jeanne S. Chall, professor of education at Harvard University, with the help of a small staff and support from a Carnegie grant, began a critical analysis of the research on beginning reading. Her aim was not to do yet another study into how to teach children to read but to find out what the existing research suggests about it. (Because of the circumstance mentioned above, she wisely decided to inspect the actual findings of the research rather than to accept unquestioningly the researchers' conclusions about them.) She also interviewed proponents of different methods of teaching beginning reading, made detailed analyses of several of the most widely used series of basal readers, and finally, to see how children actually are taught, visited some 300 classrooms in the United States, England, and Scotland.

The result is *Learning to Read: The Great Debate* (McGraw-Hill, \$8.50). The book is clearly and simply written and its tone is even-tempered and low-keyed; its many bombshells are widely scattered and quietly phrased. The effect, then, is something like reading a subtly written mystery, where one's sense of incredulity mounts and the impact is indeed cumulative. Mrs. Chall charitably uses the word "confused" to describe the situation; it hardly seems strong enough. One doesn't even know how to react to some important findings. Thus, for example, we learn on page 288 that not one of the hundreds of teachers and administrators Mrs. Chall interviewed ever mentioned making a change in teaching method because of research studies. In short, "the findings of research in beginning reading . . . are not an important factor in practical decisions about beginning reading instruction." Ordinarily we would be appalled by such a fact, but instead we think it may be just as well, since by that point in the book we know something of the quality of the research.

It is "shockingly inconclusive," Mrs. Chall says. It is inadequate in both depth and scope. Although the studies go back over many years, they have not built systematically upon one another, with the result that much essentially trivial research has been repeated ad infinitum while important ques-

tions have gone largely unasked and unexplored. Unwarranted generalization have been made, she states. Certain effects have been attributed to certain causes when on closer inspection, it appears that they should be attributed to quite different ones.

"You can make the research prove anything you want it to," Mrs. Chall says, and apparently all too many have done just that. She cites two gentlemen who concluded, on the basis of ten tests conducted by themselves, that one approach to teaching was superior to another even though, according to her analysis of their data, the results from eight of the ten tests suggested just the reverse.

In general, Mrs. Chall found "emotion where reason should prevail" on the parts of authors, reading specialists, teachers, administrators, and researchers. "Their language was more often characteristic of religion and politics than of science and learning." People were generally so defensive about whatever they were doing—whether following an old method or a new—that they often did not even realize that their particular method might differ in only the slightest way from another to which they were extremely hostile.

CODE AND MEANING

It is difficult to get agreement—even among proponents of similar methods of teaching—on the answers to some basic questions. What makes a child interested in learning to read—the story, or mastering the skill? Why do some children fail to learn? "What, after all, is reading at the beginning—is it naming or sounding the letters or is it comprehending and reacting to stories?" Yet, clearly, how one thinks about these and other such questions determines one's approach to teaching.

All the many methods fall into roughly two groups, Mrs. Chall says. "One group (let us call it the 'code-emphasis' group) believes that the initial stage in reading instruction should emphasize teaching children to master a code—the alphabetic code. The other (the 'meaning-emphasis' group) believes that children should and do, learn to read best when meaning is emphasized from the start."

It is the second approach which now prevails, according to Mrs. Chall. It lays heavy emphasis on the immediate acquisition of meaning through learning whole words at sight, a limited vocabulary of common but irregularly spelled words, the slow introduction of the alphabet and phonics, and story content centered on a family, since such content is presumed to be interesting to children. (A lot of what goes on in the teaching of reading is based on assumption and presumption.)

The competitors to this approach, the innovators, stress early acquisition of the alphabetic principle, greater individualization of instruction, and either ask for more imaginative content in the stories or underplay content altogether. Among the innovators, however, as is true among those following the conventional method, many different approaches are found. Some press for linguistic innovations, some for supplemental or complete phonics programs, or individualized reading, or the Montessori system, or modifying the alphabet (for example, the Initial Teaching Alphabet).

The prevalence of the meaning-emphasis approach over the code-emphasis approach suggests that its promotion by teachers colleges, reading specialists, and textbook publishers is based on proof that it is superior.

"Yet," Mrs. Chall writes, "the research from 1912 to 1965 indicates that a code-emphasis method . . . produces better results. . . ." Which is simply to say that we are teaching children to read primarily by an approach which more than fifty years of evidence tends to prove is less effective than another.

The beginning emphasis on code-breaking,

Mrs. Chall says, produces readers who recognize words better, spell better, and eventually read with better understanding and possibly greater speed. Children of average or below average intelligence, and those from poor backgrounds, show greater gains from such an emphasis. Bright and middle-class children do better also, though their gains are not as pronounced, but Mrs. Chall attributes this to the fact that they somehow learned to break the code anyway, either because of superior intelligence or because of the help and influence of the home.

Mrs. Chall is careful, however, to point out what the evidence so far does not prove. It neither proves nor disproves that one code-emphasis method (modified alphabet, linguistic, or phonic) is better than another. There is also no evidence that either a meaning or a code emphasis fosters greater love of reading or is more interesting to children. Above all, Mrs. Chall stresses that code emphasis should be used only as a *beginning* method—a way to start the child—and that once he has learned to recognize in print the words he knows any additional work on decoding is a waste of time and ultimately self-defeating. Unfortunately, she reports, some authors and publishers are already developing decoding exercises for older pupils, on the erroneous assumption that what's good at the beginning is also good later on. Children, at least so far as reading goes, are not simply miniature adults.

TIME FOR CHANGES

The basal reading series have been harshly attacked by their many critics, sometimes on little evidence or for the wrong reasons. Thus, Fleisch said flatly that no work in phonics was included in them, while a casual glance at both the children's and the teachers' materials shows this not to be true. Mrs. Chall finds that the readers are "not as hopeless as critics would have us believe," but she has many trenchant criticisms to make of them herself, and suggestions for major changes quite apart from the most obvious one—a shift from a meaning to a code emphasis.

As appears to be true in so much of the reading field, the readers and accompanying teachers' manuals embody many practices which either have no basis in evidence or which fly in the face of common sense.

In the first-grade readers, for example, the number of pictures per story outnumber the "different" or "new" words, though it has not been proved that pictures are a greater help than a distraction. Very few words are taught, and they are repeated over and over and the child is asked again and again to prove that he comprehends their obvious meaning. The typical reader for the third grade has a total vocabulary of about 1,500 words, while the typical first-grade child can understand about 4,000 spoken words. The number of new words per hundred in the readers remains the same or actually decreases as the child moves up to third grade, and the words are "new" to him only in print.

Throughout the first grade, the teacher speaks more words per story than the child reads, and the questions she asks are almost never on the words as symbols but rather on the pictures, the purpose being to find out if the child understands the simple story line. The phonics included is often lost in an excess of talk and activity about "meaning"—which seems particularly preposterous since both vocabulary and content are so limited. "Why spend so much time on *explication de texte* when there is no text to explicate?" Mrs. Chall asks. She also questions whether the teachers need as much detailed guidance in teaching as they get, and speculates that the weighty manuals are doubtless as expensive to publish as the readers themselves. For the sake of the teachers, she hopes future manuals "can say what they have to say more

plainly," and quotes a hilariously pretentious passage from a 1962 guidebook.

REVIEW AND RESEARCH

Mrs. Chall concludes with five major recommendations, the first and most important being, of course, that beginning reading instruction shift from a meaning-emphasis to a code-emphasis approach (phonics). She does not call for a "complete housecleaning," saying that school systems that are already getting excellent results should stick to whatever they are doing and that not all students would benefit (though most would) from code emphasis. She acknowledges that teachers colleges are a strong force against change, and says that probably the easiest way to make the shift would be to modify the prevailing basal readers, being sure to give the teachers in-service training so that they can use the new programs properly.

She also calls for a complete reexamination of what kind of content should be included in reading programs, saying "too many people are making too many recommendations about content without any proof whatsoever." She points out that although it is probably true that poor Negro children, for example, cannot identify with the white, middle-class families pictured in their readers, there is no proof that merely broadening the content would help them learn to read better. "The children's attitudes may be improved. But a reading program that improves attitudes and does not succeed in teaching reading is no program at all." Mrs. Chall's personal preference is for folktales and fairy tales for first and second graders; she says she has never found one child who cannot identify with "Cinderella," "The Gingerbread Boy," or "The Three Little Pigs."

Her third recommendation is that the grade levels of the readers be reevaluated; nothing justifies their now restricted vocabularies. Until this is done, Mrs. Chall says, schools should lift the ceiling and permit classes to use more advanced readers.

Fourth, Mrs. Chall calls for the development of better diagnostic and achievement tests, saying teachers should be given more freedom in the use of methods and materials if they achieve good results, which can be assessed by good tests.

Finally, and hardly surprisingly, she calls for greatly improved research into reading. Too much, she says, has been undertaken "to prove that one ill-defined method was better than another ill-defined method. We need, instead, series of coordinated laboratory as well as extensive longitudinal studies . . ."

The debate on how to teach reading will probably go on forever. But it will continue to ask the wrong questions and get the wrong answers in the absence of long-term, longitudinal genuinely scientific research.

THE CONSUMER INTEREST

Mr. MORSE, Mr. President, in the December 22, 1967, issue of the Rural Electric Newsletter, a publication of the National Rural Electric Cooperative Association, I came across an editorial essay entitled "The Consumer Interest." The editorial sets forth a theory of an identity of the public interest with the consumer interest.

It is so well written and concise, and contains so much good sound sense, that I commend it to Senators. I ask unanimous consent that the essay be printed in the RECORD.

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

THE CONSUMER INTEREST

A dozen rural electric cooperatives were among the wide range of organizations that

are founding members of the Illinois Federation of Consumers. Besides electric co-ops, the new organization began its existence with membership from city, town and farm, and religious, educational, labor and other cooperative organizations—a broad and inclusive spectrum of people's associations of all shapes and kinds.

In line with this board representation, the federation's founding convention was opened with the following statement of what the "consumer interest" really is:

"It is the universal economic and social interest of all people.

"It is families of lower income seeking good homes in good neighborhoods in which to raise their children.

"It is fathers and mothers buying insurance to protect their families.

"It is people needing good quality medical care at costs they can afford.

"It is bereaved people seeking to bury their dead in dignity and honor without having to spend their last cent to do so.

"The consumer interest is the mother or father shopping for the family's food and hoping to get good quality and full measure and sanitary, clean products at prices that are fair to both consumer and the producer.

"The consumer interest is farmers buying fertilizer, seed, and livestock feed.

"It is farmers and rural consumers getting electricity from their own cooperatives; and it is all of us obtaining our utilities—gas, electricity, telephone service from commercial utility companies at rates that should be properly regulated.

"It is most of us needing from time to time to borrow money and seeking a way to do that at decent interest rates; and it is people looking for a way to save what money they can save together with their friends and neighbors so they can keep control of their own savings.

"It is people buying new or used automobiles, appliances or furniture and hoping to do this without being robbed by so-called financing charges.

"The consumer interest is the people demanding that we have clean air to breathe and clean water to drink.

"It is we, the people, owners of all the airwaves, and finding those airwaves monopolized by broadcasting networks which often prostitute their use of this public property to give us shoddy, violent, or just plain silly programs and to bother us with advertising that is all-too-often deceptive."

DRUG USE IN AMERICA

Mr. BYRD of West Virginia. Mr. President, last week the New York Times published a most revealing five-part series on drugs and drug use.

Among other things, the series pointed out that the Nation's drug problem is not solely confined to the hippie who takes LSD, the college student who smokes marihuana, or the slum dweller who shoots himself full of heroin.

In addition, countless millions of middle-class, middle-aged persons are addicted to barbiturates, alcohol, cigarettes, pep pills, and other drugs, all of which have a deleterious effect on the human body.

I believe the Times has done a great public service in its publication of these articles. The problem of drug addiction is one that our Nation must face up to.

I ask unanimous consent that the series of the articles entitled "The Drug Scene" 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. 8, 1968]

THE DRUG SCENE: DEPENDENCE GROWS—AMERICANS ARE FOUND TO BE INCREASINGLY ORIENTED TOWARD WIDE VARIETY OF DRUGS—USAGE BY YOUTHS GROWS THE MOST BUT MOST EXPERTS DECLARE THAT YOUNG PEOPLE ONLY FOLLOW ADULT'S PATTERN

(By J. Anthony Lukas)

On Haight Street in the heart of San Francisco's Haight-Ashbury district is a cafe called the Drogstore. Day or night it is crowded with hippies, feeding the hunger that follows a smoke of marijuana, coming down off an LSD trip, or looking for a lid of "pot" or a tab of "acid."

But the Drogstore gets its name not from the Haight-Ashbury drug scene, but from its decor, which is patterned after a traditional American pharmacy.

Its walls are lined with cabinets whose glass shelves glisten with a pharmaceutical cornucopia; plastic jugs of red and green capsules; tall bottles of pale, viscous syrups; cellophane strips in which pink and blue tablets nestle in separate antiseptic compartments; vials of translucent liquids with tapered necks.

And far up on the top of one cabinet is a large jar with a strip of adhesive tape simply marked "Alcohol."

The hippies excel at putting on "straight" America, and the Drogstore may be one of their shrewdest put-ons. For it was the hippies who brought the drug issue to the surface last year, largely because most of them were the children of middle and upper class families.

But by making The Drogstore a headquarters of their drug-centered subculture, the hippies have suggested that their drug use is only an extension and dramatization of a central practice in America's dominant culture.

For one fact that emerged from a survey by The New York Times is that, well before the current brouhaha over marijuana and LSD, this country had become drug-oriented.

The survey, conducted in more than 20 states from Vermont to New Mexico, gathered the views of physicians, psychologists, psychiatrists, sociologists, educators, law enforcement officials and drug users themselves.

From them came evidence of Americans' growing dependence on drugs, not only heroin, marijuana and LSD, but also alcohol, nicotine, amphetamines and barbiturates.

Most authorities agreed that all these substances must be included in any comprehensive discussion of drugs. A drug, they agree, is "any relatively pure chemical agent which exerts a reasonably predictable effect on the user's physical or psychological processes."

NOT ONLY THE SLUMS

The survey found that drugs were a problem not only of the slum dweller or the hippie. The unemployed Puerto Rican mainlining heroin in a rat-infested Harlem tenement and the barefoot hippie taking LSD in a Haight-Ashbury pad participate in only two of America's drug "scenes."

Others include: the commuting businessman who needs two or three martinis in the club car to unwind from a hard day at the office or to prepare himself for an evening at home; the actress who takes a barbiturate to sleep at night and an amphetamine in the morning to stay bright-eyed; the young lawyer who smokes marijuana with his friends while they listen to Beatles records on his \$600 hi-fi system; the truckdriver who swallows benzedrine on cross-country hauls.

Moreover, the survey showed, drug usage is increasing most rapidly among the young, suggesting that the next generation may be even more dependent on drugs than this one.

The country now spends \$300-million to \$400-million on illegal drugs each year. Traffic in the hard narcotics is largely controlled by organized crime, the survey found,

but the distribution of marijuana and the hallucinogens remain loosely organized and often amateurish.

Despite the bizarre quality of the hippie movement, most of the sociologists and psychologists interviewed said they regarded the hippie drug scene not so much as a revolt against the values of American society than as a sign that those values had been subtly changing for a long time.

To be sure, these sociologists and psychologists say, Americans still pay lip service to two of these values.

The Protestant Ethic, which holds that work is the way to salvation and worldly achievement the sign of God's favor (a concept developed by the German sociologist Max Weber, but used by many American sociologists to explain the dedication to work characteristic of most Americans, whether Protestant, Catholic or Jew).

The Pioneer Spirit, which sees man as dominating his environment, much as our forefathers did when they carved clearings in the wilderness.

DRUGS AND PASSIVITY

On this level, the authorities say, the new drugs—particularly marijuana and LSD—are regarded with dread and abhorrence because they are seen as a threat to the Protestant Ethic and the Pioneer Spirit. They are associated instead with passivity, introspection, mysticism, hedonism and nihilism.

However, on a deeper level, psychologists and sociologists say, these drugs exert a powerful fascination for many middle-class Americans because they suggest that this is no longer the society it proclaims to be.

The drugs are only the most visible signs, the psychologists and sociologists say, that American values are rapidly becoming spending rather than work, consumption rather than achievement, taking from life rather than shaping it.

Dr. Eric Erikson, a professor of psychology at Harvard, said:

"The values of any new generation do not spring full blown from their heads; they are already there, inherent if not clearly articulated, in the older generation."

"The much discussed generation gap is just another way of saying that the younger generation makes overt what the older generation represses."

This is often a painful experience for adults, he said, because it brings out hard truths they would rather keep buried.

But he and most of the other psychologists and sociologists, who were questioned suggested that the adult generation ought to look squarely at what the current drug scene tells it about American society, rather than to denounce it as merely an alien aberration.

Not all drug users, of course, are drug abusers. Many people make a moderate use of drugs for socially acceptable and relatively harmless purposes—relaxation, sleep, the easing of pain, alertness, energy or sociability.

However, in every category of drug use there is a substantial group of persons who cannot use drugs without abusing them—that is, using them to the point that they seriously interfere with the user's health, economic status or social functioning.

All the authorities agreed that the abuse of any drug—whether alcohol, marijuana, barbiturates or LSD—is destructive of the human personality and is to be avoided. But they emphasized that use and abuse must be sharply distinguished.

Whether judged by use or abuse, alcohol is the nation's major drug. Perhaps 80-million Americans drink it in some form, and it is truly part of the American way of life.

However, there are roughly 6 million alcoholics in America, and at least several million more who have severe drinking problems. Others suffer indirectly. At least half the 50,000 traffic deaths and the 1.9-million

disabling traffic injuries each year are associated with alcohol.

CRIME AND ALCOHOL

The President's Crime Commission, in its report last year, also concluded that there was a direct relation between alcohol and crime, particularly crimes of violence. (In one study of homicides, alcohol was a factor in either the offender or the victim 64 per cent of the time.)

Roughly 80 million Americans smoke cigarettes and are psychologically, if not physiologically, dependent on the drug nicotine. Most smokers are responsible citizens who would object if they were labeled drug abusers; but most medical authorities now agree that cigarettes can cause lung cancer, coronary disease, bronchitis and hypertension.

More than 10 million persons use prescription sedatives (barbiturates and tranquilizers) and stimulants (amphetamines).

Abusers of these drugs may number between 300,000 and 500,000 persons, many of them middle-class housewives who accumulate the drugs by getting prescriptions from different doctors.

Many barbiturates are so addictive that withdrawal can, in extreme cases, cause death; barbiturates and alcohol make up a particularly lethal combination. Amphetamine abuse can cause psychosis and serious illness.

Nobody knows how many Americans use true narcotics—heroin, morphine and cocaine—but the estimates range between the 60,000 and 75,000 usually offered by the Federal Bureau of Narcotics to the "over 100,000" offered by Dr. Joel Fort, a drug specialist formerly with the San Francisco Health Department.

All the authorities agree, however, that narcotics users are largely slum dwellers, the hopeless and the helpless who seek numbing oblivion.

With true narcotics, particularly heroin, authorities agree, users are almost always abusers. Narcotics are highly addictive and dominate the user's life in a way that few other drugs do. They make it difficult, if not impossible, for the user to function in "straight" society.

There is a distinct relation between narcotics and crime, authorities agree. The heroin habit is expensive, and most users have no way to get money legally.

However, the President's Crime Commission, in its report last year, pointed out that "assaultive and violent acts, contrary to popular belief, are the exception rather than the rule for the heroin addict, whose drug has a calming and depressant effect."

The nondrug offenses in which the addict becomes involved, the commission said, are typically of the "fundraising variety," particularly burglary, larceny and prostitution.

In 1966, 12.7 percent of all persons arrested in New York City for felonies against property admitted that they used drugs, mostly heroin. The comparable figure for crimes against persons was only 2 percent.

DRUG USAGE OVERLAPS

Of course, the use of many drugs overlap—the man who drinks three martinis before dinner often smokes a pack of cigarettes a day and may use amphetamine in the morning—so it is difficult to reach an over-all figure for drug use.

However, even a conservative estimate suggests that more than half of America's 200 million people use some drug, other than marijuana or the hallucinogens such as LSD.

Nonetheless, the sharp increase in the use of marijuana and LSD is still significant. For one thing, there is the extreme youth of many users—in some cases as low as 12 or 13.

But if judged in perspective, the authorities interviewed said, this might be seen less

as an aberration than as youth's continuation, perhaps exaggeration or even parody, of drug use patterns in the rest of society.

This is particularly true of marijuana because its pattern of use is so similar to that of society's dominant drug—alcohol.

Only five years ago, marijuana was still used largely by society's "outsiders"—minority groups such as Negroes, Puerto Ricans and Mexicans, the urban poor and jazz musicians. Within half a decade, its use has increased sharply in colleges, professional and artistic circles and affluent communities throughout the country.

SURVEYS ON MARIJUANA

It is extremely difficult to judge just how many people are smoking—or have smoked—marijuana. Surveys at Yale, Harvard, and California Institute of Technology suggest that about 20 per cent of their student bodies have used it at least once, but some students at those institutions believe the true figure is much higher.

How widespread one feels the custom is depends largely on what circles one travels in. A Los Angeles screenwriter said he knew no one who hadn't tried pot at least once. A Los Angeles lawyer said he knew no one who had tried it.

The best guess—on the basis of all available indications—is that somewhere between two and four million Americans have smoked marijuana at least once and that the number is increasing every month.

Of course, there is abuse of marijuana. Its excessive use can cause psychoses and extreme disorientation. However, most authorities questioned felt that marijuana was not addictive and that it rarely led to the compulsive kind of behavior associated with heroin.

On the basis of still inadequate data, the President's Crime Commission concluded that "risk of crime, accidents and suicide (and of undesirable physiological effects) are not likely to be greater than those associated with alcohol (and may be less)."

The Times survey indicated that many marijuana smokers behaved much as moderate drinkers do—using their drug to relax, to remove some inhibitions, to make it easier to mix with others, and to get a glow of well-being.

The customs of the marijuana user sometimes seem an outright mimicry of the alcohol user. In Chicago, a lawyer said some friends brought him a pound of pot as a house gift when they came to visit last summer.

In San Francisco, a young painter and his wife received several packages of pot as wedding gifts. In Manhattan, a banker and his wife always smoke it before going to the opera, because, they say, "it improves our sensitivity to the music."

A woman researcher at the Harvard Medical School reported that she was invited to lunch by two male internes recently. "I thought we'd probably have an omelette, a salad and a glass of wine," she said. "Instead, they served soup, pot and Beatles records."

The greatest uproar in the last year, however, has not been over marijuana but over the hallucinogens, which produce increased sensory intensity, some degree of hallucination, and, in the view of many users, an altered state of consciousness. These drugs include lysergic-acid-diethylamide (LSD), DMT, mescaline, peyote, psilocybin and a host of little-known plants.

Marijuana is sometimes considered a mild hallucinogen, but it lacks the potent "consciousness altering" qualities of the others.

LSD USE DROPS

The use of LSD probably reached a peak in late 1966 or early last year. Surveys at several colleges last spring indicated that between 2 and 10 per cent of the student bodies had tried LSD at least once.

However, partly as a result of recent publicity suggesting that LSD can cause not

only severe psychotic reactions, but also chromosome breaks and serious birth defects, its use seems to have dropped off sharply at most colleges and even in hippie communities.

Whereas up to 1 million persons may have tried LSD at least once, Dr. Fort, for one, believes that active users now probably number in the tens of thousands.

Many of those who have abandoned LSD seem to have moved in one of two directions: meditation or methedrine.

In California particularly there has been a significant swing from acid to meditation. Many of the older, "more serious" hippies seem to have taken this path sometimes with a guru like Maharishi Mahesh Yogi, the tiny Indian mystic who has attracted such celebrities as the Beatles and Mia Farrow; sometimes in small rural "communes", sometimes by themselves alone on a hillside.

A 19-year-old San Francisco hippie, who gave up LSD a few months ago put it this way:

"We realize now that LSD was only a tool. It could boost you up so you could get your fingers over the edge but you have to pull yourself up the rest of the way—and that takes meditation."

THE DRUG SUBCULTURE

However, those interested in the inner quest are puzzled and disturbed by the move of other hippies from LSD to methedrine, or "speed."

This amphetamine produces precisely the opposite effect from the hallucinogens—a six-hour high that gives the user a surge of extra energy, and can cause physical and psychological dependence from which withdrawal can be agonizing.

It seems fair to surmise that hippies who have made this switch are more interested in searching for a high, any high, than for inner truth.

They are members of the true "drug subculture," who will eat nutmeg, morning glory seeds or mushrooms; inject white wine, bourbon or ice water into their veins; swallow the cotton inserts from Vicks inhalers, or even sniff the fumes from a burning plastic comb.

For those who live in this true drug subculture, life revolves around drugs and drugs alone; they buy them, consume them, get high on them, compare them, talk about them, sleep them off, sing about them, and even dread them. They are not stimulating people to be around.

Those who can draw what they see under drugs—or think they should see—produce the squiggly genre known as "psychedelic art." Those who can make music produce the sound known as "acid rock," probably the subculture's most impressive byproduct to date.

The titles and lyrics of acid rock are virtually a secret code, which "straight" Americans may hum along with, but which only the initiates will understand.

"Acapulco Gold," for example, is a hymn to the glories of a brand of Mexican pot. ("We're going south/to get that Acapulco Gold/ain't nothin' it can't fix/old dogs can learn new with trick/when the streets are lined bricks/of Acapulco Gold.")

Few straights who have heard "Love Special Delivery" or "Lucy in the Sky with Diamonds" will have realized that the first letters of the words in each title spell out LSD.

The lyrics may be arcane, but little else in the drug subculture has remained hidden from the rest of America.

With seemingly endless curiosity, the news media have explored the world of the hippies; in many cases the accounts have been sympathetic, focusing on the "love" rhetoric of the "flower children" and glossing over the harsher aspects of drug usage.

Furthermore, the once inside language of

the drug taker has become the stock patter of Madison Avenue. An ad for women's shoes in New Haven invites women to "take a trip down and get the shoes that will really turn you on." Even Smirnoff Vodka advertises, "Turn on a White Christmas."

Nonetheless, the drug scene is regularly denounced, too.

C. W. Sandiman, chairman of New Jersey's drug study commission, has labeled LSD "the greatest threat facing the country today . . . more dangerous than the Vietnam war."

Donald E. Miller, chief counsel of the Federal Bureau of Narcotics, has said bluntly that "the use of hallucinogenic drugs is destructive to culture."

The Chicago Tribune found "the widespread addiction to marijuana, methedrine and LSD" evidence for its conclusion that "the social order seems to be in a state of collapse, all standards of morality in abeyance, and revolt of every sort the order of the day."

Ironically, the authorities interviewed said, the new drugs may be attractive to Americans because they seem to jibe so nicely with a respect for science and technology.

What can be more "scientific," they ask, than chemicals? If Americans have a pill to induce sleep, a pill to prevent pregnancy, a pill to prevent seasickness, why not a pill to help them to find truth?

Again, drugs may be appealing because of their association with youth. Adolescents and even pre-adolescents set styles in dress, music, dancing, food and television. Is it surprising, the authorities ask, if they set them in other leisuretime activities, too? After all, they said, the hippies and college students are young, "with it" and "where the action is."

WHY PUBLIC SYMPATHY?

However, there are several conflicting spirits among today's youth, often coexisting eerily. (In a show window at the student union store in the University of California at Los Angeles, under a sign reading "Let us help decorate your room," are several psychedelic posters filled with drug symbols. But nestling under them are two gold pillows emblazoned with a big Bruin in a football helmet.)

After years in which the football hero has been a symbol of American youth, why is there apparently such surprising public sympathy for the drug-taking flower child?

Judging by the interviews with many authorities, part of the answer to this question may be found in the affluence that so much of this country has achieved.

The current generation of teen-agers is probably the first in which a substantial majority need have absolutely no concern about where the next meal or pair of shoes or movie ticket is coming from. Their parents, of course, grew up in the trauma of the Depression.

The children, however, have known nothing but comfort, and if the sociologists and psychologists are right, this can be a strangely disconcerting experience.

The father, they declare, goes into the city every morning, still acting out the aggressive, achieving role of Protestant Ethic demands of him (although he, too, may suspect that it is only a role and that he is not doing anything very constructive). In the meantime, the child is left at home with his mother in suburbia, the world of the supermarket and perhaps the country club, the world of spending and consumption.

In turning to the new drugs, psychologists suggest, the child is overtly expressing what his parents already know but are repressing—that they no longer live the life prescribed by the Protestant Ethic.

Drugs, says Dr. Malcolm Bowers, a Yale psychiatrist, are the chemical equivalent of spending and consumption in the economic world.

WANTS TO BE CARED FOR

"The drug taker," Dr. Bowers says, "does not seek to impose his will on the environment, to go out and get what he wants from the world."

"He asks and expects the environment to take care of him, to feed him, to satiate him, to make him feel good."

Dr. Herbert D. Kleber, also a psychiatrist at Yale, asserts that the drug taker rejects another central theme of the Protestant Ethic—that one must forsake pleasure now for the sake of greater and deeper satisfaction later.

This kind of sacrifice and self-control, which makes much sense to a man working his way up in the world, makes less sense for a man who has already made it, and even less for a child who is born into comfort and security.

Drugs—particularly those such as marijuana and LSD, which increase sensory intensity—are an experience of the here and now, the psychologists say.

Those who take drugs talk of a desire for immediate, direct "experience." They say that before they took them they felt "dry," "cut off from life," "over-intellectualized." Drugs, they say, helped to peel away the crust of inhibitions and habit that had blocked their senses.

This kind of drug use entails an affirmation of pleasure as a fundamental value, and pleasure is something the Protestant Ethic has always distrusted.

With few external frontiers to conquer, the psychologists say, it is not surprising that the child born into comfort should seek his frontiers inside. The new drugs—particularly the hallucinogens—are associated with introspection, mysticism, self-understanding.

However, Dr. Joel Fort cautions that these qualities may depend on the social context in which the drugs are consumed.

In America, for example, alcohol has become associated with aggressiveness (the cowboy striding in off the range, kicking his foot up on the brass rail, downing a couple of shots of redevye and then busting up the saloon). However, in France it does not have these connotations, Dr. Fort says.

So with the hallucinogens and marijuana, which are generally associated with passivity. Napoleon A. Chagnon, an assistant professor of anthropology at the University of Michigan, recently reported that the Yanomamo Indians in Venezuela used piltadenia, a hallucinogen closely related to mescaline, which usually produced hostility in the user.

The effect of a drug, authorities agree, is the product of at least four distinct factors: the inherent properties of the drug itself, the broad social and cultural attitudes and expectations about the drug, the immediate social context or setting in which the drug is consumed and, finally, the personality of the user.

ACTIVISTS AND HIPPIES

Two young men growing up in the same affluent suburb may resent the same things—the Vietnam war, racial prejudice, materialism, hypocrisy—and yet one may turn to the hippie-drug subculture and the other to political activism.

Although there is some overlap between these two worlds, those who have closely studied the political activists, such as Dr. Richard Flacks of the University of Chicago, conclude that the activists rarely use drugs more powerful than marijuana and that even their use of marijuana is casual.

Often the activists denounce the drug users. ("I pity those kids," said a young New Yorker who took part in antidraft demonstrations. "They've given up. All they do is sit around and puff, puff, puff. They won't work to change society the way I do.")

What makes someone choose the drug path? Psychologists and psychiatrists say the search for an "addictive personality" has proved unsuccessful.

"There are simply too many different kinds of persons who turn to drugs, too many different motives," says Dr. Daniel X. Freedman, chairman of the Psychiatry Department at the University of Chicago.

However, a number of studies seem to have identified at least one major personality type that is drawn to drugs—a type frequently found among the users of the new hallucinogens.

This is the "alienated" or "disaffiliated" personality, which was first described carefully by Dr. Kenneth Keniston, associate professor of psychiatry at Yale, in his book, "The Uncommitted."

Dr. Keniston's studies have been primarily with male undergraduates at Harvard and Yale, and he concedes that these are by no means typical Americans, but he and others believe that many of his findings have far wider application.

The alienated student, as Dr. Keniston sees him, makes "a generalized rejection of prevalent American values," but his rejection is not on the economic, social and political grounds which concern many of his classmates, but on cultural, esthetic and "humanistic" ground. He sees American society as "ugly, cheap, commercial, arbitrary, materialistic and dehumanizing."

Secondly, Dr. Keniston finds, these students feel estranged from their own experiences and estranged from others.

"They see themselves as separated from others by a grey opaque filter, by invisible screens and curtains, by protective shells and crusts that prevent them from the fullness of experience," he says.

They blame themselves, he says, for a lack of feeling, expressiveness, spontaneity and genuineness.

Finally, Dr. Keniston finds that many of these students express a subconscious yearning for an almost mystical fusion with nature, with their own inner lives and with other people, "a kind of oneness with nature or the world that has characterized intense religious experience for centuries."

Drugs, particularly the hallucinogens, appeal to them as a means of breaking through the personal walls and shells that estrange them from experience and attaining the fusion they seek.

Dr. Keniston also finds that these students almost always identified more closely with their mothers than their fathers. The father was either dead, absent, alcoholic, or so weak that he failed to provide a model for his son.

The mother, on the other hand, was a strong, active and attractive parent. (Interestingly, many others who have studied drug takers and drug addicts in other areas of society have found the same family pattern.)

Dr. Bowers, who has tested Dr. Keniston's hypotheses and found them clinically sound, believes they provide an essential clue to the psychological basis of drug-taking.

Dr. Bowers notes that in the first stage of childhood the infant is provided complete security, warmth and comfort by the mother.

"Later the child learns that he can't get everything he wants," he says. "But as the strong, masculine figure of the father swims into view, a male child normally begins to identify with him, to learn that even if he can't have everything, he can have a great deal if he learns how to go out and take it from the world."

"He develops the normal quotient of healthy aggressiveness."

"However, there are some male children who, because the father does not provide that role model, never develop that far. They remain at the earlier stage in which they still expect to be fed, to be kept warm, to be made to feel good."

"This is what the fusion fantasies express and this is what drugs do for them."

However, even if there is agreement about why some people need drugs there is no agreement yet as to what to do about it.

TRADITIONAL APPROACH

The traditional American approach has been to impose strict criminal penalties for the use of disapproved drugs, but relatively little control over socially acceptable drugs, such as alcohol and tobacco.

Recently, the differences between those who would heavily penalize drug users and those who would lift restrictions have been heightened by the debate over marijuana.

Those who favor the legalization of marijuana argue that the growing medical evidence about the relative harmlessness of the drug destroys all justification for the harsh criminal penalties (two to 40 years for possession under Federal law and comparable sentences in most states).

They contend that these penalties only contribute to widespread disrespect for the law and to the saddling of many otherwise respectable Americans with the onus of criminality, if not actual criminal convictions.

Those who argue for retention of these penalties—notably the Federal Bureau of Narcotics—generally take one of three approaches.

They often argue that the dangers of marijuana have been vastly underestimated and that, in any case, no conclusive evidence is yet available on its long-range effects.

Or they may argue that marijuana leads the user on to more dangerous drugs, particularly heroin. Finally, they may argue that, even if marijuana is no more dangerous than alcohol, there can be no justification for legalizing yet another intoxicating substance.

However, between those who want to send drug users to jail and those who want to make drug usage legal, there is a growing body of opinion—best represented by Dr. Joel Fort—that wants to take more sophisticated and varied steps to control all drug usage.

First, this group shares the views of virtually all the authorities consulted that the use of any drug—whether alcohol, marijuana or LSD—by persons under 21 is inadvisable and should be prohibited.

However, Dr. Fort and those who share his views would generally seek to take drug usage—as opposed to drug traffic or peddling—out of the criminal law.

Instead, they would seek to bring all drug usage under control by a combination of steps: including reducing the availability of most or all drugs, halting the advertising of legal drugs such as alcohol and cigarettes, prohibitive taxation, and—above all, Dr. Fort argues—"improving the quality of American life."

[From the New York Times, Jan. 9, 1968]
SCIENCE'S KNOWLEDGE ON THE MISUSE OF DRUGS AND HOW THEY ACT IS FOUND TO LAG—MORE STUDY URGED ON THEIR EFFECTS—CENTURIES-OLD PROBLEM OF ADDICTION POSES QUESTIONS THUS FAR UNANSWERED

(By Richard D. Lyons)

In Iowa, a baby girl with a shortened and twisted right leg was born to a woman who had taken the hallucinogenic drug LSD before and during her pregnancy.

In Ontario, Calif., a young woman was haunted by visions of being burned alive after she swallowed a massive dose of STP, another "mind expanding" compound. She was committed to a mental institution.

In Denver, a young mother who was known to be a marijuana smoker slashed the wrists and chest of her 2-year-old son. The child bled to death.

On Long Island, a man gave himself an injection of heroin, and then drove a station wagon into a collision. Seven persons died.

In Oregon, six women died after taking "weight reducing" pills containing amphetamines and five other chemicals.

DEATH FROM PILLS

In California, the secretary to a Protestant bishop died of acute barbiturate poisoning after taking an overdose of sleeping pills.

This is a small sampling of the horror stories connected with drugs, and the central characters are an infinitesimal fraction of those who have taken drugs in the 5,000 years since Chinese physicians first prescribed marijuana to induce euphoria and to reduce pain.

Over the centuries, the herbalists, witch doctors and folk medicine men found more effective botanicals for relieving pain than the dried flowers of the cannabis plant that produce marijuana. From the poppy seed they produced opium, and from the leaf of the coca plant they extracted cocaine.

These drugs, vital to prescientific medicine, were abused almost as rapidly as they were discovered, and the abuse continued when the age of chemistry spilled out a cornucopia of synthetics, some of which not only relieved pain but also changed the behavior of the user.

These synthetics included the anesthetics that revolutionized surgery, and the stimulants and the tranquilizers that eased the pain of those suffering from mental illness.

And, as quickly as they were developed, these "mood drugs," amphetamines and barbiturates, were abused by the victims of the age of anxiety. In the last generation, new mind-altering drugs such as LSD, DMT and STP have been synthesized in pharmaceutical laboratories, and almost as quickly they have been misused, too.

"Many inexperienced and uncritical teenagers and young adults still in the trial-and-error stage of life will eat, drink, inject, smoke or sniff almost anything" that promises to yield thrills, said Dr. Maurice H. Seever, chairman of the department of pharmacology at the University of Michigan Medical School.

This group, he said, includes "those who have built-in psychological or psychiatric deficiencies or those who have never been trained to exert self-restraint."

"Drug-dependence is a medical syndrome, a symptom complex, and almost always reflects some form of underlying mental disorder which has preceded and predisposed the patient to the development of drug abuse," said a report by an American Medical Association panel on drug dependence.

Dr. Efrén Ramirez, who coordinates the city's programs on addiction, said, "Most addicts are warped prior to the use of drugs."

"Addiction stems from character distortion, plus environmental factors such as lack of employment, skills or education, and finally the availability of the product," he said, continuing:

"We need much more information about the action of drugs. We've been playing ostrich too long."

Dr. Samuel Elduson, chief research biochemist in the Brain Research Institute at the University of California, Los Angeles, agreed. "No really cold explanation for the exact method of action of drugs now exists," he said.

Dr. Robert Levinson, a psychologist with the Federal Bureau of Prisons in Washington, said:

"Research into the exact action of drugs is sadly lacking; it is something we all should be doing."

The comments from scientists underscore a point that became evident during a study by The New York Times of the use of drugs: There is far too little scientific information on their misuse.

It is almost as if the misuse of drugs, especially the newer synthetics, has outstripped specific knowledge about them as their number and variety have multiplied. Earlier this year on the West Coast, for instance, dozens of cases of intoxication due to the hallucinogen STP were reported.

Yet it was two months before scientists identified the chemical as 2, 5-dimethoxy-4-methyl-amphetamine. Only its short-term effect has been determined; its exact method

of action and the long-term effect of its use still are unknown.

Even the terminology of drug misuse is uncertain. Some specialists for example, disdain the term drug addiction and speak of drug abuse; others feel that the word "abuse" involves judgment that may not be warranted. They lean toward the term drug dependence.

In general, however, it may be said that the person who seriously misuses drugs is one who centers his life on them to the exclusion of career, family life and society at large. He becomes drug-oriented.

Another complication in studying the effect of drugs is the absolute lack of assurance in many cases that there is a direct cause and effect between the misuse of the drug and the action of the user.

Consider the examples of misuse already mentioned: the overdose of barbiturates undoubtedly killed the secretary; the drugs found in the body of the driver undoubtedly contributed to the accident, and the combination of drugs in the reducing pills killed the women who were dieting by depleting their bodies of potassium.

But the doctors who examined the malformed baby said there was only "presumptive evidence" that LSD taken by the mother had caused the defect.

In the Denver and Ontario, Calif., cases, the authorities said the women probably were psychotic before the incidents so that the STP and marijuana at best aggravated, rather than induced, their psychoses.

As an illustration of the complexities of attempting to study the effects of drugs, consider that every day in New York several babies are born who seem every bit as squirmingly normal as the hundreds of other infants who come into the world here daily.

EXPERTS DISAGREE

But within hours these few infants may jerk, jitter and twitch, and it becomes evident that these babies are indeed different.

Though only hours old, they are hooked on drugs.

Their agitation, which may cause them to rub their skin raw, shows that the babies are undergoing withdrawal symptoms that probably are every bit as racking as those that torture their mothers and other addicts when they are deprived of heroin, morphine or barbiturates, the chief addicting drugs.

The infants' condition, called neonatal addiction, mimics adult addiction in many ways, among them the forms of withdrawal symptoms and the potential seriousness of the secondary effects of taking drugs, such as malnutrition, infection and dehydration.

Yet, experts in the field of neonatal addiction are divided over its possible aftermath.

"I have no reason to believe that, once the initial symptoms are over, the babies suffer physical consequences from their addiction," said Dr. Saul Blatman, the director of pediatrics at Beth Israel Medical Center.

In the past 2½ years, he said, 133 addicted babies have been born in Beth Israel. Only one of these infants died, he said, while none had the birth defects that might have been expected among babies born to women who used drugs.

"The long-term effects are elusive, to say the least," Dr. Blatman continued. "The current state of information about neonatal addiction is not much better than when it was first reported in an American medical journal 100 years ago."

However, another expert on neonatal addiction, Dr. Felicia Oliver-Smith of the city Department of Health, disagreed in part.

"About two-thirds of the babies of heroin addicts are born prematurely, which in turn may lead to brain damage and mental retardation such as cerebral palsy," she said.

"There also is a suggestion," she continued, that heroin affects the endocrine

system in the mother and might have some effect on the growing fetus.

The endocrine system, which includes the pituitary, thyroid, adrenal and other glands, secretes hormones into the blood stream. These hormones are major regulators of the functions of the organs of the body.

"If a child is deprived of his normal amount of hormones, for example, will he be less able to withstand the stresses of living?" Dr. Oliver-Smith asked.

As does neonatal addiction, adult addiction—especially if it is long term—poses questions about drug dependence that science and medicine have not answered.

The short-term effects of opiates, for example, are well known. The small doses used by "weekend joy poppers," who have, as the addicts say, "Pepsi Cola habits," may be shrugged off in a matter of hours or days, although overdoses can kill.

The length of time it may take to become addicted to opiates also may be predicted with reasonable accuracy, given a person's weight and the amount, concentration and frequency of the narcotic taken.

But the long-term medical effects of drug abuse and the exact operation inside the brain remain as obscure as they were to the Chinese physicians, who prescribed a form of marijuana for gout, constipation and "absent-mindedness."

Science, however, has discovered that the most dangerous drugs affect the central nervous system—the brain and the spinal cord. Once a soluble chemical enters the body, directly by injection or indirectly through the nose, mouth or skin, it finds its way into the blood stream and eventually into the spiderweb of microvessels that lace all organs, including the brain.

Those drugs that affect the central nervous system can mysteriously filter through the walls of the tiny blood vessels of the brain. Once past the walls, the drugs pass into the brain's glial cells, which act as packing between the nerve cells, or neurons.

It is the kicking or caressing action of a drug on the neurons that determines how the chemical stimulates the body as amphetamines and cocaine do, or depresses the actions of the body as narcotics do, or blurs the senses of the brain, as LSD and other hallucinogens do, or does all three as marijuana may.

The chief type of addicting drug is the opiate, which includes the derivatives morphine, codeine, paregoric and heroin. The misuse of opium, a drug known to the Egyptians as early as 1500 B.C., was compounded in the last century when more sophisticated forms of the drug were discovered, including heroin in 1898.

Opium, about 10 per cent of which is morphine, usually is smoked or eaten, while its derivatives may be injected, swallowed or sniffed.

Heroin, which Dr. Ramirez described as "the overwhelming problem in narcotics addiction," is formed out of morphine and is a white, buff or brown powder that acts much faster than the parent product.

Heroin, as do other narcotics, depresses the central nervous system and induces grogginess, euphoria, uncoordination and impaired thinking.

Heroin is also one of the most quickly addicting drugs; one dose a day for as little as a month may produce dependence. Tolerance to heroin also may build rapidly so that an addict may need an increasingly large dose to produce the desired effect.

This, in turn, causes the taking of overdoses that kill an average of one person a day in New York City.

Although heroin cannot be obtained legally in the United States, it is sometimes used in other countries for the medicinal relief of pain. The physical, as opposed to mental, action of heroin includes constipation, loss of appetite, which leads to mal-

nutrition, the loss of sexual drive, and a lowering of the rate of respiration.

Dr. Robert Baird, a physician who founded and directs the Haven Clinic for addicts in Harlem, notes that the respiration problems of addicts may become serious.

"Heroin acts to depress the cough reflex so that the lungs fill with mucus, making addicts ripe for bronchitis and other chest diseases," he said.

"The inability of heroin addicts to feel pain also may lead to serious complications," he added. "I know one kid who was on heroin who cooked his hand under hot water from a faucet and didn't realize it at the time."

Dr. Baird is emphatic in stating that heroin is a vicious, debilitating drug that can wreck an addict, not only socially, but also mentally and physically.

Nonetheless, other physicians, speaking from a purely medical point of view, are less sure. Dr. Ramirez declared that most of the medical effects of heroin were secondary to the use of the drug itself.

DANGER FROM NEEDLES

He meant that allergic reactions from overdoses or from the chemicals used to dilute heroin, unsterile needles that transmit tetanus and hepatitis, and malnutrition might cause more damage than heroin itself.

According to Dr. Oliver-Smith of the Health Department:

"Strictly speaking, heroin is probably the least harmful of all the addicting hallucinogenic drugs."

"The problems connected with heroin use," she said, "are irogenic in that they were created by law."

Dr. Charles Winick, an addiction expert of the American Social Health Association, said:

"Opiates usually are harmless, but they are taken under unsatisfactory conditions. Malnutrition caused by loss of appetite probably is the most serious complication of opiate addiction."

Morphine, widely used medically for the relief of pain, acts more slowly and less intensely than its daughter heroin. As the principal derivative of opium, morphine usually appears as morphine sulphate, a white crystalline powder that may be formed into cubes or tablets. It is swallowed or injected, but not sniffed.

Also in the narcotic family are several kinds of synthetic analgesics that imitate the action of morphine but are not derived from it. These include meperidine, which goes under the trade names of Demerol, Dolantin and Pethidine.

Meperidine, which was brought under Federal narcotics control in 1944, is shorter acting than morphine and requires frequent doses to relieve pain. If too high a dosage is given tremors and convulsions can occur.

Barbiturates are the second most common type of drug to cause addiction. This synthetic acts as a sedative or tranquilizer by depressing the central nervous system. It is used medically to induce sleep, to treat high blood pressure, and to control anxiety, epilepsy and hyperthyroidism.

DOZENS OF KINDS

The first barbiturate came into use in 1903 and dozens of kinds have been developed. The more potent, quick acting barbiturates, such as pentobarbital (Nembutal), secobarbital (Seconal) and amobarbital (Amytal), are the types most commonly used to produce intoxication.

These drugs also are high on the list of poisons taken in suicide, since massive doses are fatal. Barbiturates lead to the deaths of 1,500 persons in the United States each year.

Persons addicted to barbiturates become irritable and lose weight. Withdrawal symptoms may be severe and can lead to convul-

sions, delirium and death if not treated properly.

The barbiturate family also includes less potent, slower acting members such as phenobarbital and barbital, which are less dangerous and are more widely prescribed by physicians. Traffic in all barbiturates is controlled by Federal law.

In the nineteen-fifties, a new class of drugs called the minor tranquilizers came into use. These are less powerful, but they may cause ill effects comparable to those associated with barbiturates.

This group includes chloral hydrate, paraldehyde, glutethimide (Doriden) and meprobamate (Miltown and Equanil). Meprobamate came under Federal drug control this month.

Another widely abused class of drugs is the stimulant or "pep pill," that came into use about a generation ago. These drugs are of the amphetamine family and include amphetamine itself (Benzedrine), dextro-amphetamine (Dexedrine), methamphetamine (Methedrine and Dexoxyn), and phenmetrazine (Preludin).

These drugs directly stimulate the central nervous system, producing excitement, alertness, wakefulness and occasionally a temporary rise in blood pressure and respiration.

Medically, these drugs are used for the treatment of obesity, fatigue, depression and narcolepsy, a disease characterized by an almost overwhelming compulsion for sleep.

Because amphetamines tend to make tired people feel alert and depressed people feel alive, they are misused. They usually are produced in pill or capsule form, but they may be injected as is methamphetamine. Large doses may produce paranoid psychoses and periods of frenetic activity.

"When I get off an amphetamine jag," said one sometime user, "my jaw muscles feel like they've been chewing through a field of brittle grass—you've got to talk, talk, talk."

Long periods of exhaustion and depression may follow the use of large doses of amphetamines since the frenetic behavior may completely deplete the adrenal glands of the hormones that temper stress. Physical dependence does not develop with amphetamines, but emotional dependence may.

A QUICK ELATION

Another stimulant, natural rather than synthetic, is cocaine, which is extracted from the leaves of the coca plant.

It has been used as an anesthetic for centuries, but today its main medical use is as a local anesthetic for the eye, nose and throat. Cocaine constricts the blood vessels of the skin and membranes, shutting off sensation.

Cocaine is frequently sniffed or injected by drug abusers for a quick, immediate feeling of elation that may, in extremes, lead to paranoid delusions and hallucinations.

"I call it trains and bells," said one cocaine buff, "because the immediate reaction is like a speeding express train with church bells clanging. But the effect does not last long."

Overdoses of the white, crystalline powder may cause convulsions and death by paralyzing the heart and lungs. Although not a narcotic, cocaine was classed with the narcotics under Federal law 50 years ago.

A group of drugs whose use has come under Federal jurisdiction only recently is the hallucinogen, including the synthetics LSD, STP and DMT and the natural chemicals psilocybin, which is extracted from Mexican mushrooms, and mescaline, a chemical taken from the peyote cactus.

POTENT HALLUCINOGEN

LSD, chemical shorthand for d-lysergic acid diethylamide, probably is the most powerful hallucinogen yet developed. It is 100 times more potent than psilocybin and 7,000 times more powerful than mescaline. The

taking of as little as one quarter-millionth of an ounce may cause hallucinations that last for hours.

Exactly how LSD and the other hallucinogens produce their effects is not clearly understood, but they seem to affect the parts of the brain where the input of information from the senses is decoded and processed.

Reactions to LSD include not only hallucinations and distortion of perception, but also panic, violent impulses, suicidal acts and insanity.

Beside the psychological affects of LSD there may also be long-term physical damage. Scientists have found abnormal chromosomal patterns in persons who have taken LSD, and there have been scattered reports of deformed babies being born to mothers who used the drug.

Chromosomal damage also has been observed in animals fed STP. Another mind-distorting agent is DMT, known chemically as dimethyltryptamine. Neither of these drugs, which have effects that last for two to six hours, is as strong as LSD. But their psychological effects may be equally dangerous.

The hallucinogens have no medical use, although LSD is being used experimentally for the treatment of alcoholism and some forms of mental illness. The results have been inconclusive.

Another agent that may produce hallucinations, as well as sedation and elation, is marijuana, which is extracted from the flowers of the cannabis plant. It is as little understood as LSD, but unlike LSD it has been in use for 5,000 years rather than 20.

Marijuana, which looks like fine green tobacco, can cause a wide variety of mental sensations, depending on the amount smoked or sniffed, the user, and the climate in which it grows. Perhaps 300 million persons in the world today use marijuana, although it has no use in modern medicine.

Scientific controversy rages over whether marijuana is addictive or whether it causes long-term physical and psychological damage.

Some narcotics specialists claim that marijuana introduces the user to stronger drugs by whetting his appetite for them.

Others say there is no connection between smoking marijuana and taking heroin. It's possible that both sides might be correct, but there is no solid evidence to support either claim.

IMPACT ON BRAIN

In time, if it is explained exactly, the action of biochemicals and drugs on the brain may open to reality the prospect of mind control.

"Although at the present time there is no evidence that the psychoactive drugs have been used by one group of individuals, it is not an inconceivable contingency," Dr. Eidson said last May in an article in Science Journal.

"Brain washing or mind controlling correctly conjures up in the minds of many people a sordid picture of mindless and aimless man at the mercy of the brain washers," he said. "But 'mind dulling' is also a possible consequence of our psychopharmacological knowledge."

"An equally appalling picture is that of a society (without coercion!) manipulating their central nervous systems en masse by the use of psychoactive agents," he said, continuing:

"Different individuals, using different drugs to achieve different conditions of heightened sensory stimulation or tranquilization, may be unable or unmotivated to question existing social thought and standards of behavior and thus become a conforming mass, sluggish to change in an ever-changing and complex environment."

"Because such frightening conditions as mind controlling or conforming may be pos-

sible," Dr. Elduson added, "it is imperative that we recognize [that] the threat of our exploding knowledge in biochemistry and behavior lies precisely in the abuse of this knowledge to coerce, to control and to conform."

CHART LISTING DRUGS, MEDICAL USES, SYMPTOMS PRODUCED, AND THEIR DEPENDENCE POTENTIALS

Name	Slang name	Chemical or trade name	Pharmacologic classification	Medical use	How taken	Usual dose	Duration of effect	Initial symptoms	Long-term symptoms	Physical dependence potential	Mental dependence potential
Heroin.....	H., Horse, Scat, Junk, Snow, Stuff, Harry, Joy Powder.	Diacetylmorphine...	Depressant....	Pain relief.....	Injected or sniffed.	Varies.....	4 hrs....	Euphoria, drowsiness.	Addiction, constipation, loss of appetite, convulsions in overdose.	Yes....	Yes.
Morphine.....	White Stuff, Miss Emma, M, Dreamer.	Morphine sulphate..	do.....	do.....	Swallowed or injected.	15 milligrams.	6 hrs....	do.....	Addiction, impairment of breathing.	Yes....	Yes
Codeine.....	Schoolboy.....	Methylmorphine....	do.....	Ease pain and coughing.	Swallowed.....	30 milligrams.	4 hrs....	Drowsiness....	Addiction.....	Yes....	Yes.
Methadone....	Dolly.....	Dolophine, Amidone.	do.....	Pain relief.....	Swallowed or injected.	10 milligrams.	4-6 hrs..	Less acute than opiates.	do.....	Yes....	Yes.
Cocaine.....	Speed Balls, Gold Dust, Coke, Bernice, Corine, Flake, Star Dust.	Methyl ester of benzoylecgonine.	Stimulant.....	Local anesthesia.	Sniffed, injected, or swallowed.	Varies.....	Varies....	Excitation, talkativeness, tremors.	Depression, convulsions.	No....	Yes.
Marijuana....	Pot, Grass, Locoweed, Mary Jane, Hashish, Tea, Gage, Reefers.	Cannabis Sativa....	Stimulant, depressant, or hallucinogen.	None in United States.	Smoked, swallowed, or sniffed.	1 or 2 cigarettes.	4 hrs....	Relaxation, euphoria, alteration of perception and judgment.	Usually none....	No....	?
Barbiturates...	Barbs, Blue Devils, Candy, Yellow Jackets, Phennies, Peanuts, Blue Heavens.	Phenobarbital, Nembutal, Seconal, Amytal.	Depressant....	Sedation, relieve high blood pressure, epilepsy, hyperthyroidism.	Swallowed or injected.	50-100 milligrams.	do....	Drowsiness, muscle relaxation.	Addiction with severe withdrawal symptoms, possible convulsions.	Yes....	Yes.
Amphetamines.	Bennies, Dexies, Co-Pilots, Wake-Ups, Lid Proppers, Hearts, Pep Pills.	Benzedrine, Preludin, Dexedrine, Dexoxyn, Methedrine.	Stimulant.....	Relieve mild depression, control appetite and narcolepsy.	do.....	2.5-5 milligrams.	do....	Alertness, activeness.	Delusions, hallucinations.	No....	Yes.
LSD.....	Acid, Sugar, Big D, Cubes, Trips.	d-lysergic acid diethylamide.	Hallucinogen...	Experimental study of mental function, alcoholism.	Swallowed.....	100 micrograms.	10 hrs...	Exhilaration, excitation, rambling Speech.	May intensify existing psychosis, panic reactions.	No....	
DMT.....	Businessman's High	Dimethyltryptamine.	do.....	None.....	Injected.....	1 milligram..	4-6 hrs..	Exhilaration, excitation.		No....	
Mescaline.....	Cactus, Peyote....	3, 4, 5-trimethoxyphenethylamine.	do.....	do.....	Swallowed.....	350 micrograms.	12 hrs...	Exhilaration, anxiety, gastric distress.		No....	
Psilocybin....	Mushrooms.....	3 (2-dimethylamino)-ethylindol-4-ol dihydrogen phosphate.	do.....	do.....	do.....	25 milligrams	6-8 hrs..	Nausea, vomiting, headaches.		No....	

[From the New York Times, Jan. 19, 1968]
THE DRUG SCENE: A GROWING NUMBER OF AMERICA'S ELITE ARE QUIETLY "TURNING ON"—SOME SEEK INSIGHT, OTHERS SEXUALITY, MANY ALSO DEFEND ON PILLS TO ROUSE AND RELAX THEM IN A HECTIC PACE OF LIFE

(By Martin Arnold)

The expensively coiffed wife of a dress shop owner was seated on a brown hassock, slowly running her tongue along the seam of a cigarette she had just rolled.

Resting in the fold of her skirt was a packet of cigarette paper and a large instant coffee jar that held something resembling tobacco.

"You make them too thin," she said to no one in particular.

It was a party on Thanksgiving Day in Houston, and the woman sat near the host, a computer expert. Everyone was getting ready to play a favorite game—improvising the dialogue for a radio serial into a tape recorder.

THE GAME BEGINS

Soon the host spoke his lines and passed his cigarette to the woman's husband. He inhaled noisily, laughed and offered his lines. Then he handed the cigarette to a lawyer.

The other guests were the lawyer's young wife and the manager of a large book and toy store. They all smoked the cigarette. It was a marijuana joint.

The scene was not entirely uncommon in middle-class America. Although the headlines and psychological studies about drugs deal mostly with hippies, heroin addicts and students, adult America is "turning on" in ever-increasing numbers.

A national survey by The New York Times found that while still a small minority of the population, more and more on-the-way-

up and already successful adults were using marijuana and hallucinogenic drugs. Many more were found to be using barbiturates to relieve tension and amphetamines to capture a feeling of limitless energy.

Among adult drug takers, marijuana was found to be the great leveler, used by the very poor, the middle class and the wealthy. Heroin, on the other hand, is nearly always used only by the poor.

The amphetamines and barbiturates cut across social lines, but seemed to be abused more often in the upper and middle classes.

The true hallucinogens, such as LSD, make up a different drug scene entirely, according to Dr. William H. McGlothlin, a psychologist at the University of California at Los Angeles, the adult usually experiments with them cautiously and in a way that will not abruptly change his daily living pattern.

Sometimes, Dr. McGlothlin said, the adult will gain new insights, and lessen his anxiety through the use of hallucinogens. They may also stimulate a "new found interest in music, art and nature—a sort of aesthetic Head Start for artistically deprived adults," he said.

ESCAPE FROM BOREDOM

Many of the adults interviewed said they used marijuana or an hallucinogen to escape boredom or what they believed to be their remoteness from meaningful activity.

Some, but not all, said they were searching for sexual freedom. Others said they sought a passageway to their own subconscious.

"In our private lives we're willing to edge to the outer rim of society in our search to maybe find God, self-revelation, or whatever you call it," a 47-year-old executive secretary in a small Southern city said.

She had taken four LSD trips in the last

five years, and smoked marijuana several times a week.

For other drug takers, a wine-red or pink and white amphetamine capsule, or a cool turquoise barbiturate, was used simply for kicks or as a way to keep functioning.

The remark of a successful 53-year-old Manhattan businessman, for example, was not uncommon. "I keep a supply of pills for entertaining just the way I keep liquor," he said off-handedly.

The wife of a publisher was just as casual as she rolled two marijuana cigarettes for her husband, wrapped them neatly in tinfoil and put them into his coat pocket to take to work—a tuned-in, turned-on modern executive's afternoon snack.

Nonetheless, there are no statistics on the respectable drug user. More surprising, in interviews with 25 psychiatrists, who had studied drug usage, not one had personally done research on the white collar drug user or knew of any medical literature on the subject.

Still, the white collar users were easy to find. They were usually in groups, experimenting with drugs together, although many were solitary users, taking pills to function, to stay slim, to fight the boredom of housework or dull jobs, or to be "up" and alive for a cocktail party or business dinner.

Most of the adult drug users interviewed were particularly articulate. They also held good jobs and appeared self-confident and assured. Despite their material success, however, they said they were alienated from the mainstream of American life.

Because of this, perhaps, they shunned conventional diversions, such as liquor. Although they may have considered themselves nonconformists, nonconformity was not reflected in their daily lives. Few were involved in causes—civil rights or Vietnam—and few took part in community activities.

HIS "SQUARE" SON

Privately, however, a retailer in Charlotte, N.C., who makes \$50,000 a year, would say:

"I would have been proud of my son if he had torn up his draft card and not gone in the Army, but he was too square."

The speaker is Southern-born, a Republican, and harshly opposed to the Vietnam war. He has taken five LSD trips and is a marijuana smoker.

"I learned from LSD the beauty of life—that it's too precious, so that we must not kill unless we are being invaded," he said. "I don't want my son to kill, in Vietnam or anywhere."

The respectable woman involved in drug usage, sociologists say, is from what can be called the transition generation. She was born too late to fit the totally domesticated tradition—married at 17, mother at 18—and too early to be a totally liberated career woman.

She is, therefore, neither a total housewife nor a total career woman. She is often trapped by her own limited imagination. She is often bored with her husband and frustrated sexually.

One such woman in Fort Worth said, "As adults, we're just as unfamiliar with the world today as the kids are." This woman is a former alcoholic, who now uses marijuana, LSD and amphetamines.

Many of the men held jobs they did not like, despite their success. One lawyer, who regularly uses marijuana and LSD, said that "after may first [LSD] trip it was unmistakably clear to me that this was not what my life was about—real estate law."

"Other people, probably stronger people, could come to this conclusion without drugs," he said. "I couldn't. Suddenly I didn't feel that I was put upon this earth to reduce landlords' real estate taxes."

He had given up the law and gone into book publishing.

NO THOUGHT OF CONSEQUENCES

Aside from addicts, the adult users interviewed had a tendency toward what Dr. Donald B. Louria, president of the New York State Council on Drug Addiction, called "emotional proselitizing"—expounding the virtues of drug-taking with little thought of the psychological and physical consequences.

"No doubt some have done with drugs precisely what they said they did—but no doubt a lot don't even know exactly what they are taking. Their judgment is affected and half of what they say isn't true."

Certainly, few of the adults, whatever their reason for taking drugs, seemed to be overly concerned about the psychological and physical dangers—the possibility of addiction, of recurrent hallucinations and feelings of panic, of loss of sanity and even, in some cases, death.

Most often, there appeared to be a difference between the adult who experimented with marijuana and the hallucinogens and the one who used amphetamines or barbiturates, or a combination of both.

The hallucinogen user was seeking, however naively, what Aldous Huxley called the "transcendental experience, where the soul knows itself as unconditioned and of like nature with the divine."

In "The Doors of Perception," which was something of a Bible to many of the adults who experimented with hallucinogens, Huxley summed up their use this way:

"To be shaken out of the ruts of ordinary perception, to be shown for a few timeless hours the outer and the inner world, not as they appear to an animal obsessed with words, and notions, but as they are apprehended, directly and unconditionally, by Mind at Large."

LED BY FRIENDS

The hallucinogen and marijuana user had nearly always been persuaded to try the drugs for the first time by a friend or a group of friends.

The pill user, on the other hand, who made up by far the greater number of adults using drugs, most often started out alone. He was not seeking self-knowledge or even fun, but support.

His use of drugs was a solitary thing. He did not want to be part of an experimental group. He used the drug not to stand out from a crowd, but to blend into one and to function the way he thought everyone else did.

"I got started on the amphetamine-barbiturate kick because I couldn't sleep nights before an important trial," a lawyer said. "I took sleeping pills. I owed that much to my clients. Suddenly I wasn't alert anymore. I started my day with an amphetamine."

A magazine editor, who commutes several times a month between Los Angeles and New York, goes a step further.

He takes amphetamine shots, for which there is no legitimate medical usage. "It's the first thing I do when I get to New York. I know a dozen doctors who give them. It gives you a hell of a lift. It's the only thing that keeps me going here," he said.

A female entertainer said: "I get done with a performance in New York and I have a television show to tape on the Coast the next morning. If I don't sleep on the plane I'm finished. The barbiturates give me the sleep; the amphetamines keep me going."

"In the old days I'd go on the 20th Century Limited, read a book, sleep and relax on the way to Hollywood. Now you can't."

Their pill usage, which could lead to addiction, had been induced by doctors.

Dr. Sidney S. Greenberg, chairman of the New York County Medical Society's subcommittee on narcotics and drug usage, said:

"A great deal of the fault in our drug-oriented society is with physicians, many of whom give pills indiscriminately."

"The doctor is so busy that when a patient comes in and says, 'Oh, Doctor, I'm so tense,' he doesn't take the time to find out what the problem is. He'll just prescribe tranquilizers."

"He's rushed, not interested in the patient, and if the patient appears very aggressive he'll give him a prescription for 50 or 100 pills rather than for 10 or 12."

Most pill users, once hooked, quickly put together a string of five or 10 or more physicians, each of whom, unknown to the other, would give him a prescription for pills.

PILLS FOR DIETS

The woman who wants to be fashionably slim may also go to a diet doctor, who dispenses from his office his own brand of appetite-killing pills. They are amphetamines.

In all cases they help to slim the figure. In many cases they hook the weight-watcher, who soon finds herself taking pills not to control weight but to get a pleasant high.

Physicians and their families are not exempt from using drugs, either. In Houston, the woman who heads an Alcoholics Anonymous group said:

"Of our 60 members, six are doctors' wives whose husbands hooked them on pills. One other member is a doctor's daughter hooked on pills and three are nurses, who are alcoholics and pill addicts."

A psychologist with a large practice in Atlanta has among his patients several doctors and dentists who are pill addicts. "They take amphetamines to pep up. They say their long hours make them tired. They then take sleeping pills, or morphine," he said.

Pill dependency is also a fact of life with truck drivers who say they couldn't earn a living "without bennie riding in the cab" to keep them awake on long hauls. Bennie is benzedrine, an amphetamine.

And in the autumn and winter, on any Sunday afternoon, how many professional football players charge out onto the gridiron, their step a little quicker, not from a pep talk but from a pep pill? Some sports writers say a lot of them do.

BUSTLING ATLANTA

Atlanta is a city bursting with construction, with pride in its art museums and theater groups, and with sophistication. People who sin there, do so quietly, and the mention of marijuana at a cocktail party is greeted with silence.

Yet like other American cities it has its share of white-collar drug users. A \$50-an-hour call girl says that at least half her customers, mostly local businessmen, use amphetamines or smoke marijuana. "And half of those who don't are always asking me if we can try pot," she said.

A young and attractive receptionist in an Atlanta dentist office proclaimed proudly that she had taken two LSD trips and that "they were damn good trips—they lasted nine hours."

"I smoke pot whenever I can get it," she said. "We have a group, which includes ad agency people, a dentist and a chiropractor. We smoke pot all the time. What's wrong with it? Nothing!"

There is in a small city in the Southern Piedmont a group of about 20 adults who also smoke pot and experiment with LSD. They range in age from 40 to 60. Most are businessmen, only six are women.

They use LSD and marijuana, they say, mainly for self-analysis. Five of them, three men and two women, said that they were cured of alcoholism through drugs.

Others claimed that, only after using the drugs, particularly marijuana, were they able to achieve healthy sexual lives. All claimed that drugs had contributed to their business and professional success.

The leader of the group—it would be more accurate to think of him as their guru—is a 55-year-old Navy veteran. He had become involved with drugs six years ago, while in Mexico.

"I was very much interested in the ancient Mexican religions and I saw the old manuscripts where drugs were talked about," he said.

"I had been offered synthetic drugs before, but I wanted to try more natural things first."

"I discovered this ancient mural. One of the gods was showering down on the earth morning glory seeds and colored berries. I didn't know how to take berries, but I used morning glory seeds, which were hallucinogenic. I also experimented with psilocybin mushrooms."

As he talked, the man was seated in his study on the ground floor of a large antebellum style plantation home. Next to him was a woman in her early 40's, who had taken 15 LSD trips.

NOT REALLY A CULT

"It's never become exactly a cult with us," she said, speaking of their group. "But it's taken people who had gotten stagnant and sent them off into other more interesting directions. The object of all these things is that the user gets out into these new directions."

Their friends take their hallucinogenic trips together in groups of three or four. Usually it is in a home. But sometimes they rent beach houses to "trip in," and they have even climbed nearby mountain ranges, where they have taken LSD on the grassy slopes.

"It is part of our inner life," the woman said. "All of us lead an outer life that is square."

"LSD and marijuana allowed me to escape from the structure of my own ego at least," said the leader of the group. "I'm structured and compressed enough by my time and circumstances and place in history, and this has freed me a great deal."

His three daughters and his wife know of his drug experimentation. They do not take part, but they do not disapprove, either.

Another group member, a 57-year-old businessman, said that drugs has helped him to

straighten out his drinking and his business problems.

"I can see things more clearly when I'm smoking a joint," he said. "The next day, when I am back down flat, so to speak, I can still see things from the turned on point of view."

Drugs made them kinder, gentler people, all the group members believed. Like the Charlotte businessman, most of them were now doves on Vietnam because, they said, they now oppose any form of killing.

Despite their success and respectability, their "new understanding," members of the group said, now extends far enough to embrace the hippies.

"Except for the dirt, the smell, I really think they're the greatest generation of youth this country has produced," one said.

IN PRAISE OF PROTEST

Others praised anti-Vietnam demonstrators and even civil rights activists. They all said that five years ago such activists would have outraged them.

Presumably, there are similar groups all over the United States.

Quite apart from any group, however, there are the amphetamine users, some of whom take the pills for sexual purposes.

The Manhattan businessman who keeps pills handy for entertainment, just as he does alcohol, said that a lot of the women he dated—models and career girls—would not make love without first popping a pill. These girls, he said, seldom smoke and never drink.

One such girl, a 27-year-old, who once worked for a motion picture company here, uses amphetamines "to keep going sexually."

Pointing to the bedroom in her Park Avenue apartment, she said, "I once stayed in bed for three days with a man taking pills to keep going and smoking pot to enjoy myself. We did nothing but make love for three days. We sent out for chop-suey every once in a while."

Usually, however, the pills and the stimulation they provide are reason enough for the user; sex is not a factor.

On the other hand, the use of marijuana and the hallucinogens, almost always leads to sexual experimentation among adult users.

NOT MANY ORGIES

There is seldom anything orgasmic about this. Pot parties among adults do not end with couples pairing off in dark corners or empty bedrooms.

However, nearly all marijuana and LSD users maintain that the drugs lend a spice to sexual relations that their own imaginations do not.

In Washington, a woman who works for a Federal agency and has been on a Presidential commission said:

"I don't enjoy liquor, but a good high on pot is wonderful. I like the whole mood, having the right atmosphere, people getting together, with a good record on."

"Afterwards, if my date is right, and we're both turned on, there's nothing better than making love together. It seems like everything is so slow, so long lasting and loving."

Some adults on the drug scene will try anything that is available—marijuana, hallucinogens, pills. A painter in New York uses laughing gas when he can get it "because, man, it really makes you zoom off into space."

A woman who works in a San Francisco advertising agency pulls her hi-fi turntable out from the bookcase and reveals behind it a cache of pot, LSD and pills.

"It depends on what I'm looking for," she said, "A mellowness, a long trip or just a terrific high."

A 47-year-old housewife in Fort Worth has 20 bottles of pills in her kitchen, prescribed by at least six doctors.

In her living room library, amid the books on psychology and Indian mysteries, is the

massive, 1,900-page United States Dispensary, a directory of drugs. Also on the bookshelf is a kaleidoscope which, she said, "I bought for by LSD trips."

The woman has made a way of life out of the use of drugs. She has taken five LSD trips and her husband has taken two. They have four children, the oldest a 21-year-old college student.

The woman has given the son two LSD trips. "I knew he was headed that way. I wanted him to experience it with good stuff, not junk that someone gave him at college," she said.

She has used LSD, marijuana and pills for a wide variety of reasons, including self-analysis, attempts to cure the headaches that plague her, and sexual experimentation.

AN UNKNOWN QUANTITY

"When my husband first took LSD he got very sensual; he kept wanting to touch me," she said. "Everytime I take a trip with him or with friends I provide good wine, good cheese, good incense—everything to stimulate our senses into whatever avenue we want them to go."

How many people are like her?

The psychiatrists, the sociologists and the police don't know. For these are discreet, respectable lawbreakers. They do not deviate from the rest of society except by taking drugs.

They are in the minority, but clearly their numbers are growing. "I would favor legalizing marijuana, but not for the masses," a young lawyer told an adult discussion group one night recently in Dallas. He did not define "the masses."

There is usually a scandal when the sons and daughters of the white-collar drug users are caught smoking pot or using LSD. But The Times survey showed that, in many cases, the parents and children shared the same values.

In their search for something mystical, or for their lost feelings, or for a way out of their boredom, the adults have taken for their own much of the trappings of the hippie subculture.

Because they have so much to lose materially the adults remain nameless. But even when they are caught the authorities sometimes wink at their transgressions.

In a North Carolina city several months ago, the police swooped down on the home of a businessman who was growing a large field of marijuana in his backyard. They cut down the marijuana and left. The man was not arrested.

[From the New York Times, Jan. 11, 1968]

THE DRUG SCENE: MARIJUANA, FOR MANY STUDENTS, HAS BECOME A PART OF GROWING UP—LIQUOR DISGUSTING TO YOUNGER ONES—EXPERTS SAY SMOKERS TEND TO BE BRIGHT AND QUIET—USE OF LSD DECLINING

(By John Kifner)

Amherst, Mass., is a New England college town, dominated by a sweeping tree-shaded green, flanked on the south by a small business section, and on the north by comfortable fraternity houses and the pretty campus of Amherst College.

It looks like the setting for one of those college musicals about the Big Game and the bestowing of a fraternity pin on the Homecoming Queen. A half-block north of the green and down a narrow alley is a head shop.

A head shop is where one buys the accessories of the psychedelic experience, grass pipes, for example, which are small pipes for smoking marijuana, and roach holders, which are elaborate clips for holding the tiny butt ends of marijuana cigarettes, or joints.

A few doors up the street, another establishment specializes in wall posters, beads and small brass Indian pipes for smoking hashish.

ROLL YOUR OWN

And the local stationery store, besides its stock of things like spiral notebooks, has a prominent display of Zig-Zag cigarette papers.

Nonetheless, no one was seen with the tag of a Bull Durham tobacco sack hanging out of his button-down shirt; the papers were for rolling joints.

In Cambridge, Mass., on a recent Friday, a dozen students at Harvard Law School gathered in an apartment for an evening of relaxation.

Four or five drew their chairs together and spoke of the possibility of political change in entrenched big-city bureaucracies. The others gathered about the fireplace and passed around a pipe, its bowl covered with perforated aluminum foil, and talked about movies, music and friends, and smoked marijuana.

"What the law school needs," said one future attorney, "is more snorts and less torts."

At a small Roman Catholic girls prep school outside San Francisco last spring, a local narcotics officer lectured on the danger of drugs. With many jocular remarks about making sure that he got them all back, he passed around three benzedrine pills and three marijuana cigarettes.

When they were returned, he humorously began to count them, and then discovered that he had got back four marijuana cigarettes.

In the late nineteen-sixties, a nationwide survey by The New York Times has found, drugs, particularly marijuana, have become for many students a part of growing up, perhaps as common as the hip flasks of Prohibition.

HIPPIES AND THE MEDIA

While drug use has been expanding over the last few years, students and high school and college officials agree that it has increased sharply since the intensive coverage given to drugs and the hippies last summer by the mass media.

"There's no doubt this thing has increased since the summer. There were articles on the East Village in Esquire, Look and Life and this provides the image for the kids," said Dr. Donald W. Miles, the principal of Horace Greeley High School in the Westchester suburb of Chappaqua.

There does, in fact, appear to be far more drug use than police or academic officials say there is, and particularly with marijuana, the drug use cuts across all types of young people.

In the past, younger students were introduced to drugs—"turned on"—by upperclassmen. Now, students on many campuses say, freshmen arrive already smoking marijuana or taking it for granted that it is part of the college experience.

Marijuana—"grass" in the current campus phrase—has spread from avant-garde, artsy-craftsy colleges, through the Ivy League and the schools in big cities, through universities with transplanted New Yorkers, to campuses all over the country.

It also has spread to exclusive prep schools such as The Hun School in Princeton, N.J., and Phillips Academy in Andover, Mass., and on to high schools in places like Brattleboro, Vt., and Cedar Rapids, Iowa.

MORE INTROSPECTIVE

Dr. Kenneth Kenniston, assistant professor of psychology at the Yale University School of Medicine, could suggest to a recent meeting of the American Psychiatric Association that drug users were "largely congregated at the more selective, progressive and academically demanding institutions."

He also said they tended to be "better than average students," who majored "in the humanities, or perhaps in psychology," and were rather more introspective than many of their classmates.

Most psychiatrists and administrators agree. They say that the student who uses drugs regularly tends to be rather bright and rather introspective, to often have deep personal or family problems, and to be alienated from both the values of the adult world and from those of his fellow students.

But, it is this type of students that psychiatrists and administrators are most likely to come in contact with, resulting in what sociologists term a "biased sample."

Interviews with students indicated that, while many drug takers appeared to be troubled, many did not.

Furthermore, many students who gave little evidence of being particularly thoughtful seemed to be sampling drugs simply because they were available, or because they were considered sophisticated or daring. Others were smoking marijuana because it was the social thing to do, like sipping a cocktail.

A reporter for The Harvard Crimson, the undergraduate daily, recalled that four years ago a student turned in his roommate for smoking pot to "save" him.

"This would never happen today because the atmosphere has changed," he said. "It would be embarrassing for a student now to admit that he hadn't at least tried pot—just as it would be embarrassing for a Harvard student to admit that he was a virgin."

And, while a few years ago drug use appeared to be concentrated at better schools in the Northeast and on the West Coast, the scene is expanding rapidly.

The National Student Association collects newspaper articles about students arrested on drug charges. In the 24 cases listed for the first three weeks of last November, which were by no means all of them, there were arrests at Berkeley, Yale, New York University and the University of Wisconsin. There were also arrests at:

Franklin and Marshall College, Lancaster, Pa.; Hutchinson Community College, Hutchinson, Kan.; Piedmont College, Clarksville, Ga.; Towson State College, Towson, Md.; The University of Texas; Eastern New Mexico University in Portales; Pennsylvania Military College; Kansas Wesleyan University in Salina; Northwestern University, Evanston, Ill.; Wichita State University in Wichita, Kan.; University of Nebraska; Michigan State University; Shimer College in Chicago; Eastern Illinois University in Charleston; Central Missouri State College in Warrensburg; Southern Illinois University in Carbondale, and the high schools of Waukesha County. In the New York area there were arrests at Adelphi, Hofstra and the Collegiate Institute.

The survey showed that student comments about drugs, particularly marijuana, sound the same all over the country:

"It's not addicting. It's cheaper than booze and the high is better."

"When I'm high I'm in control of myself, when I'm drunk I'm not."

"There's no hangover."

"Man, when I'm high (snapping his fingers) . . . like, I'm inside myself, I'm outside myself (snap, snap)."

"Why not?"

Despite this, there are distinctions among youthful drug users.

On the campuses, where drugs are a social experience, or perhaps an attempt at self-realization, they tend to be regarded earnestly, but only as a part of life. Among the hippie drop outs, they seem to be the focal point of existence.

In high schools, where a weird and dangerous variety of drugs may be taken without sophistication or discrimination, they are a remedy for boredom and a way of rebellion.

The most common mind-altering drug used on campus, of course, is still alcohol. The drinking culture predominates, particularly at Southern universities, where the "foamies," beer drinkers, hold weekend binges, and at Roman Catholic institutions

such as Fordham and St. John's, where vice tends to be more traditionally Irish.

THE "HORROR SHOW"

A normal college weekend party is still marked by much ostentatious quaffing of beer or punch (usually a local specialty with a name like "Texas Twister" or "Purple Passion") or cheap bourbon.

There is also bawdy dancing, spilled beer, big-beat rock 'n' roll, groping and pawing, passing out, throwing up, and maybe fights, smashed windows and furniture and occasional automobile accidents.

The activity, if it reaches the proper peak, is known on some campuses as a "horror show," and participants speak fondly of "throwing shows."

A drug party, in contrast, usually means a small group of friends—or sometimes only a boy and girl—in a dormitory room or, more likely, an off-campus apartment.

Perhaps there are candles burning, or perhaps incense to disguise the heavy, sweet odor of marijuana. The cigarette or pipe is passed quietly from person to person; each inhales deeply, holds his breath, and sniffs in more air to keep the smoke in the lungs.

As the light-headed, euphoric "high" comes on, there will be some giggles, some dangling conversation. They will listen to records—The Beatles, Bob Dylan, Ravi Shankar—talk, or simply sit and contemplate.

Later they will raid the icebox, or go to an all-night sandwich shop, for marijuana increases the appetite, and users say the sensation of taste is enhanced.

ALCOHOL IS YIELDING

Increasingly, the alcoholic party is yielding to this. At Colgate, for instance, one fraternity normally consumes ten kegs of beer on the big fall weekend when the houses are open to freshmen. This year it used only three.

At Amherst, a fraternity has switched almost completely to drugs, and others have found that their liquor bills have declined. A fraternity brother who was once known as "The Mad Dog" because of his behavior when he drank is now a pothead and is called "The Docile Dog."

Among younger pot smokers particularly, there is a strong revulsion toward alcohol. Young people who were graduated from college in the early 'sixties have discovered a generation gap as their younger brothers and sisters accuse them of ruining their health and losing their self-control by drinking.

"I just can't see drinking—pouring all those poisons into your body and becoming obnoxious, ugh," said a 17-year-old boy who goes to Hillhouse High School in New Haven and turns on nearly every week-end.

In contrast to marijuana, the use of acid—the hallucinogen LSD—has fallen off rapidly on most campuses. In some circles, however, it is being replaced with mescaline.

One major reason for the decline of LSD is the recent publicity about the possibility of hereditary defects and mutations from the drug. "I don't want any freaky three-headed kids," said one coed.

Another reason is that there have been too many "bad trips" and frightening experiences from taking LSD. Many students have found a trip too powerful and too exhausting an experience to repeat.

Still, many youths say that a trip has been a valuable experience—"I found out a lot about myself, including a lot of stuff I didn't like," is a common comment—and many of the bad trips have been unsettling rather than disastrous.

But everyone knows stories of people who took LSD and then leaped out of windows convinced they could fly, or attempted (sometimes with ghastly results) to stop rapidly moving traffic.

Or they know of experiences similar to that of a brilliant science student at Amherst who was dismissed from school a few months before his graduation.

On a bad trip, he had raced into the home of an elderly woman, screaming that the police were after him, and barricaded himself in a closet. The police weren't, but they soon were.

Another problem with transparent, tasteless LSD is the quality of the drug. Much of it has been cut with "speed"—methedrine, a powerful amphetamine—or other substances.

Amphetamines, in the form of benzedrine and dexedrine, have been used in colleges for years, not for kicks, but merely to stay awake, sometimes for days, while writing papers or taking exams.

This is not considered taking drugs, said a Harvard senior, "any more than No-Doz was in prep school."

But sometimes the results can be disastrous here, too. Some students have been hospitalized with exhaustion, and there is the case of the graduate student at the University of Oklahoma, who, stoked with dexedrine, walked out of an exam convinced he had written the best paper of his career.

He may well have, but no one will ever know, since he wrote it all on the same line.

While there are bizarre aspects to collegiate drug use—such as the students at Rice Institute in Texas who play "pill roulette" by grabbing an unidentified pill out of a paper sack on the way to class to find out what will happen when they take it—there are relatively few "stone heads," who center their lives on drugs.

"Most people go through three phases with drugs," explains a junior at the University of Massachusetts. "When you're first turned on, it's like the greatest thing in the world, and you get very evangelical and run around talking about it all the time and trying to turn everybody else on."

"Then you go through a period when drugs are pretty important and you orient most of the rest of your life around the time when you turn on. Eventually there's just a lot of other stuff you want to do, so you just smoke once in a while."

Most experts, such as Dr. Joel Fort, who was once with the San Francisco Health Department, and Dr. Richard H. Blum, director of the Psychopharmacology Project of the Institute for the Study of Human Problems at Stanford University, agree that becoming "strung out" on drugs is not so much caused by the drug as it is the personality problems of the user.

This is backed up by such lay observations as that of a girl in Greenwich Village, who declared:

"Most of the real heads were completely freaked out before they ever saw dope; that bag is just their outlet."

DRUGS IN HIGH SCHOOL

Despite their apparent sophistication, many turned-on college students have been startled to find a widespread use of drugs at their old high schools, and some have been shocked by the abandon with which they are sampled.

"My 14-year-old sister, who goes to a nice Catholic girls' school, called me up this summer to tell me she's been dropping STP (a hallucinogen) with the surfers on the Jersey shore," a 23-year-old pothead recalled. "I said, hold on, honey, we'd better have a little talk."

In Bethesda, Md., a suburb of Washington, members of the high school "blue glasses" hippie set have stolen whatever looked interesting from the medicine cabinets of homes where they were baby-sitting. The next day they see if anyone knows what it is. Then they take it to see what it does.

In Houston, teen-agers have told their parents they were going to the shore for the weekend, and then pooled their money and sent one of their number to San Francisco and back to fetch LSD.

In Beaverton, Oreg., the largest suburb of Portland, half the students in a high school

assembly raised their hands when asked if they knew where they could get marijuana. Two students there were arrested while shooting up methedrine in a restroom during a football game.

"The frightening thing about these kids is that they'll take anything, anywhere," said a young medical student at Yale, who is studying drug usage. "I used to think it wasn't so much different from what we did at that age, but this is really dangerous."

Indeed, it is the teenyboppers' ready acceptance of drugs such as methedrine, which can induce psychological dependence, compulsive, sometimes violent behavior and intense feelings of paranoia, which has hastened the break-up of the Haight-Ashbury hippie community in San Francisco.

The high school student most likely to use drugs, according to several high school principals, deans and suburban psychiatrists, is the bright student, who does not participate in school activities, who often has a troubled home life, and who feels alienated.

"A PERVERSIVE DEPRESSION"

"One gets from these kids a feeling of nothingness, of pervasive depression," said Dr. H. R. Kormos, one of 14 psychiatrists in Westport, Conn., a wealthy suburb of 26,400 persons and 21 liquor stores.

"There is a very genuine feeling that life has little to offer them, and they speak continually of the dreariness, the drabness of everyday life," he said.

Dr. Kormos suggested that, particularly with marijuana, the mystique and ceremony of sharing the drug may impart a sense of belonging and identity that is more important to the student than the effect of the drug.

And, like other psychiatrists, school administrators and clergymen, Dr. Kormos spoke of the problems that an affluent society has created for young people: the shifting of families as businessmen are transferred about the country; the absence from home of a commuting, traveling father; the struggle for status and success; pressures to get into competitive colleges; and what the young person may see as a moral contradiction, Vietnam, for example.

"The drug problem is quite related to what's going on in the community; there's a lot of comment about the hypocrisy of the adult world," said the Rev. James G. Emerson Jr., who works with young people in weekly discussion sessions at the Larchmont Avenue Presbyterian Church in Larchmont, N.Y.

"These kids know a lot more; they're much more idealistic about life, and they feel they can't be idealistic in the church, in the school system or with their parents," he said.

"One of the real problems now is that parents over-react," Mr. Emerson continued. "Often a parent just latches on to the drug taking and doesn't realize that it's really a symptom of other things."

One type of suburban student unlikely to use drugs, however, is the leather-jacketed "hood," who in past years might have been accused of creating teenage drinking or driving problems.

"These are usually the sons of the local tradespeople, and they're less articulate and resentful of the more affluent kids," a Westchester high school principal said.

"There's a real split here. The longhaired kids are against the war, for instance; these kids are for it. They view the drugs as a very moral issue. They've even beaten up some of the kids who were known to smoke marijuana."

The going rate for drugs varies with the area, the amount on the market and the source of supply, but an ounce of marijuana generally costs \$15 to \$20.

In some areas, users say, underworld elements have moved into the marijuana trade in the last few months and have driven prices up.

AN INFORMED TRAFFIC

But for the most part the sources of drugs, particularly in colleges, are informal—normally a student who sells only to a small circle of friends, and usually not for a profit.

Probably the biggest carrier of drugs to campuses is the United States mail. There are some students, however, paying for their tuition or vacations, who make regular runs between Boston and New York, or who fly to San Francisco or drive to Mexico with an empty suitcase and back with a full one.

The unstructured nature of the traffic has posed a problem for the police. Increasingly they are planting undercover agents in high schools and colleges, and forcing students who have been arrested to turn informer.

In Washington County, Ore., outside of Portland, the chief of detectives in the county sheriff's office keeps a list of 400 teen-agers who are known or suspected users. In Madison, Wis., Detective Capt. Stanley Davenport says that 90 per cent of the students arrested cooperate with the police to avoid prosecution.

This troubles college administrators, who traditionally have stood somewhere between the students and the police. Most colleges are now issuing rather vaguely worded warnings about drugs, but most do not have a set policy, explaining that they prefer to deal with each case as it arises.

[From the New York Times, Jan. 12, 1968]

THE DRUG SCENE: NATION'S ILLEGAL TRAFFIC IS VALUED AT UP TO \$400-MILLION ANNUALLY—NEW YORK CALLED DISTRIBUTION AREA—MOST MARIJUANA SMUGGLED FROM MEXICO LANDS HERE, IN CHICAGO OR LOS ANGELES

(By Martin Waldron)

REYNOSA, Mexico.—In a dingy nightclub on Reynosa's main street, where the noise was overpowering and the light dim, an American with a half-dozen empty margarita glasses on his table was negotiating to buy marijuana.

"I have heard that it can be done," said the waiter, who had pocketed a sizable tip. "But I do not know exactly how."

He lingered at the table long enough to pick up the empty glasses. "Perhaps if you will wait," he said.

Fifteen minutes and one drink later, a young Mexican laughing and showing his teeth in the dim light, sat down at the table with the American.

THE PARKING LOT

"You are driving?" he asked.

"Yes."

"There is a parking lot in the square behind this building. If you could bring your car there."

"It is already parked there. A yellow Ford with Texas license plates."

The Mexican pondered a moment. "How much did you have in mind?" he asked.

"A half pound," the American said.

"If it could be done, it would be expensive."

"How much?"

"Forty dollars." It was within the price range that had been predicted by a narcotics agent in the United States.

"Half now, half on delivery."

"All now, please."

After a token argument, the Mexican shrugged and agreed to take \$20 then. He put the bill in his pocket. "Wait here," he said, standing and buttoning his raincoat.

He vanished through a rear door of the club, past the five-piece orchestra that was flooding the room with noise.

In 30 minutes, perhaps less, he returned. "Your car is ready to travel," he said, sliding into the seat he had vacated.

"Is it still raining?"

He shook his head, took the other \$20 in payment, refused a drink and vanished once again.

AN ODOR OF HAY

Under the front seat of the rented automobile, there was a small package, wrapped in paper, about the size of a package of king-size cigarettes. The package weighed perhaps a half-pound, at least half of it in paper.

The crumbly vegetable matter inside the wrapper had an odor of old hay. Satisfied that it was indeed marijuana, but not the half-pound he had paid for, the American held it for a moment, and then scattered it in the mud puddles of the parking lot. He rolled the paper wrapped into a ball and skittered it across the top of the automobile parked next to his.

Then he drove to the border, paid a 4-cent toll to cross the dilapidated bridge into the United States, and stopped at the customs station. A United States customs officer yawning in the post-midnight quiet, asked:

"What country are you a citizen of?"

"The United States of America."

"What did you buy in Mexico?"

"Nothing I brought back."

The customs officer waved the automobile through.

"It is a wonder," a narcotics agent said a day or two later, "that the pusher didn't sell your tag number to the customs. That fancy visa you had may have kept you out of trouble with the Mexican police but not customs."

"That's a favorite trick with Mexican pushers," he went on. "They sell you some pot and then telephone your license number to customs. That way they get paid twice, by you and by customs for informing."

"I threw the marijuana away before leaving the parking lot," the American said.

"So you say," said the narcotics agent.

The four ounces or so of marijuana sold by the smiling Mexican to a stout American reporter in a dim nightclub were only an infinitesimal part of the traffic in illegal drugs.

The traffic, the authorities say, is worth \$300-million to \$400-million a year.

Besides spending \$100-million on marijuana each year, Americans spend \$225-million on heroin, \$25-million on black market amphetamines and barbiturates, and \$5-million on cocaine. The amount spent on the hallucinogens such as LSD, STP, peyote and mescaline cannot be guessed with even reasonable accuracy.

The illegal traffic has been so lucrative that dozens of men have been murdered in fights for territory rights. The profit has led police officers to sell protection, diplomats to join smuggling rings, and Negro gangsters in Chicago, Houston and Los Angeles to challenge successfully the Mafia for distribution rights.

The patterns of the illegal traffic vary widely. Where heroin, for example, is smuggled into the United States in lots of three or four pounds, marijuana may be brought in from Mexico by the ton.

BOATS AND PLANES USED

Wholesalers seeking loads for New York, Chicago, or Los Angeles have camouflaged marijuana under scrap iron or lumber, and packed it in automobile doors and upholstery. Much has been smuggled in by boat and by airplane.

Periodically, the Mafia is rumored to have moved in on the marijuana traffic, but both state and Federal narcotics agents deny this. For big-time gangsters, the profit in marijuana is too small.

It takes no more ingenuity to smuggle a pound of heroin than it does a pound of marijuana, and a pound of heroin will retail for \$50,000, while a pound of marijuana may bring no more than \$100.

Most Mexican marijuana is believed to be grown in mountain villages in the east and west branches of the Sierra Madre Mountains. ("It's the real treasure of the Sierra Madres," said a narcotics agent.)

Jack Carpenter, an undercover agent for the Texas Bureau of Narcotics, said that marijuana, although illegal, flourished in parts of Mexico because officials got part of the selling price.

"There is this one little town where the mayor has the marijuana concession," he said. He also guessed that the captain in charge of the Army garrison in the district shared the profit, too.

GROWN IN DURANGO

Mr. Carpenter said that peasants, who planted an acre or two to "sell to the man," grew most Mexican marijuana.

"Most of them don't smoke it themselves," he said. "To many of the Mexican peasants, marijuana is something smoked by witches and vampires."

"They grow a lot of marijuana down in the state of Durango," said Walter E. Naylor, a former Texas ranger who now is chief of the Texas Narcotics Bureau.

Marijuana is also grown in Texas and in a number of other states, but experts say it is not as good.

"The Texas marijuana doesn't have the potency of the Mexican marijuana," Mr. Naylor said. "They grow it on volcano ash down in Durango."

Inexplicably, Minnesota has been the biggest marijuana-growing American state. Of 1,630 acres of marijuana destroyed by narcotics agents in the United States in 1964, 1,130 of them were in Minnesota. In 1965, of the 1,925 acres they destroyed, 1,239 were in Minnesota.

Most marijuana smuggled into the United States from Mexico goes to New York, Chicago or Los Angeles. Then it is sold in wholesale quantities and delivered throughout the country by airplane, bus or freight lines.

Much of the traffic is unstructured, loosely involving students, underworld elements and citizens who are members of neither one group nor the other.

A recent graduate of Amherst in Massachusetts, who sold 11 kilograms of marijuana to students last fall, said that he was no longer dealing because a local professional had warned him that his operation was getting too big. The graduate recalled that his first shipment—2.5 kilograms—had been sent to him by Railway Express from a friend in California.

"He figured he'd be clever and send it to a false name, but he didn't know that in Massachusetts you have to have identification to pick up the package," he said.

"We kept saying we were picking it up for a friend, but the Railway Express guy kept saying, 'Just identify the contents and we'll open it up and see if it's your package.'"

"We kept saying, 'Well, it's personal and we're just doing him a favor.' We had to come back three times with phony stories. It really got dangerous."

The students and other amateurs who smuggle directly from Mexico have learned to avoid another danger—being betrayed to customs by the Mexican sellers.

"Two carloads of them will go to Reynosa or Matamoros," Mr. Carpenter said. "One group will make the buy, having it delivered to their car. Before they return, they will transfer the marijuana to the other car."

TRAFFIC AT BORDER

"One car will come back through Del Rio and the other through Brownsville. If the pusher has sold their tag number to customs, the customs officer won't find anything if they search the car where the marijuana was delivered to."

It is believed that most marijuana enters the United States at the California border, where the steady flow of automobiles and trucks from Mexico, perhaps 25,000 a day, makes frequent checks for contraband virtually impossible.

At San Ysidro, Calif., for example, just

north of Tijuana, eight lanes of traffic flow into three check points. Peddlers always have time to hawk plaster statues of Christ and of bulls, birds and frogs to the drivers as they inch their way toward the customs stations.

Still, the customs officials, though pressed to avoid monumental traffic jams, do pull some automobiles aside for an inspection. In the last three years, they have seized more than 25,000 pounds of marijuana, enough to make more than 2 million cigarettes.

When marijuana is shipped inside the United States, its strong odor of hay sometimes leads to its confiscation.

In October, 1964, agents followed an empty suitcase that smelled of hay from Detroit to Los Angeles, where it was claimed by a big-time marijuana smuggler, Ben Milton Clark.

PILLS FROM A WAITER

Clark was arrested, and a half-teaspoonful of marijuana debris was scraped together from inside the suitcase. On Clark himself, the agents said they found 10 grams of cocaine, 133 grams of heroin, eight grams of opium, eight grams of marijuana, 58 benzidine tablets and 14 phenobarbital tablets.

Reynosa is only one of a half-dozen Mexican border cities where much of this marijuana, and amphetamines, too, can be bought with a trifle of patience and a supply of money.

Two weeks before he bought the marijuana, the American had been seated in a nightclub in another border town. He was with Mr. Carpenter, Mr. Carpenter's wife, a former stripper who had worked a nightclub circuit in Mexico.

Mr. Carpenter, posing as a hippie, bought amphetamine tablets from a waiter as easily as he might have bought a drink.

In testifying before a Senate committee in July, 1964, John E. Storer, chief of the California Bureau of Narcotic Enforcement, said:

"Anybody with an automobile can be a narcotics peddler by driving to Mexico and purchasing any quantity he desires."

"There is no need for a complex organization. There is no need for the intricate planning, ingenuity, and know-how that is required for a shipment from the Middle East."

Mr. Storer's statement, however, does not seem to apply to heroin.

Equipped with the names of several notorious distributors—Telesfora Parra Lopez, who is known as Pipas, Juan Hernandez, known as Big Brother, Miguel Barragan, Salomon Sanchez Jr. and Urbano Sigleros—an American reporter tried to buy heroin in Tijuana. He was unable to even find the distributors.

Onslaughts on Tijuana dives on three occasions brought offers of women, pills, pornographic movies and "unusual entertainment," but not heroin.

Waiters, bartenders, "B" girls and furtive men peddling various items professed to have heard only of Sanchez, who had just died in a Mexican prison from an overdose of heroin.

"You need some contacts to buy heroin in Mexico and besides, you look like a police officer," said Joseph H. House, supervising agent in Southern California for the California narcotics bureau.

FRENCH HEROIN WEAK

There has been a ready market for the dark brown Mexican heroin (French heroin is white) on the West Coast and in Chicago. A Chicago narcotics officer said the less potent French heroin was sometimes so diluted with milk sugar that it was not even addictive.

Actually, the traffic in French heroin begins in Turkey. Opium farmers there, who are licensed by the government to grow opium poppies for medical and scientific use, regularly overproduce their allotments, and this overproduction is sold to black market brokers.

This is smuggled from Turkey into remote

areas of Syria or Lebanon, usually by camel, and then taken to Aleppo in Syria or Beirut in Lebanon, where morphine is extracted from the opium.

The morphine, about one-tenth the volume of the original opium, is then smuggled to illegal laboratories in France, where it is turned into heroin. Most of the smuggling from the Middle East into France is done by seamen, and most of the laboratories are in or near Marseille.

Although diplomats and businessmen have been involved in smuggling heroin into the United States, most routine traffic has been carried out by seamen and airline employees. Inside the United States, the Mafia dominates distribution, particularly in New York.

In 20 years, investigations by the United States Bureau of Narcotics have resulted in the convictions of more than 60 members of the Mafia, including Vito Genovese, who was generally viewed as the top man in the Mafia. He is now serving a 15-year sentence.

Illegal drugs sold outside of New York are often under the control of Negro gangs, and drug traffic has begun to rival prostitution as the major source of income for some Negro criminal organizations.

THE NEGRO GANGSTERS

"We have some very sophisticated Negro gangsters in Chicago," said Lieut. Thomas E. Kernan, head of the Chicago police narcotics squad.

"It is our opinion that arrangements to get heroin are made through the Mafia," he said, adding that Negro crime syndicates handled the actual distribution.

For seven years, until 1959, Nathaniel Spurlark, a 58-year-old Negro from Pickens, Miss., controlled the narcotics traffic on Chicago's West and South Sides.

In a dossier on Spurlark, the United States Narcotics Bureau said that, "through a planned payoff system to Chicago narcotics officers, Spurlark managed to thrive in the narcotics traffic, virtually untouched."

Throughout the United States, there are more than 50 Negro gangsters known as major narcotics distributors in the United States.

Walter Lee Carlton of Mobile, Ala., several years ago became a wholesale heroin dealer in Los Angeles. He was the West Coast distributor for Louis Fiana of the Vito Genovese family of the Mafia, the narcotics bureau said.

Leroy Jefferson, from Warren, Ark., was one of the top, if not the leading, narcotics figure on the West Coast from 1957 to 1959.

Jefferson sold so much heroin and marijuana "that several New York-Italian groups were actually fighting to get him as a customer," the narcotics bureau said.

The new mobsters appear to have taken lessons from the Mafia. "In the last two years, eight or 10 of our narcotics informers have turned up dead," Lieutenant Kernan said. Rat poison, he said, has been a favorite murder weapon.

In the last three or four years, narcotics agents and the police also have seized almost 150 pounds of cocaine, an addictive drug made in South America from coca leaves.

Cuban criminal elements in the United States, the agents say, have claimed the cocaine market in much the same way that the Mafia has claimed the heroin market.

The indications are, however, that cocaine smugglers are not as adept as those that deal in heroin; many are caught by accident.

One woman, for example, called attention to herself by her unusual behavior at Kennedy International Airport. Customs inspectors, making an extra careful search, found 20 pounds of cocaine packed in the false bottoms of her suitcases.

Quite aside from the hard narcotics, the peddling of the so-called dangerous drugs—barbiturates and amphetamines—has become so extensive that in 1966 Congress created a new agency to stop it.

The agency, the Bureau of Drug Abuse Control, part of the Food and Drug Administration, has 299 investigators assigned to pill control, and in the last 18 months they have made more than 1,000 arrests.

UNDERWORLD MOVING IN?

Nonetheless, the bureau has not been able to establish a definitive pattern for the black market pill operation.

"We have been getting some indications that organized crime is the source of many of the pills being sold illegally," said Jerry N. Genson, chief of criminal investigations for the bureau.

The bureau estimates that, of 3.9 billion amphetamine pills manufactured in the United States in legal laboratories in 1966, 1.7 billion ended up on the black market. Of 3.1 billion barbiturates, 500 million were sold on the black market.

Mr. Genson said that millions of pills had been stolen by hijackers, who seized them while they were being shipped to wholesale druggists. Others were stolen in the laboratories by employees, some of whom used fictitious orders from legitimate wholesalers to cover up the thefts.

Furthermore, the chemical formulas for the pills are widely known and the ingredients are readily available. Old pill-making machines, discarded by licensed manufacturers, have been salvaged and many are in use in Mexico to make black market pills.

Often, these pills can be identified by their being slightly misshapen, the result of being made by a machine with worn dies.

The pills are sold nearly anywhere—in pool halls, bars, truck stops or on street corners—Mr. Genson said.

Many of the pills, especially the amphetamines, find their way into the hands of high school students.

In California, where the problem is particularly acute, 881 teen-agers were arrested in the first six months of 1967 for violating laws on dangerous drugs. In the same period, 3,116 adults were arrested.

Joseph House of the California narcotics bureau said his agents had seized millions of pills that were sent out by drug manufacturers who did not take the trouble to find out where the pills were going.

He opened a safe in his office and showed a visitor several cardboard drums of amphetamines.

"This drum," he said, opening a lid, "was ordered by a Mexican from the Bates Laboratory in Chicago."

"The Mexican wrote that he owned a drug store in Mexico and needed the pills for it," he said.

"They have to know that no drug store in the world could sell one of these drugs in a lifetime, but they will ship 10 or 12 of them to one store, no questions asked."

DIVERTED TO LOS ANGELES

The amphetamines being exhibited were seized by California narcotics agents when the Mexican picked them up at a warehouse in San Ysidro, Calif., and took them to Los Angeles instead of Mexico.

On the black market, a drum of pills could be worth as much as \$35,000. Sold on prescription, they normally would bring about \$7,000.

"We need a new Federal law requiring all dangerous drugs to be shipped in bond to a bonded warehouse," said Mr. House. "This would give us a better check on where these pills are going."

In April of this year, agents of the Bureau of Drug Abuse Control raided four laboratories—in Birmingham, Ala., Englewood, N.J., Jersey City and Seattle—and seized the equivalent of more than 12 million pills from unlicensed manufacturers or from manufacturers without inventory control.

In the same month, the agents seized more than 1 million pills from two Kansas City doctors of osteopathy.

However, the illegal sales by physicians and

druggists are believed to be small. From July, 1965, through July, 1966, the latest dates for which figures are available, there were only 51 prosecutions of pharmacists and physicians. There are more than 250,000 physicians in the United States and about 53,000 retail drug stores.

In the last year, eight service station operators and truck drivers have been convicted in Federal court for illegally distributing amphetamines to truck drivers.

DANGER TO DRIVERS

"This is a very dangerous practice," a narcotics agent said. "These drivers may be completely exhausted and not know it because of the effects of the pills."

In the last year, agents have been assisting state agencies in trying to stop the manufacture of LSD.

"The LSD situation has calmed down in some parts of the country, but is worse in others than it was before," Mr. Genson said.

On Dec. 21, agents from the bureau arrested Augustus O. Stanley 3d, 32, a proficient chemist, who was once a student at the University of California. They said he had manufactured 10 million doses of LSD in a home laboratory in a San Francisco suburb.

Stanley, who is something of a hero in the hippie world, and two other men and two women were charged with conspiring to manufacture a controlled drug illegally.

Nevertheless, the authorities do not believe there is an organized LSD traffic in the United States. Much of what has been seized, they say, apparently has been manufactured for home consumption.

Whether or not organized gangsters will move in on LSD, they say, is problematic. There are recurring rumors that the Mafia is involved in the traffic, but Federal and state authorities discount this.

INTERLOCHEN ARTS ACADEMY

Mr. GRIFFIN. Mr. President, the January 5 issue of Life magazine contains a most informative article and pictorial essay about the Interlochen, Mich., Arts Academy, which was founded 4 years ago as an adjunct of the world famous National Music Camp, founded by the late Dr. Joseph Maddy.

Because I know that Senators will find it most interesting, I ask unanimous consent that the article, entitled "Where Kids Perform Like Pros," be printed in the RECORD.

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

WHERE KIDS PERFORM LIKE PROS

(By Tom Prideaux)

At my first dinner at the Student Center, where everybody at Interlochen eats, I asked a 15-year-old boy at the table if he was a musician. He said yes, he practiced piano about 90 minutes a day. "Planning to be a concert pianist or a teacher?" I asked. "Oh, neither," he said. "I just like music. I'm going to be a doctor."

Later, I asked a 16-year-old pianist, who had told me she had worked on a Beethoven trio for piano, clarinet and cello, if her teacher had assigned it. "No," she said, "a friend and I—he plays cello—decided it would be fun to work on. He scouted around and found a fellow who plays clarinet. Of course, our teachers helped us. But it was our own idea. We played it first at school recital, then they drove us to Kalamazoo to do it on TV."

As I went on prying for six days, my ideas about Interlochen changed. I had been a high school teacher myself for five years, and had come with both a built-in interest and a built-in skepticism. I sympathized with the school's emphasis on the arts, but

suspected it might make some students self-consciously arty.

I was wrong. Everybody took the arts for granted. So nobody was doing any silly preening about being a genius. Chris Brubeck, 15, son of the jazz composer Dave Brubeck, put it neatly. "Here the kids are interested in the same things I am. And that's really something—after years of being called a weirdo because I played bass trombone." A girl added, "You get attention here from the people you respect. But if you're good, you aren't made a lot of because so many other people are good too."

Plato said that in education "musical training is a more potent instrument than any other." Interlochen seems out to prove this. In a student body of 341, over 300 study some form of music. Besides the big symphony, there is a band of 73, a choir of 110 and a busy opera workshop. Music makes the school, as one student told me, "a place where all ages melt together." Three grades, for example, are represented in a nest of flutists in the symphony, where boys and girls from Texas, Michigan, Florida and New York all toot together. Full symphony concerts are given every two weeks.

"They learn from each other," says Conductor Theo Alcantara, a red-headed young Spaniard. "Sometimes a younger student has the most technical skill. But by playing next to an older student, he learns to concentrate and be dependable." He also learns the meaning of competition. Any time a pupil wants and thinks he deserves a more prominent spot in the symphony, he is permitted to display his skill before his student peers, who then decide if he should be promoted. In one year, I-fu Wang, 16, from Taiwan, moved from the second violins to first violinist and concertmaster. Obligated to meet professional standards in music, students tend to carry this purposeful attitude into other fields.

Thus, in contrast to most U.S. colleges, where half the juniors are still painfully undecided about their future, at Interlochen—in high school—nearly everyone has already picked a career. Naturally, he may change his mind as he explores new fields and discovers new skills. But very few students suffer from the goalless blues that torment so many of today's youth.

Interlochen has drawbacks. It is an isolated community, so much so that students get an extra-long winter vacation to "rejoin the human race." Tuition is high (\$3,100). Not all youngsters flourish under the strain of continuous competition and the insistence on professionalism. But with one teacher for every four of them, students are kept under warm and constructive surveillance. Interlochen owes its existence to a line of devoted benefactors. Joseph E. Maddy, who founded it, was a violinist at 18 with the Minneapolis Symphony and later a teacher and organizer of student orchestras. On the site of an old logging settlement he began Interlochen as a summer music camp in 1928 and expanded it in 1962 with the Arts Academy. The camp-school complex now includes 400 buildings. Maddy's pioneer ardor rubbed off on such Midwest Medics as lawyer Roscoe Bonisteel and insurance tycoon W. Clement Stone, who drummed up subsidies and scores of scholarships to keep Interlochen going. Its board of trustees and advisers is studded with such names as Casals, Copland, Ormandy, Bernstein, Serkin, Stern and Van Cliburn. The latter is regarded as something of a local saint because he gives an annual concert there to raise funds.

Though Maddy died in 1966, his expansionist policies survive. Blueprints are now drawn and a state charter has been obtained for a new arts college, to open in the early 1970s. If enough money can be raised for it, it will carry arts training from secondary school through college level, and Interlochen will truly become the forest of academe.

As I grew to know Interlochen better, I

was impressed over and above everything else by the natural self-respect and openness of the students. The Interlochen pattern appears remarkably successful in giving its students a serious purpose in life. They are permitted to grow up—at no cost of youthful verve or fun—unconfused and confident. The discipline and responsibilities forced upon them by the arts, far from bowing them down, seem to be buoying them up.

I felt this most strongly every time the school symphony got together for a rehearsal or a performance, the boys with their huge tubas slung over their shoulders, the girls behind the golden rain of their harp strings and all the rest of the mixed crew waiting intently for their conductor to lift his baton and invite the music. Every young face looked rapt and ready as if for a hushed instant they had all transcended their youth without ever losing it.

CONSCIENTIOUS DEFECTORS

Mr. THURMOND. Mr. President, the January 3, 1968, edition of the State newspaper, Columbia, S.C., carries an excellent article entitled "Label for Disloyalty." In this article Editor W. D. Workman, Jr., suggests the establishment of a classification to be known as conscientious defector.

This is the label that would be given to individuals whose opposition to the United States goes beyond dissent and verges on the border of disloyalty and treason.

This is the classification that should be given to the four deserters from the U.S. Navy who are now in Sweden and to other deserters. This classification should also be given to those who advocate disobedience to established laws of the country.

The editorial suggests that we make it possible for persons of this category to forfeit their citizenship. Mr. Workman argues that citizenship is a bilateral arrangement and suggests that those who shirk responsibilities of citizenship are not entitled to its benefits.

Mr. President, I concur wholeheartedly with the principle presented by this editorial and ask unanimous consent that the editorial be printed in the RECORD.

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

LABEL FOR DISLOYALTY

Another category needs to be added to the classes of individuals who serve—or refuse to serve—their nation in time of military need.

We suggest the formal establishment of a classification to be known as "Conscientious Defectors." The thought comes to mind as we ponder the status of the four young sailors who deserted from the USS Intrepid last October and have since made their way to Sweden—via Japan and Russia.

Perhaps we are unduly charitable in ascribing conscientious motives to these particular deserters. But undoubtedly there are some Americans (to use the term loosely) whose sincere love of peace—or of Communism—makes them willing to give up their citizenship rather than serve their own country.

We should clear the way for them. Obviously, the United States has no further use for the four deserters from the Navy, or for the handful of soldiers who have left their posts of duty with NATO forces in Europe, or for the indeterminate number of young men who have fled into Canada or elsewhere in order to dodge the draft.

But there are still in our midst a number of persons whose disloyalty thus far has been reflected by protest rather than by outright flight from the country. Those who breach the peace or who break selective service (or other) laws, should be prosecuted and, if found guilty, imprisoned.

But we are not speaking so much of overt acts as of matters of conscience. Persons who sincerely reject the United States in times such as these should be relieved, in fairness to them and to the nation, of what (to them) is the burden of being an American.

Under the prevailing but highly dubious rulings of the federal courts the only way a person can lose his citizenship is to renounce it voluntarily. In our view, citizenship can not only be renounced but forfeited.

Individuals whose opposition to their nation extends beyond dissent and into outright disloyalty or tacit treason should be tagged with the label, "Conscientious Defector," . . .

Citizenship is a bilateral arrangement. Those who shirk its responsibilities are not entitled to its benefits.

PRESIDENT JOHNSON'S HOUSING PROPOSALS DESERVE PROMPT CONGRESSIONAL PASSAGE

Mr. SPARKMAN. Mr. President, I wish to join Senators in commending President Johnson for his state of the Union message last night. I believe the President has provided us with a frank and accurate assessment of where America stands and where it is heading in these troubled and difficult times.

I am particularly pleased with the President's proposals on an urgent and complex matter—housing for our cities. I think the President has provided us with a blueprint for progress that will help our cities meet the challenges of the future.

We all know the immensity of the problem. Nearly 70 percent of our population now live in urban America. In 50 years we shall have 320 million Americans residing in the cities. And in 10 years time, we shall need 2 million new homes a year to keep pace with rapid urban migration and development.

President Johnson's response to this awesome problem of city housing is all that it should be. He has asked industry and labor to join with the government in building low and middle income housing for 300,000 people this year—almost five times the number of what it was last year.

And most important of all, the President has asked Congress to make a long-term commitment—a 10-year campaign—to provide 6 million low and middle income housing units during this decade.

This commitment is vital to the welfare, safety, and health of millions of Americans. We have the resources to make such a commitment. And, I believe, we also possess the will.

President Johnson has provided us with a clear alternative: to make a meaningful and substantial commitment to the future of the American city, or to drift in indecision and confusion and to nothing.

President Johnson has chosen the path toward progress. The American people support this road. And I believe the majority in Congress will join the President in rebuilding the American city for this and future generations.

Let us provide this proposal with the prompt and positive action it deserves.

The American city deserves no less.

PROGRESS MADE IN AGRICULTURAL CREDIT IN PAST 6 YEARS

Mr. MORSE. Mr. President, last evening, the President conveyed his sincere and earnest desire that the second session of the 90th Congress carry forward and expand upon the efforts that it has already made in bringing to the American farmer a most equitable share of the goods and services of our economy. It is in this connection that I think it appropriate to place in the RECORD what has happened in the past 6 years in one aspect of Federal help to our farm families; that is, the field of agricultural credit.

Senators know, I am sure, although I fear a great many urban dwellers do not, that the operator of a family sized farm is an independent businessman, who, like other businessmen, must rely upon credit for the financing of his seasonal operations. Much of this credit is, of course, provided through our private banking system, but much of it necessarily must come from the national resources. This is because of the normal caution that a banker, who is a trustee of the public's money, must exercise in extending his lines of credit. Yet for the large number of hardworking men and women who cannot qualify for private credit, we must not and we have not closed the door to the achievement of a decent standard of living. It is for this reason that during my years of service in the Senate I have always supported and recommended legislation to expand and improve the supervised credit programs of the Farmers Home Administration. I have done this in the firm belief that it is one of the most effective agencies the people in rural America have for strengthening farm family agriculture, improving our rural communities, and alleviating rural poverty.

My confidence in this agency is well founded. In my own State of Oregon, the level of lending activity and the number of rural Oregonians benefiting from FHA's loan programs is three times greater today than it was in 1960.

In 1960, after 8 years of indifferent and even hostile administration of the agency by Republicans, the total of loans made by the Farmers Home Administration in Oregon amounted to a little over \$3 million. In fiscal 1967, more than \$17.7 million was advanced to farmers and other rural residents.

The remarkable thing about all of this is that even though these funds are loaned to borrowers unable to obtain credit elsewhere, losses on these loans are less than one-half of 1 percent. Any private lending institution would be happy with such a record.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table of the lending activity of the Farmers Home Administration in Oregon, comparing the fiscal years 1960 and 1967.

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

U.S. DEPARTMENT OF AGRICULTURE, FARMERS HOME ADMINISTRATION—SELECTED ACTIVITIES DURING
1960 AND 1967 FISCAL YEARS IN THE STATE OF OREGON

	Fiscal year 1960		Fiscal year 1967	
	Number	Amount	Number	Amount
I. Loans and grants made by type of assistance:				
Operating loans.....	646	\$2,572,626	595	\$3,288,151
Economic opportunity loans.....			81	148,400
Emergency or special livestock loans.....	6	52,667	54	503,330
Farm ownership loans.....	15	316,278	147	3,040,160
Soil and water loans.....	20	49,796	26	102,634
Rural housing loans.....	57	419,306	315	3,262,194
Rural rental housing loans.....			3	223,500
Farm labor housing assistance.....			2	313,650
Assistance to associations:				
For domestic water or sewer projects:				
Loans.....	2	19,690	20	2,759,900
Development grants in connection with loans.....			4	245,690
Total, water or sewer.....	2	19,690	24	3,005,590
For recreation projects (loans).....			6	343,000
For grazing (loans).....			3	3,445,000
For irrigation or soil conservation (loans).....	3	51,000	2	17,550
Total, all types of associations.....	5	70,690	35	6,811,140
Comprehensive area water and sewer planning grants to organizations.....			2	27,500
Grand total, all types of loans and grants.....	749	3,481,363	1,260	17,720,659
Percent change in amount 1960 to 1967.....				409
II. Number of people using FHA credit.....	11,400		37,000	
III. Amount of loans written off as percent of total cumulative loan advances as of June 30, 1967 (current loan programs):				
Loan advances.....		40,226,832		99,789,588
Principal writeoffs.....		162,447		360,151
As percent of loan advances.....		0.40		0.36

Mr. MORSE. Mr. President, the data I have just placed in the RECORD is, in my judgment, conclusive proof that the President's concern, which was restated last evening, is but a continuation of the proven record of performance in this area that has characterized both the Kennedy and Johnson administrations. I look forward to reviewing the details of the newest proposals and shall do everything in my power as a Senator from Oregon to support, in every way possible, the legislative steps necessary to achieve the goal of bringing into parity with other segments of the economy the return to the farmer for his investment of capital and labor.

POINT PLEASANT'S HISTORIC ROLE

Mr. BYRD of West Virginia. Mr. President, recently I received a letter from a distinguished former colleague, the Honorable A. Willis Robertson, who, until 2 years ago, was a U.S. Senator from the State of Virginia and chairman of the Committee on Banking and Currency.

Senator Robertson thoughtfully enclosed a most interesting article from the Richmond, Va., Times-Dispatch, which I would like to share with the Senate. The article concerns the town of Point Pleasant, W. Va., and I ask unanimous consent that the letter and the article entitled "Point Pleasant's Historic Role," be printed in the RECORD.

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

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT,
INTERNATIONAL DEVELOPMENT ASSOCIATION,

Washington, D.C., December 19, 1967.

Hon. ROBERT C. BYRD,
Sophia, W. Va.

DEAR BOB: I am sure you will be interested in the enclosed editorial from the Richmond Times-Dispatch concerning the historic role

of Point Pleasant, West Virginia, when a victory was won over the Indian leader Chief Cornstalk.

During the Revolutionary War Cornstalk, fighting with the British, was captured and confined in a prison to which a Captain Hall of Washington's army had access. Some years previously Cornstalk had led a raid against Captain Hall's village in which Hall's sister was captured and kept a prisoner by the Indians for many years. Without notice to anyone, Captain Hall entered Cornstalk's prison and murdered him. Washington ordered Hall dismissed from the army and sent back to his home in Augusta County for trial on the charge of murder. Hall had friends in the Legislature who introduced a bill which was passed that carved Rockbridge County from Augusta with the county seat named for the Battle of Lexington. At the first session of the new County of Rockbridge the case of Hall was called up for trial but no witnesses appeared and the judge dismissed the indictment.

Those were rugged days, and I am proud of the fight that you have been making in the Congress for the preservation of the revolutionary principle of progress based upon integrity and personal endeavor.

Best wishes for a happy Christmas.

Your friend,

A. WILLIS ROBERTSON.

POINT PLEASANT'S HISTORIC ROLE

Point Pleasant, W. Va., where the bridge over the Ohio River collapsed last week, was the scene, nearly two centuries ago, of a decisive battle in which Col. Andrew Lewis of Virginia defeated the Indians under the great Chief Cornstalk. It is because of his spectacular victory at Point Pleasant that Lewis' statue stands with those of Patrick Henry, John Marshall and others around the equestrian monument to George Washington in Capitol Square.

The victory of Lewis and his 800 to 900 Virginia backwoodsmen over Cornstalk on Oct. 10, 1774, was the climax of what is known as Dunmore's War. Cornstalk's defeat meant that when the American Revolution broke out soon thereafter, the Continentals did not have to worry for three years about Indian wars at their backs along the frontier.

Andrew Lewis, who achieved this triumph

in one of the bloodiest frontier battles in our history, was born in Ireland. His parents fled with him to America when his father, John Lewis, slew his landlord in self-defense. The Lewis family were among the first pioneers in the Shenandoah Valley, and they settled in 1732 at "Bellefonte" near Staunton. There young Lewis grew up.

By 1774, he was 54 years old, and a great frontier leader. Governor Dunmore put him in command of the forces of Virginia backwoods fighters who assembled on the site of what is now Lewisburg, W. Va., and marched in 19 days to Point Pleasant.

There they were attacked by the Shawnee Indians under Cornstalk, a man of exceptional force and bravery, whose oratory has been compared to that of Patrick Henry. After an all-day fight, the Indians retreated with heavy losses. The Virginians also suffered severely.

But their victory led to several years of peace with the Indians, and thus was not only a great boon to the Revolutionary soldiers, but likewise to subsequent westward expansion. The battle also helped to pave the way for the conquest of the Northwest in 1778-79 by George Rogers Clark.

A granite monument, 86 feet high, was erected at Point Pleasant in 1909 in memory of Andrew Lewis and his tough frontier fighters. It broods over the scene of last week's disaster, and brings back to memory the bloody battle of long ago.

ECONOMIC IMPACT OF A NEGATIVE INCOME TAX

Mr. JAVITS. Mr. President, there has been a great deal of speculation and discussion both in and out of Government in recent months concerning the various proposals for a guaranteed annual income. This discussion should not, of course, divert us from necessary legislative activities to reform the present welfare system, but it is a vital subject and needs all the attention that we can give it.

At this point, many of the psychological and economic effects of the various proposals—for example, for family allowances for children or a negative income tax—are too little known. I believe it is entirely proper for the Federal Government to experiment with different forms of income maintenance in order to develop the basis for rational legislative decision at a later date. For this reason, I have supported the efforts of the Office of Economic Opportunity to establish a pilot program to test out the negative income tax.

A new paper has now come to my attention which is a valuable addition to the debate. In this paper, Herbert Blitz, formerly a member of my staff and now director of research of the Diebold Group, Inc., of New York, has sought to analyze the economic impact of the negative income tax. Mr. Blitz, who has extensive background in economic analysis both in the domestic and international spheres, has made a step by step analysis of the impact on liquidity, investment, consumption, interest, and savings of the proposed negative income tax. His paper also provides in its appendices a summary of the proposal of the Ripon Society for a negative income tax and a useful bibliography on the subject.

Mr. President, I ask unanimous consent that this short pamphlet by Mr. Blitz, entitled "A Negative Income Tax:

Possible Economic Impacts," be printed in the RECORD. I commend it to the attention of Senators.

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

A NEGATIVE INCOME TAX: POSSIBLE ECONOMIC IMPACTS

(By Herbert J. Blitz)

INTRODUCTION

This paper deals with the possible national income and employment consequences of a negative income tax. The assumptions and reasoning are primarily economic. Questions of social merit and value, as well as administrative problems, are touched on only when absolutely necessary to the economic argument.

One assumption is fundamental to the discussion, i.e., that, with the exception of a marginal adjustment for families on the borderline between those paying positive income taxes and those eligible for payments of negative income taxes, no tax increases and no redistribution of the current tax burden among individuals or between individuals and businesses now paying taxes will be necessary because the expected growth in tax revenues would more than cover the budget expenses of a negative income tax program. In order to fit this assumption, the negative income tax plan advocated by The Ripon Society, Inc.,¹ is used to provide a "typical" framework of cost estimates for the theoretical discussion. Also, data and estimates from both the Society proposal and from the National Association of Manufacturers' staff study² of the negative income tax are used (but not cited) to place the conceptual argument within the framework of the United States economy. Further, reference is made to a recently reported White House study³ on the employability of welfare clients.

WHAT IS A NEGATIVE INCOME TAX?

A negative income tax is intended to use the revenue collecting machinery of the Federal government in order to raise the effective consumption abilities of low income families and individuals to levels considered "adequate" in our society. This would be done by providing automatic money payments covering the gaps between actual income and "adequate" consumption abilities. The amounts of these payments would be determined in each case through the established income reporting procedures of the Internal Revenue Service. The higher the income, the smaller would be the payment by the government until, on a gradual scale, no payment would be made and, finally, above a certain level, payments to the government would begin.

Two specific characteristics of the "typical" proposal used as the framework for this discussion should be noted. In some form, these characteristics are likely to be included in any realistic application of a negative income tax. They are:

1. Payments would be adjusted to a scale which always would allow recipients to earn more by themselves than they would receive as negative taxes. In other words, incentives for self-improvement would be maintained.
2. In addition to income, wealth would be a factor in determining eligibility. In other words, payments to individuals and families having little or no income would be affected by wealth, in the form of savings, investments, property and so forth, upon which

they can draw. This would necessitate a special reporting requirement for Internal Revenue purposes, although it would not be altogether different from the current requirements pertaining to interest and dividend income and capital gains and losses.

The implications of these characteristics are treated in the conceptual discussion below.

THE BASIS OF THE DISCUSSION

On the stated assumption that neither new or differently distributed taxes will be needed to support a negative income tax program, current income tax-related consumption, savings and investment incentives for tax-paying individuals and families and for businesses should not be affected. However, if—as under The Ripon Society's plan—the end result of a negative income tax would be substantially larger government disbursements than current welfare payments, there would occur a redistribution of income. No one would receive less but some would receive more.

Thus, while there would be no initial negative multiplier effect resulting from the removal of consumption, savings and investment incentives, there would be a positive multiplier effect from the addition of effective consumption capabilities for one specific group.

It is possible, therefore, in this theoretical discussion, to consider both the low income group and the higher income and business group as starting towards the macro-economic policy goals of increased national income and full employment from positions of equal potential. The question is which group the same quantity of tax-related (fiscal) incentives will enable to reach these goals most effectively. Neither group is handicapped in this comparison by the potential effect of the withdrawal of incentives. The choice is limited to the withholding and bestowal of incentives.

From this basis, the effects of the negative income tax on various economic factors can be evaluated, with the hope of reaching some conclusions regarding its macro-economic impact.

ECONOMIC FACTORS AFFECTED

The following discussion is in terms of the alternative use of funds to provide tax benefits for two groups: the low income group and the higher income and business group. The latter alternative is referred to as a higher income and investment oriented policy. The focus of this treatment is on the primary effects of the negative income tax, although secondary phenomena, i.e., effects to be expected after a certain amount of time, are touched on when appropriate. The final implications for macro-economic policy are left to the last part of this paper.

1. Savings

The negative income tax is likely to lead to lower savings relative to total national income than would the alternate use of tax benefits. It would withhold income from the higher income groups reputedly having a higher average and marginal propensity to save, and give this income to those reportedly having a lower average and marginal propensity. Also, it is likely to lead to actual dis-saving for two reasons:

a. If, as is probable, the possession of wealth in the form of savings and other assets—however minimal—would mitigate against the full payments of the negative tax which individuals and families could receive on the basis of their low income alone, not only would savings be discouraged but the liquidation of savings encouraged.

b. The expectation of a certain minimal income would tend to counteract the alleged reluctance of groups moving into higher income brackets to spend up to their full potential, thus reinforcing the tendency not to save and to dissave, whether or not the wealth proviso is implemented or effective.

Thus, even if some minimal savings balances were permissible, these may never be approached by individuals and families until they exceed the maximum income ceilings for eligibility. Further, it can be conjectured that even those somewhat above this ceiling might be encouraged to dissave and discouraged from saving by the certainty of some future income in case their fortunes decline.

A countervailing force leading to potentially greater savings on the part of the low income group resides in the choice the negative income tax provides by giving people cash rather than goods (as do many current welfare programs). Put a slightly different way, direct government payments to the public, instead of for goods, would take some of the non-saving edge off government spending. However, any savings resulting from these elements of the tax are not likely to approach the savings by the higher income group, were it to receive equivalent sums of additional income.

As is indicated below, another countervailing force may result from higher interest rates engendered by the effect of greater consumption leading to greater investment, combined with the dissaving tendency. This, however, would be a secondary phenomenon, tending only to ameliorate but not to cancel the relative decrease in saving.

2. Liquidity

Just as in the case of savings, the negative income tax would be likely to cause lower transaction and speculative balances relative to national income than would the other alternative application of tax benefits. It would distribute additional income to a group less apt to hold such balances in amounts as large relative to personal income as the group from which this income is withheld.

It is possible that a countervailing force in respect of speculative balances could appear as a secondary phenomenon because of the expectation of higher interest rates—as touched on below. Once again, however, this is likely only to ameliorate rather than cancel the relative decline in liquidity.

3. Investment

Investment would tend to be lower relative to national income under the negative income tax than if equivalent tax benefits were devoted to the higher income and business group. First, a negative income tax policy would withhold direct investment incentives, such as investment credits and lower corporate taxes. Secondly, it would tend to discourage saving, thus probably preventing at least the lowering of interest rates. The matter of interest rates is touched on further, below.

4. Consumption

Consumption, the obverse of the savings side of the coin (and the half-brother of reduced liquidity and investment) is likely to be higher relative to national income under a negative income tax than under the alternative distribution of tax benefits.

5. Interest

Under the negative income tax, interest rates would be likely to rise, although probably not by as much as in the event that the equivalent amount of money were to be directed instead to investment incentives alone. It is difficult to speculate on whether interest rates would rise less, if the money were directed both to tax relief for the higher income group, with a higher propensity to save and hold liquid assets, and to investment incentives. The answer depends both on the proportions involved and the actual data regarding relative propensities to save and hold liquid assets. The need for actual data is more evident here, where cause and effect relationships are quite delicate, than in the discussion of the broader tendencies involving the other economic factors.

At any rate, the probable rise in interest rates would be a secondary phenomenon, re-

¹ *The Negative Income Tax*, A Ripon Research Paper, April 1967 The Ripon Society, Cambridge, Massachusetts. (See Appendix A.)

² "Negative Income Tax," *NAM Reports*, April 17, 1967, pp. 27ff.

³ *N.Y. Times*, April 20, 1967, and *Newsweek*, May 1, 1967.

sulting from the effect of increased consumption on investment, as well as from dissaving.⁴ Further, the timing would depend on the extent to which producers could draw on the labor market and on idle capacity to meet increased demand before resorting to additional capital investments.

In summary, the primary effects of the negative income tax, as compared to an alternate higher income and investment oriented policy, are likely to be relatively lower savings, liquidity and investment, and higher consumption. The primary effect on the interest rate is difficult to speculate on.

THE MACRO-ECONOMIC IMPACT

A negative income tax would place primary emphasis on the encouragement of consumption rather than investment. The probable macro-economic impact of such a policy would be:

1. An income redistribution to the low income group, certainly more immediate and also probably more extensive, both in the short and long run, than under a higher income and investment oriented policy.

2. A somewhat greater initial increase in employment, with a long run demand for labor about equal to that under the other policy alternative.

3. A somewhat greater initial increase in total national income, with a long run increase about equal to that under the other policy alternative.

The reasons for the first impact are clear. Federal revenues would be directly and at once withheld from one group in order to benefit another. Proposals for a negative income tax (specifically the one by The Ripon Society) envisage payments greatly exceeding—perhaps on a ratio of 3 to 1—current welfare expenditures. It is unlikely that even in a dynamic and growing economy the full amount of such a diversion of funds could be matched by natural economic forces until the earnings of the higher income group had far out-stripped this sum. In other words, under a higher income and investment oriented policy, there would be little, if any, redistribution of income to the low income group, even though this group could have a larger aggregate income.

The somewhat greater initial increase in employment would have two causes. First, a negative income tax is likely to be structured to encourage recipients to seek employment actively. Even though a recent White House study indicates that less than one per cent of welfare recipients not now employed actually are employable, this would still represent some initial employment increase. Secondly, increased consumption on the part of negative income tax recipients would lead to a greater demand for production. In the absence of additional investment incentives, it is likely that business would seek to satisfy this demand through a more intensive exploitation of the labor, rather than the capital, markets. In the long run, since the consumption and investment multipliers allegedly are equal, the impact on the demand for labor should be about equal. However, at least a small group of the previously unemployable now would be in the labor force, in effect causing a 'redistribution of work.'

A somewhat greater initial impact on total national income probably would result from the consumption-oriented redistribution of income to people, who would spend most of it at once, hold small or no liquid balances and, actually, dissave. Thus, spending would be initially greater than under a higher income and investment oriented policy, causing a more immediate multiplier effect. In the long run, however, if the consumption and investment multipliers are equal, the impact on total national income also should be about equal.

In conclusion, therefore, a negative income tax, as compared to a policy encouraging investment, would be more effective in redistributing income to the low income group, would more quickly increase employment and national income, and would have about the same long run impacts on employment and national income. Policy makers can be guided by these probable impacts on the economic context—inflation or deflation, utilization of capacity, employment, demands on Federal and local budgets, balance of payments, etc.—through which they must seek to reach their goals.

APPENDIX A

EXCERPTS FROM THE RIPON SOCIETY PROPOSAL

The advantages of the Negative Income Tax are best demonstrated in the context of a concrete plan. The one presented below does not purport to meet all administrative, technical or legal problems, but it does provide a framework for implementing the concept.

1. Cost

For purposes of discussion we use the following table for computing the standard income allowance:

Table 1

For each adult.....	\$1,500
For the first child.....	1,500
For the second child.....	1,000
For the third child.....	600
For the fourth child.....	400
For other children.....	0
Limit for any family.....	6,000

These levels represent a reasonable upper limit to the standard income allowance. A family of four, two adults and two children, has a standard income of \$5,500.

Our plan includes a "tax rate" of 50 per cent. This means that the family of four would receive \$2,750 if it had no outside income. A single adult would receive \$750. The incentive to supplement these minimums will be substantial, since a 50 per cent tax rate means a family keeps half of anything it earns. Table 2 indicates the relationship between earnings and total income for a family of four.

TABLE 2

Earned income	Deficit from standard	Negative income tax	Total income
0	\$5,500	\$2,750	\$2,750
\$500	5,000	2,500	3,000
1,000	4,500	2,250	3,250
1,500	4,000	2,000	3,500
2,000	3,500	1,750	3,750
2,500	3,000	1,500	4,000
3,000	2,500	1,250	4,250
3,500	2,000	1,000	4,500
4,000	1,500	750	4,750
4,500	1,000	500	5,000
5,000	500	250	5,250
5,500	0	0	5,500

Note: Total income for a family of 4 with 2 children; standard income equals \$5,500.

The difference for a family between its present income and the standard is called the "deficit" for that family. In 1965 the sum of these deficits for American families was \$20 billion. This figure includes welfare payments as income. Without welfare the deficit is \$25 billion. In addition, the Federal Government collected somewhat less than \$1 billion in income taxes from families who will be eligible for Negative Income Tax under our plan.

From these figures it is easy to calculate the cost of any proposed tax rate. For example, if welfare payments continue at present levels and a 50 per cent tax rate is in effect, the total cost to the Treasury will be \$11 billion (\$10 billion representing 50 per cent of the total deficit plus \$1 billion representing the loss of tax revenues). Of this \$10 billion in direct payments about 80 per cent will go to families with children. If

welfare payments are not included as income but are counted as part payment of the Negative Income Tax, the total cost will be \$13.5 billion (half of \$25 billion plus \$1 billion in lost revenue). We expect, of course, that much federally sponsored welfare assistance will be phased out as the Negative Income Tax comes into operation.

2. Legal details

a. *Definition of Income.*—Certain receipts not counted as income for tax purposes must be included as income in claiming a Negative Tax payment. Scholarships, gifts, transfers between members of a family, alimony, interest on tax-free securities and realized capital gains are the most important items in this category.

Welfare payments which can be continued at the beginning of the Negative Income Tax should not be counted as income for Negative Income Tax purposes, but as partial payment of Negative Income Taxes, if they are financed by the Federal government. State welfare payments should not be counted as income, or as partial payment, to avoid discouraging states from providing welfare for special hardship cases. Programs designed by the Federal government to help specifically emotionally and physically disabled persons should also be supplemental to the Negative Income Tax.

b. *Deductions.*—Deductions from income must be severely limited for negative tax recipients. Deductions of business expenses and in fact all employment-related expenses will increase incentives to employment. In the absence of comprehensive medical insurance coverage some allowance is necessary for unusually large medical expenses. (If tuition to college were granted as a deduction, the Negative Income Tax could provide an automatic scholarship for everyone who has the will and ability to go to college. This, of course, would raise the cost substantially.)

c. *Positive Tax Liability.*—Those eligible for Negative Income Tax payments will not be liable for ordinary income taxes. Under the present exemption and deduction system this will result in a fall in after-tax income if a family's income rises above the standard in some cases. This effect may not be too serious, but a simple way to eliminate it is to increase exemptions and standard deductions in the regular income tax to conform to the standards of the Negative Income Tax and raise lower bracket rates slightly to keep total lower-bracket tax payments constant. This method eliminates the disincentive to move above the standard income and does not change the tax burden on families just above the standard.

d. *Eligibility.*—The basic principle of the Negative Income Tax is its universal applicability. Since our Social Security system is designed to maintain adequate income for older citizens, we recommend that persons over 65 be eligible for Negative Income Tax payments only if they are not adequately covered by Social Security. The same reasoning applies to recipients of veterans' pensions and similar governmental transfers.

Otherwise, every American who is either over 18 or the head of a family should be eligible for Negative Income Tax. There will be no incentives for rich families to live apart as a way of increasing total family income since intra-family transfers will be counted as income. It may be desirable to allow families that wish to keep their children dependent to offer to substitute their support for Negative Income Tax until the child reaches 21.

The Negative Income Tax is not intended to supplement the incomes of wealthy people who have substantial assets but low incomes. Eligibility should be denied to families or individuals who own more than, for example, \$3,000 in liquid assets, or \$10,000 in total assets not counting owner-occupied homes. These limits may also be tied to the

⁴ Another element might be an increase in consumer loans to the low income group, which would have greater credit worthiness.

standard income formulas. They will prevent the worst cases of abuse of the Negative Income Tax.

f. Size of Income.—Certain businessmen with substantial borrowing power sometimes have negative incomes in certain years. To prevent open-ended claims on the Treasury, the minimum reportable income for Negative Income Tax purposes should be zero. The small size of the payments even at zero income will discourage most people from manipulating the timing of their incomes to take advantage of the Negative Tax.

g. Installment Debt.—Installment debt payments cannot be allowed to eat up the negative tax. Legal limits may be set to the percentage of total income a Negative Tax recipient may be forced to pay as interest or principal on debt. This will provide a kind of semi-bankruptcy protection for the recipient.

3. Administration

One of the fundamental simplicities of the Negative Income Tax is the ease with which the program can be administered without establishing an additional welfare bureaucracy. An individual or family which expects its income to fall below the standard in a future period will file for Negative Income Tax payments from the Internal Revenue Service. These payments will be made monthly. At the end of each year, Negative Tax recipients will file returns showing their actual income in the year. Any discrepancy between the actual Negative Tax payments and what a family was entitled to can be made up by a lump sum refund or tax payment or, if the payment is large, by a tax payment spread over several months.

To minimize the variation in tax payments employed, Negative Tax recipients should have tax withheld at the source like other employees. Withholding, together with assistance in filling out forms and modern data-processing, will simplify the administrative problems in adjusting tax payments to income.

4. Fraud

Relatively well-off people who by some legal device can meet the letter of the requirements may abuse the Negative Tax. The incentive for this is small because the payments are small. The chances of its happening can be reduced by making the definition of "income" for Negative Tax purposes as broad as possible.

Another difficulty will be misreporting of income by poor people to avoid the 50 per cent marginal reduction in Negative Tax payments for each dollar they earn. The most effective deterrent against this will be the actual requirement of filing a return, since it takes considerable ingenuity to fake a consistent series of fraudulent tax returns. In exchange for the Negative Tax privilege, people may also be required to provide information on returns, such as reports of purchases of durable goods, which will facilitate detection of fraud by computers. The most important point is that the Negative Income Tax criteria are simple and equitable, while present welfare regulations involve a Byzantine code of behavior. The combination of deterrence and respect for a good law will help to reduce fraud to a low level.

5. Gradual enactment

The Negative Income Tax represents a substantial though not revolutionary change in our economic environment. For this reason it is desirable to watch the effects of it develop slowly and to gain experience in the problems it raises one by one. The Negative Income Tax should be introduced gradually by starting with a low tax rate, say 10 per cent, and raising it year by year to the target of 50 per cent. The first year this will cost about \$3 billion (10 per cent of \$20 billion plus \$1 billion in lost revenues) which itself is a modest but important contribution to the welfare of the poor. If, as the tax rate rises, significant bad effects be-

come apparent, the program can be halted or reversed smoothly.

The Ripon Society notes that the Negative Income Tax with a 10 per cent tax rate can be instituted immediately with provision for an automatic rise of 10 per cent in the tax rate each succeeding year. If the end of the war in Vietnam provides an opportunity, we can raise the rate by more than 10 per cent in that year. This is a powerful anti-recession weapon, especially since Negative Income Tax payments go to those whose propensity to consume is very high.

Each year until the fifth after the adoption of the program, it will cost about \$2 billion more. The natural growth of tax revenues is about \$5 billion a year, so that the Negative Income Tax can be initiated easily without any increase in positive tax rates. This is true even if the war in Vietnam continues.

TRIBUTE TO KARL W. ONTHANK

Mr. MORSE. Mr. President, one of the great men of Oregon passed away on October 27, 1967. He was a man I was proud to know and from whom I received wise counsel and the sustenance that only the friendship of long standing can provide. The public recognition that Karl Onthank earned during his lifetime continues to be accorded to him now. The most recent example of this is contained in the January 1968, issue of Northwest Conifer, a publication of the Pacific Northwest Chapter of the Sierra Club, and was written by Polly Dyer. I ask unanimous consent that the text of this tribute in memory of a great conservationist be printed in the RECORD.

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

KARL W. ONTHANK

(By Polly Dyer)

Because of Karl Onthank, your great-grandchildren, as well as those of all other Americans, have a greater assurance of knowing some of their land in its natural, wilderness condition. Karl's wilderness and conservation endeavors didn't end when cancer took him last October 27th.

He led the battle in 1953 in attempts to persuade the U.S. Forest Service that it shouldn't dismember the Three Sisters Primitive Area by denuding it of the 56,000-acre west side forest when renaming it "Wilderness". That battle was lost, but it had rallied Northwestern conservationists to try harder when it saw that the preponderance of public opinion in favor of that wilderness at the hearings did not have a bearing on the wilderness decision. It had an impact on the subsequent Glacier Peak wilderness protection, bringing the eventual realization that ultimate wilderness for all that needed to remain so in that part of the North Cascades would have to come from some other source than the agency currently having custody. Karl encouraged Glacier Peak efforts.

In 1953, Karl was busy, too, leading the efforts to keep some lovely river areas near Eugene without impairment, losing the case for Carmen Smith but winning at Beaver Marsh.

It was as President of the Federation of Western Outdoor Clubs in 1955-57 when Karl Onthank, with the help of Leo Gallagher, brought to the Pacific Northwest the first Northwest Wilderness Conference to bring a greater awareness of wilderness to the general public as well as further reinforcing the conservationists in the area by coming together for discussion and exchanges of ideas.

During the Second N. W. Wilderness Con-

ference in 1958 in Karl's hotel room in Seattle, Karl evolved the idea and we all wondered how it might be possible to have a part-time "professional" to supplement the after-working-hours' efforts of the volunteers. Two years later Karl recognized the talent of University of Oregon Law School graduate Michael McCloskey who became the first Northwest Conservation Representative (going on later to the Sierra Club staff), with Brock Evans now filling the N. W. position ably. We have Karl to thank for seeing this become a fact rather than a dream.

Not just the wilderness core of conservationists knew Karl Onthank's worth. He served, starting in the 1959-60 period, on the Lane County and the Eugene Recreation Councils, as well as the State Recreation Council, and the Oregon Water Resources Board, having been appointed to the latter by Governor Hatfield.

From Karl's home district came another recognition of youthful talent, when Dave Simons entered the conservation scene and through his work with Dave Brower did a detailed study of the Oregon Volcanic Cascades (SCB, Oct., 1959). Today, Senator Morse has introduced S. 2255 calling for a park potential study of the area. The same young man researched the North Cascades, too, laying essential groundwork evolving further their need for national park status.

Karl Onthank was a man with inspiration and vision and perseverance. He was a catalyst that sparked and bound many of the rest of us conservationists together in working to keep this a lovely, natural world in many parts. In his space on earth Karl had seen the rapidity with which the automobile, few and novel in his youth, has nearly become a plague. He could recall when he and his wife, Ruth, hiking on a hot day in 1910 or 1911, were pulling branches aside to seek their next step—and, instead, they saw Crater Lake lying below them. This is an experience now lost as the road carries motorists nearly to the crater's edge. It is an experience, Karl and Ruth, together, knew others would wish to savor in the future. It is this feeling of being a part of the wilderness world one is exploring that Karl Onthank did much to help continue—and to instill within others of his associates the fervor to pass it on to still others.

A VIGOROUS FEDERAL AIR POLLUTION PROGRAM

Mr. MUSKIE. Mr. President, on Tuesday, January 16, the Federal Register carried notification that the Department of Health, Education, and Welfare's National Center on Air Pollution Control has defined meteorologically the Nation's atmospheric areas as required by the Air Quality Act of 1967.

This notification is significant of the vigorous effort being made by Secretary John W. Gardner and Center Director John Middleton to get the Federal air pollution control program moving.

Atmospheric areas define the climatological zones of the United States which affect the application of air pollution control methods and provide information of utility in designation of air quality control regions. Important meteorological parameters that affect the interchange and diffusion of airborne pollutants are frequency, persistency, and height variation of stable—inversion—layers of air and speed and direction of wind.

This activity is not to be confused with the previously mentioned designation of air quality control regions. This program is a part of the standards setting operation. The designated regions relate to

other factors such as geographic boundaries, urban-industrial concentrations, and so forth. It may be, as pointed out in the attached press release, that air quality control regions will bridge atmospheric area.

Mr. President, the fact that this map of the Nation's atmospheric areas has been published is significant and is a strong indicator of the type of effective action the Congress can expect in the months and years to come.

Another factor which assures me that the Federal air pollution control program is well on the road to carrying out the responsibilities unanimously voted by the Congress is the recent promulgation, by the Department of Health, Education, and Welfare, of more stringent automotive emission standards for new 1970 motor vehicles and motor vehicle engines.

By way of history, Mr. President, I would like to point out that the Federal involvement in automotive emission control began with the passage of the 1965 Clean Air Act Amendments. Subsequent to enactment of that legislation the administration proposed standards for all new 1968 motor vehicles and motor vehicle engines. All 1968 model cars sold in the United States must meet Federal standards which limit exhaust emission of hydrocarbons to 275 parts per million and carbon monoxide to 1.5 percent of total exhaust emissions.

The new standards as proposed by the Department of Health, Education, and Welfare require 1970 vehicles and vehicle engines to meet more rigid emission standards and broaden the general application of standards to reach more vehicles.

Because of a change in the system of measuring emissions a direct comparison between the 1968 and 1970 standards is not meaningful. However, the attached press release from the Department provides a succinct summary of the differences.

I specifically want to call to the attention of my colleagues the broadened scope of the 1970 proposed standards.

First. The standards require cars and light trucks to control 90 percent of the evaporative hydrocarbon losses from gas tanks and carburetors;

Second. Gasoline-powered heavy trucks and buses will be required to achieve 35 percent control of hydrocarbons and 37 percent control of carbon monoxide in exhaust; and

Third. Smoke emissions from new diesel-powered vehicles and vehicle engines will be limited.

Mr. President, the Department of Health, Education, and Welfare, which has been charged with the sole responsibility of carrying out the Federal air pollution control program and particularly the national automobile emissions control effort, has once again demonstrated real leadership in the fight to preserve a balance between our technological and environmental demands.

The Secretary and Dr. Middleton are effectively carrying out the congressional directive to move rapidly in this endeavor and are to be congratulated. I ask unanimous consent that information on the proposed new standards and the

atmospheric areas definition be printed in the RECORD.

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

[Attachment 1]

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PUBLIC HEALTH SERVICE, NATIONAL CENTER FOR AIR POLLUTION CONTROL, Washington, D.C., January 16, 1968.

Eight atmospheric areas covering 48 States were defined today by the Department of Health, Education, and Welfare as a preliminary step toward designation of air quality control regions.

Under the Air Quality Act of 1967, signed into law last November 21, definition of atmospheric areas is a required step in the development of a system under which States will be called upon to develop and apply air quality standards to deal with air pollution on a regional basis.

Several additional steps must be taken by the Department before States will actually be obligated to develop air quality standards.

The eight atmospheric areas defined today in the *Federal Register* are the: Great Lakes-Northeast, Mid-Atlantic Coastal, South Florida, Appalachian, Great Plains, Rocky Mountain, California-Oregon Coastal, and Washington Coastal. Areas covering Alaska and Hawaii will be defined later.

Each atmospheric area is a segment of the country in which climate, meteorology, and topography—all of which influence the capacity of air to dilute and disperse pollution—are essentially homogeneous.

The next step will be designation of air quality control regions, which will include groups of communities, in the same or different States, that share common air pollution problems. Air quality control regions will be designated on the basis of factors which suggest that a group of communities should be treated as a unit for purpose of setting and implementing air quality standards. Factors to be considered include meteorological and topographical considerations, and jurisdictional boundaries, the extent of urban-industrial concentrations, and the nature and location of air pollution sources.

Atmospheric areas now defined were delineated mainly on the basis of meteorological data on the occurrence of thermal inversions (in which a layer of warm air above an area tends to keep pollutants from being dispersed) and on the speed and direction of winds. The location of major topographical features, such as the Rocky Mountains, was also taken into account.

On an annual basis, the characteristic mixing capacity of the air in each atmospheric area is different from that in adjoining areas, but the differences tend to diminish near the boundary lines between areas.

This means that the boundary lines represent zones of change, rather than sharp cut-off points, and that air, polluted or not, can and does flow from one atmospheric area to another. For these reasons some of the air quality control regions to be designated by the Secretary may include communities which are in different atmospheric areas.

The meteorological data used to define the atmospheric areas were derived principally from cooperative research conducted over the past several years by the National Center for Air Pollution Control of the Public Health Service and the Environmental Science Services Administration of the Department of Commerce.

ATMOSPHERIC AREAS OF THE CONTIGUOUS UNITED STATES

Great Lakes-Northeast area includes nearly all of New England; all except the extreme southern part of New York State; northwestern and a part of northeastern Pennsylv-

ania; the northern two-thirds of Ohio and Indiana; all of Michigan and most of Wisconsin; and the northeastern parts of Illinois (including Chicago) and Minnesota.

Mid-Atlantic Coastal area includes the extreme southwestern part of Connecticut; the extreme southern part of New York State (including New York City and Long Island); almost all of New Jersey, southeastern Pennsylvania (including Philadelphia); all of Delaware, the District of Columbia and the eastern parts of Maryland, Virginia, and North Carolina.

South Florida area includes the southern half of Florida extending south from a line connecting Daytona Beach on the Atlantic coast to Cedar Key on the Gulf coast.

Appalachian area includes part of northeastern and most of southern and southwestern Pennsylvania (including Pittsburgh); western Maryland; all of West Virginia; the southernmost one-third of Ohio; southeastern Indiana; the western two-thirds of Virginia and North Carolina; all of South Carolina, Georgia, Alabama, and Mississippi; nearly all of Kentucky and Tennessee; northern Florida; and parts of northeastern and southeastern Louisiana (including New Orleans).

Great Plains area includes all except the northeastern parts of Illinois and Minnesota; southwestern Wisconsin; southwestern Indiana; the westernmost parts of Kentucky and Tennessee; all of North Dakota, Iowa, Missouri, Arkansas, Kansas, and Oklahoma; most of South Dakota, Nebraska, and Texas; all except the eastern part of Louisiana; the eastern one-third of Montana; and small parts of Wyoming, Colorado, and New Mexico.

Rocky Mountain area includes the western two-thirds of Montana; almost all of Wyoming, Colorado, and New Mexico; all of Idaho, Utah, Nevada, and Arizona; western Texas; the eastern three-fourths of Washington; and all except the coastal strips of Oregon and California.

California-Oregon Coastal area includes a long coastal strip extending 20 to 50 miles inland from the Pacific Ocean.

Washington Coastal area includes the western one-fourth of the State of Washington (including Seattle); the eastern boundary of this area is a north-south line about 20 to 30 miles inland from Puget Sound.

[Attachment 2]

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PUBLIC HEALTH SERVICE, NATIONAL CENTER FOR AIR POLLUTION CONTROL, Washington, D.C., January 4, 1968.

Tighter Federal standards to control air pollution from motor vehicles—effective with the 1970 model-year—were proposed today by John W. Gardner, Secretary of Health, Education, and Welfare.

The 1970 standards, which would replace standards effective with the 1968 model year, would lower by about one-third the 1968 level of allowable automotive exhaust pollutants by requiring 77 percent control of hydrocarbon emissions and 68 percent control of carbon monoxide.

In addition, the 1970 standards, published today in the *Federal Register*, would for the first time:

Require cars and light trucks to control 90 percent of the evaporation of hydrocarbons from gas tanks and carburetors;

Require 35 percent control of hydrocarbons and 37 percent control of carbon monoxide in exhaust of gasoline-powered heavy trucks and buses;

Limit smoke from diesel-powered vehicles to a faint plume.

There is no change from the 1968 standards which requires 100 percent elimination of engine crankcase emissions from automobiles and light trucks.

Interested individuals and organizations

have 30 days in which to submit comments on the proposed standards. After this period, the standards—reflecting any changes which may have been made by the Secretary on the basis of comments received—will be republished in the Federal Register as final standards for 1970 vehicles.

As proposed, the 1970 standards would limit exhaust emissions from automobiles and light trucks to 2.2 grams of hydrocarbons and 23 grams of carbon monoxide per vehicle mile. The effect of the 1968-model standards is to limit exhaust hydrocarbons from a typical vehicle to 3.2 grams per mile, and carbon monoxide to 33 grams. A typical uncontrolled vehicle gives off 9.7 grams of hydrocarbons and 71 grams of carbon monoxide per vehicle mile.

The proposed 1970 standards also incorporate refinements which ensure a more equitable regulation of exhaust emissions. The 1968 standards are expressed as maximum pollutant concentrations in exhaust gas. In general, the exhaust from small motor vehicles has a higher concentration of pollutants than the exhaust from large vehicles. However, the large vehicle discharges a greater volume of exhaust than the small vehicle, and in travelling a given distance may discharge an equal amount of pollution to the atmosphere. As a first step towards uniform regulation of the amount of pollution discharged by vehicles whatever their size, the 1968 standards specify different exhaust concentration limitations for three engine displacement ranges, imposing the least stringent limitations on the smallest engine range. The concentration limitations are derived from the relationship between engine displacement and the total volume of exhaust discharged per mile. This relationship can be defined only roughly, and within a displacement range the single concentration limitation results in more stringent control of the smaller engines in the range.

Since the development of the 1968 standards the Public Health Service's National Center for Air Pollution Control has been able to define a more useful relationship between a vehicle's weight and the volume of exhaust discharged by the vehicle per mile. On the basis of this new information, the 1970 standards are expressed in terms of weight of pollution per mile, rather than as concentrations, and are applied equitably to 11 weight classifications of vehicles.

The following table compares the 1968 and the proposed 1970 exhaust hydrocarbon limitations on two hypothetical automobiles. Under the 1968 standards both vehicles are classified in the largest engine displacement range, and the exhaust hydrocarbon concentration limit is 275 ppm. At this concentration the smaller vehicle will discharge 2.3 grams of hydrocarbons per mile, and the larger vehicle 4.0 grams. Under the proposed 1970 standards both vehicles would be allowed to discharge no more than 2.2 grams per mile.

Engine displacement	1968 hydrocarbon standard (parts per million)	Equivalent weight per mile (grams)	1970 hydrocarbon standard (grams)
A: 141 cubic inches...	275	2.3	2.2
B: 440 cubic inches...	275	4.0	2.2

In addition to imposing more stringent limitations on exhaust emissions, the proposed standards require that evaporation from gas tank and carburetor of cars and light trucks be limited to "6 grams per test." This test simulates evaporation from gas tank and carburetor from one city trip plus the evaporation caused by expansion and contraction of gas tank vapor during one day. Control of evaporation will contribute about 15% to the total reduction of hydrocarbons

from vehicles and will noticeably reduce gasoline odor in garages.

For gasoline-powered heavy duty trucks and buses, the proposed standards would limit the discharge of hydrocarbons to 275 parts per million and of carbon monoxide to 1.5 percent by volume.

For diesel engines, the proposed standards would limit the emission of smoke to not more than a 20 percent reduction of light transmission.

Vehicle manufacturers must test representative vehicles in accordance with procedures outlined in the standards to insure their compliance with the standards before they may lawfully offer 1970-model-year vehicles for sale. Although they are not required to do so, the manufacturers may request the Secretary to certify new vehicles and engines as being in compliance with the Federal standards. In doing this, manufacturers must make available to the Department of Health, Education, and Welfare both the results of their own testing and representative vehicles for testing in Federal facilities.

The standards were developed under the authority of the Clean Air Act Amendments of 1965, which empower the Secretary of Health, Education, and Welfare to regulate the discharge of any substances from new motor vehicles or engines which, in his judgment, may be a hazard to health or welfare.

The Secretary of Health, Education, and Welfare may revise the standards in accordance with improvements in control technology and in knowledge of the harmful effects of automotive air pollution. Extensive air pollution research has shown that automotive smog contributes to eye and throat irritation and probably to major respiratory diseases in all parts of the United States. Other studies have revealed vegetation and property damage directly attributable to automotive smog in every region of the country.

COLORADO WILDLIFE FEDERATION CALLS FOR WORLD CONFERENCE ON WILDLIFE CONSERVATION

Mr. YARBOROUGH. Mr. President, recently the Colorado Wildlife Federation, meeting in convention at Denver, Colo., adopted a resolution calling for convening a world conference on wildlife conservation, mentioning Senate Concurrent Resolution 41, which I introduced for this purpose in the last session of Congress.

As is noted in this resolution, such a convention is long overdue, in a world where some 250 species of wildlife are presently classified as endangered species. It is time that all the nations of the world joined in concerted action to reserve the forms of life being threatened by man, whether directly by poaching, or indirectly by his encroaching.

I ask unanimous consent that Resolution 10 of the Colorado Wildlife Federation, calling for a World Conference on Conservation of Wildlife, together with the accompanying letter of transmittal be printed at this point in the RECORD.

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

COLORADO WILDLIFE FEDERATION, INC.

At the sixteenth annual membership meeting of Colorado Wildlife Federation, held January 6-7, 1968, these resolutions were adopted. We believe they should be considered by you and acted on favorably.

The resolutions checked would be the ones

most applicable to your interests. Thank you for your attention to these items of importance.

ROBERT GANTNER,
President, Golden, Colo.
LILLIAN TAYLOR,
Secretary, Denver, Colo.

RESOLUTION No. 10 SUPPORTING A WORLDWIDE CONFERENCE FOR CONSERVATION OF WILDLIFE

Whereas, Senate Concurrent Resolution 41 calls for the Secretary of State to initiate procedure to convene, after consultation with the United Nations, a world-wide conference aimed at preservation of endangered species of wildlife; and

Whereas, some 250 species of wildlife are presently endangered through poaching for commercial purposes, or environmental changes brought about by man; and

Whereas, such a conference is long overdue; now therefore be it resolved by the Colorado Wildlife Federation in annual convention January 6-7, 1968, that this organization urge that proper steps be taken to convene such a conference.

TRIBUTE TO SENATOR TALMADGE

Mr. RUSSELL. Mr. President, during the past 20 years, my distinguished colleague, Senator TALMADGE, has served 6 years as Governor of Georgia and 1968 marks his 12th year as a Member of the U.S. Senate. During this span of two decades he has not only been close to the heartbeat of our beloved State, but his dedication to her welfare and progress from his position in the forefront of her leadership is unexcelled. His contributions to the economic miracle that has occurred in Georgia since World War II is indelible in his record of public service.

It was, therefore, with particular interest that I read his recent address to a joint session of the House of Representatives and the Senate of the General Assembly of Georgia which for the most part, recounted the great progress of our State over the past 20 years. First-hand reports from Atlanta indicate that he was enthusiastically received by the members of the Georgia General Assembly. This reception was, indeed, a testimony to the admiration and esteem with which he is held by the people of our State and unmistakable recognition of their appreciation for his part in building Georgia's prosperous economy.

May I say in passing, Mr. President, that I, too, received a cordial invitation from the presiding officer of the Georgia Senate and the speaker of the House of Representatives to address the same session of the legislature, and it was a matter of deep personal regret that demands here in Washington, which were imposed by the convening of Congress, prevented me from having the privilege of joining Senator TALMADGE on the speaker's platform last Monday.

Over the past 11 years, Senator TALMADGE has been an able and resourceful colleague, and it has been a pleasant experience to work shoulder to shoulder with him for Georgia's interests. I know that my feeling of warmth and respect for him is shared by the Members of this body. I commend his address of last Monday to the attention of the Senate.

I ask unanimous consent that it be printed in the RECORD.

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

TEXT OF REMARKS OF U.S. SENATOR HERMAN E. TALMADGE BEFORE A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE GENERAL ASSEMBLY OF GEORGIA, JANUARY 15, 1968.

Governor Maddox, Lieutenant Governor Smith, Speaker Smith, Distinguished Members of the General Assembly, Honored Guests, Ladies and Gentlemen, My Fellow Georgians, this is indeed a moment of rare personal pleasure.

Just 20 years ago, in 1948, in this very hall, I was first privileged to address the General Assembly.

You and I have had a long and rewarding association.

Your goal and mine has been the common pursuit of progress in Georgia.

Today Georgians are prospering.

And, thank goodness, Georgians have also kept faith with their beliefs.

Georgians still believe in the American flag.

Georgians still believe in honoring draft cards.

Georgians still believe in serving their state and nation.

Georgians still believe in law and order.

Georgians still believe that streets are made for travel—and not for riots.

Yes, Georgia is prospering.

Georgians can hold their heads high, wherever they go.

But it was not always so.

Georgians have paid the price of their convictions. Georgians have known the devastation of war. Georgians have known military occupation. Georgians have known poverty. In fact, Georgians have experienced almost every form of deprivation.

But, Georgians have never asked for an easy life.

Georgians have always had power and conviction, equal to any task.

Much is said today about America's social and economic revolutions.

My friends, Georgia has been in the midst of a social and economic revolution since 1948.

It has been a revolution of social maturity and economic advancement.

It has been a revolution of building upon cherished American principles of free enterprise, individual liberty, and opportunity—not in tearing those principles down.

Our goal, and the goal of all Georgians, is for everyone to be able to live, and work, in security, in peace, and in happiness.

You and I will never rest until there is a better life for every Georgian . . . not just for some of the people, in some parts of the State, but for all the people, in all parts of the State.

With God's help, that day will come in Georgia.

Twenty years is an important milestone. My close association—rooted in faith and friendship—with you, the General Assembly, during my administration, and since that time, makes it fitting to review the State's progress.

Together, we had six effective years.

With the support of the people, we compiled a record that has stood the test of time.

It is now a fixed part of everyday life in Georgia.

1948 was a turning point—

Georgians were tired of bad schools.

They were tired of no schools.

Georgians were tired of sorry roads.

They were tired of no roads.

Georgians were tired of tired government. They would no longer tolerate government to benefit the few at the expense of the many.

In short, the people were fed up.

The people did not ask—they demanded a new day for Georgia.

Many of you here today know what I am talking about.

You were here. You got the message, just like I did.

We were challenged to bring Georgia out of the backwoods. More than that, we were challenged to plan Georgia's growth for decades ahead.

And . . . together we met the challenge.

We invigorated State Government. Past mistakes were corrected. We took the State in new directions. Sound programs were designed.

We carried them out.

Our work sustained Georgia through several trying years. It stimulated the New Georgia that we know today.

We adopted the basic plan for growth that has been carried on by each successive Governor and each successive General Assembly. It produced a whole new generation of better-educated Georgians. This brought industrial development, more jobs, and higher wages.

Per capita income has tripled.

But best of all, we stopped the out-migration of our people, particularly the young and intelligent.

Today, Georgia is literally the land of opportunity for bright, young men and women.

They come to Georgia from every state in the Union, and from many foreign countries. Instead of losing brain power, we are gaining it.

When you and I joined hands in 1948, the State was at a low ebb.

Children were denied their right to an adequate education. Their parents were deprived of an opportunity for good jobs.

The situation was desperate. The State Government went from one crisis to another.

Schools were pitiful. Students, by hundreds of thousands, were neglected. Thousands of others were ignored, and not even able to go to school.

Classrooms were overcrowded, poorly heated, and dimly lit. Buildings were run down. Some schools were about to close their doors.

Teachers were no better off. Woefully underpaid, they were leaving Georgia in droves.

The predicament of our colleges, was just as bad. There was an exodus of faculty members from our campuses.

Worst of all, many deserving youngsters were being turned away.

Education was not suffering alone. Almost every other facet of State service was also neglected.

We knew we could not cure everything overnight. But we were determined to move—and we did move—forward.

Common schools got first attention. We created a splendid new concept—The Minimum Foundation Program for Education, which would guarantee good schools for the children of Georgia.

Through tax revision, the General Assembly then provided the many millions of dollars needed for education.

Teachers' salaries were almost tripled before we were done. We stopped the migration of teachers.

We created the State School Building Authority. We built decent schools.

Since then Georgia has built more classrooms than any State in the Union, except New York and California, both of which have about four times our population.

We moved ahead in all areas of education. We provided safe school buses for all.

We made the 9-month school term a reality.

We added the 12th grade to high schools.

For the first time, we provided state funds for school lunches.

What we did for the common schools, we did equally for the University System: through the University System Building Authority, through doubled faculty salaries, and by nearly tripling the State appropriation for our colleges.

We made education the most important business of the State.

It remains so today.

But we did not stop with education.

We advanced health, welfare, industrial development, agriculture, highways, and public safety.

Throughout State services, nothing was left unnoticed. Nothing was left to chance.

We provided hospitals and health centers, near to and within the means of millions of Georgians.

We put 13,000 miles of roads under contract.

We stressed agriculture, helping farmers get their fair share of the State and national income.

We modernized the Department of Public Safety.

We created a Department of Commerce to promote industrial development. Manufacturing became the State's "number one" employer.

We purchased the Savannah Quartermaster Depot for \$808,000. It was Georgia's "bargain of the century". From this humble beginning, the Georgia Ports Authority now pours more than one million dollars a day into the State's economy.

This is but part of our record.

The most significant fact is however:

Georgia made the turn.

Georgia has not stopped moving since.

With this new prosperity have come many new and highly complex problems. The most aggravating one of all is caused by the migration of large numbers from rural areas into our cities.

Almost two-thirds of the people now live in our cities—with half of them in five metropolitan areas.

Our cities touch the lives of every one of us—every day.

Their problems are our problems.

Our rural areas touch the lives of every one of us—every day.

Their problems are also our problems.

In short, the lives of all of us are so interwoven that the problems of each of us are the problems of all of us.

Atlanta—our state capitol and the hub of commerce for the Southeast—needs special attention. More than a fourth of all Georgians live in the Atlanta area.

Transportation made Atlanta. Transportation will determine Atlanta's future and the State's future. However, Atlanta's growth is being stifled by traffic on its streets. This strangulation must be relieved.

Rapid transit and rapid busways are being studied. I hope that study will also be given to expansion of Atlanta's expressways. Los Angeles, for example, now serves 7 million people by a freeway system.

Atlanta's airport is the nation's fifth busiest. It handled almost 12 million passengers in 1967. It is forecast to handle some 50 million passengers within 15 years. Mail and cargo growth will be even greater. Atlanta's airport, as important to Georgia as to Atlanta, must be outstanding. Whatever is needed to make it outstanding must be planned for and provided.

These are matters of great significance to all Georgia.

These and all our problems, urban and rural, must be solved. I will continue to do my part.

As we review our record, I am proud that when we completed all this work, Georgia's books were balanced. All that we did, we did within our income.

We kept our promise that the taxpayers would get maximum benefit from every tax dollar spent.

We were guided by the basic truth that the only reason for government's existence is to serve the people.

I thank God that this basic concept still prevails in Georgia.

I believe everyone is entitled to an economic opportunity. I believe every citizen has

the right to an education, the right to a job opportunity, and the right to job training and retraining.

But with these individual rights go also individual responsibilities.

I submit that the greatest hindrance to progress in our country today is that so many people are looking around for some system that will give them something for nothing.

Government cannot motivate people. This must come from within. Problems of poverty, unemployment, and slums can best be solved by education, training, skills, and jobs.

We will look forward to the day when they can be solved.

But I can assure you that they will never be solved by the government throwing money around like a drunken sailor.

There can be no dividing line between the national interest and the interest of the people of Georgia. They are one and the same.

The people of Georgia want sound government. They want fiscal responsibility. They want a maximum of individual liberty and a minimum of governmental control.

Unfortunately, there are Big Spenders in Washington who want to make a balanced budget a thing of the past.

They have passed on to the American people and their children a national debt of \$330 billion.

They have burdened the people with inflation.

They have sapped the economic strength of America by trying to play banker, policeman, and Santa Claus for the entire world.

And now the Big Spenders want more taxes. I am willing to support taxes for national security. I would vote for taxes to protect the nation's economic stability.

But I will not vote taxes to be poured down a rat hole.

America cannot go on spending far beyond its means without a day of reckoning.

Look at our balance of payments. We have squandered money overseas so fast for so long that our dollars are now being thrown back at us, and swapped for our short supply of gold.

The President has announced plans to correct the dollar deficit.

I don't think he went far enough. He ought to take the bull by the horns and settle this problem—once and for all.

A piecemeal and half-hearted approach is like putting screen doors on submarines.

What we need to do is cut down on multi-billion-dollar foreign spending programs.

What we need to do is start fighting the war in Viet Nam like we mean to win it. That costs \$2 billion a month. If we intend to stay in Viet Nam, I say we ought to take the war out of politics and out of the basement of the White House, and turn it over to our soldiers, our generals, and our admirals—with directions to win it and bring our boys home.

Furthermore, we ought to pull some troops out of Western Europe.

They can, and should do more to look after their own defense.

It is ironic indeed that the nation which is doing its dead-level best to destroy the American dollar, is De Gaulle's France.

Twice during my lifetime, American soldiers have saved France, and tens of thousands of valiant Americans now lie in graves in the France they saved.

Let us remind Mr. De Gaulle that France owes the United States \$7 billion in war debts.

I say we ought to tell Mr. De Gaulle:

General, your note is past due. Pay it.

The paramount duty of every government is to maintain order. This order is for the protection of the life, the liberty, and the property of all its citizens.

Every person in authority—beginning with the President of the United States—ought to make it crystal clear that we're going to have law and order.

People who break the law should be punished, without fear or favor.

People who are guilty of sedition should be jailed.

People who are guilty of insurrection should also be jailed.

I don't care who they are. I don't care what they are. I don't care where they come from. People who break the laws are criminals. They ought to be treated as such.

A good starting point is Stokely Carmichael.

On July 4, 1956, at Rome, Georgia, I announced my candidacy for the United States Senate. I pledged to the people of Georgia that as their Senator my first and foremost duty was to serve them, just as it was during my administration as Governor.

I promised to keep faith with the people . . . to keep faith with Georgia's sacred institutions . . . and to keep faith with her high ideals.

I pledged to represent all the people of Georgia.

I have endeavored to the best of my ability to honor this pledge.

In all humility, I submit to you that I have done so.

With the aid of Almighty God I shall continue to keep that faith.

CITATIONS OF BUREAU OF LAND MANAGEMENT OFFICES FOR OUTSTANDING ACHIEVEMENT

Mr. MORSE. Mr. President, it is with great pride that I invite the attention of the Senate to the recognition being given by the President to the personnel of five Bureau of Land Management offices in the State of Oregon.

I have added my own congratulations to State director, Archie D. Craft; director Edward G. Bygland, of the Bureau of Land Management Service Center; and to district managers Boris T. Vladimiroff, of Coos Bay, Ore.; Joseph C. Dose, of Eugene, Ore.; and George C. Francis, of Roseburg, Ore.

On Tuesday, I dispatched the following telegram:

As the Senior member of the Oregon Congressional Delegation, I congratulate you and those who work with you upon having been selected on the basis of your outstanding achievement in timber salvage and land rehabilitation following the Ox Bow fire of 1966 for the award by the President of the United States of a Presidential Citation.

Mr. President, these men and their coworkers, through their dedicated work, have salvaged almost \$3.4 million worth of timber that would otherwise have been lost. They have also saved for the people of Oregon and the people of the United States \$680,000 through eliminating the regeneration lag that would have occurred without their extraordinary efforts.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the release of the Department of the Interior setting forth the basis of the award to the personnel of the five offices and the text of the citation issued by President Lyndon B. Johnson on December 4.

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

PRESIDENT CITES BLM OFFICES FOR OUTSTANDING ACHIEVEMENT

Personnel of five Bureau of Land Management offices in Oregon have received a citation, signed by President Johnson, for outstanding achievement in timber salvage and land rehabilitation following the disastrous

Oxbow fire of 1966 in west-central Oregon. Designated for outstanding achievement were the Oregon State Office, the Portland Service Center, and Coos Bay, Eugene, and Roseburg District Offices.

The citation recognizes personnel from the five offices who worked more than 7 man-years of overtime to restore the burned area. This concerted effort is estimated to have saved the government over \$4 million.

In commenting on the citation, Secretary of the Interior Stewart L. Udall said, "The employees of the Bureau of Land Management assigned to these five offices have earned this recognition by their dedication to resource conservation that certainly went beyond the call of duty. At the same time I want to commend heartily the Oregon timber industry and the Forestry and Wildlife agencies of the State of Oregon for the splendid cooperation which helped make the achievement possible."

Secretary Udall said that complete cooperation of the Executive and Legislative branches of the Federal Government provided without delay the necessary funding to implement these sales.

The Oxbow fire started southwest of Eugene, Ore., on August 20, 1966, and swept across public and private land west through the Coast Range. When extinguished eight days later, it had destroyed or damaged more than 43 thousand acres of prime timber land, over half of which, 24,875 acres, is managed by BLM.

On BLM land it left nearly a half billion board feet of dead or dying timber, enough to build 100,000 homes. In addition to the burned timber, the fire destroyed two bridges and damaged three. Stream channels were choked with fire debris that obstructed normal flow and covered spawning beds of salmon and other valued fish. Slopes were burned to mineral soil and left vulnerable to erosion, and wildlife habitat was destroyed throughout the area. Road surfaces were damaged from the intense heat, and drainage ditches were clogged with debris and slough.

Immediate action by BLM, the Oregon timber industry, and Oregon State agencies was necessary to salvage the valuable timber promptly and to prevent beetle infestation that could have doubled the loss. There was also imminent danger of erosion due to heavy winter rains that customarily fall in the area. The situation called for maximum effort by all in the least possible time.

To harvest the salvage, BLM immediately rescheduled timber sales. Seventy-one salvage sale contracts were issued and much of the damaged timber has now been removed and converted into forest products.

Through local contractors, BLM seeded 5,200 acres to Douglas fir immediately following the fire. Additional seedlings are being programmed. To protect the remaining soil resource, 12 thousand acres of critical slopes were seeded to Indian brown mustard to stabilize soils and provide a nurse crop for new tree seedlings. Five bridges have been rebuilt, and 26 miles of fire trail and snag-free corridors have been constructed within the burn. Twenty-five water holes were constructed to provide additional protection against future fires. Throughout the 15 month period, these extra duties were carried out by personnel from the five offices in addition to normal program operations.

By compressing the salvage time, \$3,375,000 worth of timber was harvested that would have otherwise been lost because of sawwood deterioration and timber breakage as trees become increasingly brittle over a longer period of time. Prompt reforestation is saving another \$680,000 by eliminating the regeneration lag that would have occurred during normal programming time. There are other more intangible benefits from the crash program: prompt stream clearance and soil stabilization has preserved spawning beds that will prevent loss to commercial

and sports fisheries, and has prevented further damage to soil resources.

Unit citation from the President of the United States to the Oregon State Office, Portland Service Center, Coos Bay, Eugene and Roseburg District Offices of the Bureau of Land Management, Department of the Interior, for outstanding achievement in timber salvage and land rehabilitation following the Oxbow Fire of 1966 in Oregon.

DECEMBER 4, 1967.

LYNDON B. JOHNSON.

Mr. MORSE. Mr. President, the formal ceremony presenting the award to the offices was held on Tuesday, January 16. My only regret is that I was unable to extend to each of these dedicated civil servants who are being honored my commendations in person. But my thoughts and good wishes are echoed, I know, by the people of Oregon. As an evidence, I ask unanimous consent to have printed in the RECORD excerpts from a December 1 letter I received from president Ray E. Doerner, of the Association of O & C Counties, relative to this achievement, and a resolution adopted by that organization in recognition of the great job done.

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

ASSOCIATION OF O & C COUNTIES,
December 1, 1967.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: The O&C county officials are extremely pleased at the speed and thoroughness of the BLM in its efforts to salvage the damaged timber from the 1966 Oxbow fire area. Equally important rehabilitation programs were promptly effectuated to the nth detail by the Bureau. Complete and equitable cooperation with the private intermingled ownership was accomplished which contributed to a successful operation and conclusion.

The speed and accuracy with which they carried out their task was beyond the highest expectation and we think it is worthy of a pat on the back. I am enclosing a copy of the resolution adopted by the O&C Counties Association and a copy of a news release pertaining to the resolution. The State Advisory (O&C) Board has adopted a similar resolution of commendation.

With kind regards,
Very truly yours,

RAY E. DOERNER,
President, Association of O & C Counties.

A RESOLUTION BY THE ASSOCIATION OF O & C COUNTIES, NOVEMBER, 1967

Whereas the Oxbow forest fire started on August 20, 1966, and raged uncontrolled over 43,368 acres of private and public forest land in Lane and Douglas Counties, Oregon; and

Whereas the aftermath was catastrophic as one billion board feet of prime Douglas fir timber lay dead along with all ground cover and wildlife; and

Whereas 500 million board feet of damaged timber was on Bureau of Land Management managed lands and could be salvaged, but time was short since insects and decay would take a high toll after the spring of 1968; and

Whereas Bureau of Land Management timber sales and logging had to be stepped up immediately to tackle the gigantic task of salvaging 500 million board feet of timber within 16 months and restoring the landscape; and

Whereas the House and Senate appropriation subcommittees, realizing the BLM's need for additional funds to undertake the

large job, was prompt in granting all necessary funds requested; and

Whereas Bureau personnel from the Coos Bay, Eugene, and Roseburg Districts and the Oregon State Office were quick to respond to the task and succeeded in selling all salvageable timber by December, 1967, and initiating multiple-use land treatment measures to hasten the rehabilitation of the watershed and to improve the wildlife habitat; and

Whereas valuable research and assistance was given by the Oregon State Forest Research Laboratory which aided in the rehabilitation program;

Now, therefore the Association of O&C Counties, through its Executive Committee commends the Bureau of Land Management Districts and State Office, the House and Senate Appropriation Subcommittees and their chairmen, and the Oregon State Forest Research Laboratory for the outstanding job they have accomplished. It hereby directs the chairman of the Association to forward this resolution to the heads of the organizations so commended.

NOVEMBER 30, 1967.

"The Congress of the United States and the Bureau of Land Management are to be commended for the speed with which the damaged timber from the Oxbow Fire was placed on the Market."

Commissioner Ray Doerner of Roseburg, President of the Association of O&C Counties indicated today in Portland that the concern of the Federal government in salvaging the Oxbow Fire timber resulted in prompt recovery of all the merchantable timber on the ground.

Commissioner Doerner further stated that the Executive Committee of the Association of O&C Counties has adopted a resolution pointing out to the appropriate agencies and to the Congress the counties' appreciation.

"The dispatch with which this project was undertaken and completed is merely another example of the Federal government's interest in professional management of the resources intrusted to it," Doerner said.

EL TIEMPO PRAISES ACTION ON BILINGUAL EDUCATION

Mr. YARBOROUGH. Mr. President, on December 15, New York City's Spanish-language daily newspaper, *El Tiempo*, published an editorial firmly in support of the then pending bilingual education bill.

Since then the bill has become law, the President signed it into law this month, the idea has become a reality; and as a result schools across the Nation will be able to improve their services to children who come from non-English-speaking homes. As the editorial points out, there are nearly 3 million such children in the United States today. Their need is manifest, and their eyes—as well as those of the Congress—are now focusing on the U.S. Office of Education to see that the law is translated into action.

I ask unanimous consent that the *El Tiempo* editorial—printed both in Spanish and in English—be printed in the RECORD.

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

GOOD MEASURE

Texas Senator Ralph Yarborough has introduced the first really national bilingual bill in the national Congress, and it will probably become law before this month ends.

The new law is a landmark in United States culture and education. It will encourage and finance local school districts to

make children of Spanish-speaking families literate in both Spanish and English, instead of the present system which seeks to cram English reading and writing into Spanish heads. The ultimate aim of the law, of course, is to make the children fully literate in English; but it takes into consideration that the little ones are not conversant with the language.

In Senator Yarborough's part of the country there are two million Mexican-Americans whose children know little or no English. In the Far West, particularly California, there are another 2½ million, and throughout the rest of the United States another three million, of which nearly 1,900,000 are in the New York City metropolitan area.

As a result, according to Sen. Yarborough, in the United States today there are "nearly three million school children from non-English speaking families. . . . Many enter the first grade knowing little English. Their families speak Spanish at home, but in the first grade they find they must learn a new tongue. Before they can master English enough to communicate with their teachers and fellow students, these children fall behind. As a result, they lose interest, make poor grades and they drop out. In Texas, adults of Spanish surnames average only 4.7 years of schooling.

Sen. Yarborough has been able to get the Upper House to pass his bill in record time as part of the House of Representative-approved Elementary and Secondary Education Act. It will be of enormous importance to the 15% of Texas' population which is Spanish-speaking, and will also benefit the eight million hispanos throughout the nation. We congratulate him on a well-conceived program and hope it will be implemented as he has planned.

SOVIET NAVAL STRENGTH IN THE MEDITERRANEAN

Mr. SPONG. Mr. President, in recent months, Soviet naval strength in the Mediterranean has caused increasing concern both within the United States and the NATO alliance. Shortly after the Middle East war last June, Soviet ships in the Mediterranean came close to matching United States vessels in number if not in strength.

A New York Times editorial of January 16 evaluates new Soviet activities in the Mediterranean. While I concur in the observation in the editorial regarding trouble the Soviets are inviting, nevertheless we should be mindful that Russia appears closer than ever toward achieving the goals in the Middle East that they have had for centuries. I ask unanimous consent that the editorial be printed in the RECORD.

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

RUSSIA IN THE MIDDLE EAST

The Soviet penetration of the Middle East and naval build-up in the Mediterranean which were described in yesterday's Times are unfortunate but not surprising in an area that has historically been a point of conflict among the major powers. It was inevitable that the Soviet Union would challenge United States dominance of the Mediterranean as "an American lake" and would seek to expand its influence into the vacuum caused by Western, especially British, withdrawal from the Middle Eastern lands.

This Soviet buildup—35 warships patrolling the Mediterranean, \$250 million in arms to Arab countries since June and growing political and economic penetration of Middle Eastern states—is cause for concern; but the Soviet threat should be manageable provided

that the United States and its allies react firmly and with restraint, recognizing built-in limitations on Russian ambitions.

Militarily, the first concern is the threat posed to the southern flank of NATO by the Soviet naval build-up. In the past, any fresh Soviet threat to Europe has worked to prod the Western alliance into more vigorous joint defense efforts. It should be well within the competence of NATO to contain the Russian fleet, which is gravely handicapped by its exposed access to home bases through the Dardanelles.

Soviet arms aid to Arab clients is a high-risk investment. It is subject to catastrophically inept use, as in last June's fiasco, or to misuse in conflicts contrary to Soviet purposes—such as suicidal domestic or inter-Arab warfare.

Politically, the Russians are on dangerous ground when they mix in Arab politics, especially in view of the extreme nationalism currently sweeping the Arab world. Soviet economic penetration of the region—notably in oil—is bound to encounter a serious conflict of interest. As one of the world's leading producers of oil, the Russians are not in the market for oil for themselves. Their primary interest is to deny oil, or raise its cost, to Western Europe. But Mideast oil already is a declining factor in Europe. Any move to restrict its availability would only speed the shift to other power sources and reduce the Arab world's principal source of income.

In seeking to make trouble for the West in the Middle East, the Russians are only inviting greater trouble for themselves.

COMBINATION OF NEW LOAN PLAN BY SBA AND RECENT TAX LEGISLATION PROVIDES GREAT BENEFITS TO MACHINE TOOL USERS AND MAKERS

Mr. WILLIAMS of New Jersey. Mr. President, the November issue of the New England Business magazine carried an article describing a financing program for machine tools which was recently undertaken by the Small Business Administration. It seems to me that combining this plan with tax legislation enacted by the Congress since 1962 offers substantial advantages to small businesses throughout the country, particularly companies whose operations are based upon the use or the manufacture of machine tools.

The program to which the article refers was inaugurated on January 18, 1967, and provided that the Small Business Administration would finance the purchase of new machine tools with up to a 7-year loan upon a 15-percent downpayment. A feature of this program was that the only security for the loan would be the machine itself, and there would be no general lien or mortgage against the firm's other assets.

On October 20, the SBA announced that the response to this program was sufficiently favorable so that the agency was prepared to extend the program to the purchase of used machinery on only slightly less favorable terms: up to a 5-year term and a 20-percent downpayment.

This plan supplements the normal loan program of the agency which is able to finance machine tool purchases with no downpayment, but requires a conventional lien or mortgage on other property.

The machine-tool undertaking by the SBA is backed up by the willingness to lend up to \$100,000 on a direct loan basis; to lend up to \$150,000 on a bank participation; or to issue a guarantee up to \$350,000 for a loan made by an independent financial institution.

The significance of this program is multiplied several fold by the tax advantages which the Congress and the IRS have written into the Tax Code since 1962. These were described in detail in hearings before the Senate Small Business Committee in March of this year. It was a pleasant surprise to me to learn that a small business could recover about two-thirds of the entire cost of a machine or other equipment in the first year of operations pursuant to these provisions.

Mr. President, the benefits which the combination of these programs hold out should, in any opinion, receive the widest possible circulation. They are certainly important to the individual profit picture and well-being of our Nation's businesses. But more than this, they affect a vital element in the competitive position of American industry with regard to imports at home and building exports to world markets.

I am advised that the American Machinist, a publication of the McGraw-Hill Co., makes an independent survey every 5 years of the average age of machine tools in this country. The latest figures demonstrate that the machinery and equipment which our businessmen use has an average age greater than that in other industrialized nations such as Germany and Japan. According to McGraw-Hill, as of the early 1960's, 36 percent of the U.S. stock of machine tools was less than 10 years old. In comparison, 38 percent of this equipment in the United Kingdom was less than 10 years old; 42 percent of machine tools in France were less than 10 years old; and in Japan, 41 percent of these tools were less than 5 years old. I hope that our American companies make increasing use of the programs which I have described and I will be doing all that I can to bring about this result.

The New England Business magazine did a useful service in publishing material on this subject. I ask unanimous consent that the article, together with an excerpt from the testimony of Secretary of the Treasury, Henry Fowler, on the tax programs which I mentioned, be printed in the RECORD.

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

[From New England Business, November 1967]

USED MACHINE TOOL LOANS NOW AVAILABLE

Small firms are now eligible for Small Business Administration loans covering up to 80 percent of the cost of a used machine tool.

The new plan modeled closely after that adopted about nine months ago for new machine tools, was announced by SBA Administrator Robert C. Moot.

The SBA Administrator emphasized that the program applies only to power-driven machines, not portable by hand, that are used to shape or form metal, and that were manufactured during or after 1950 and have been cleaned, painted and cycled.

Purchasers of the machinery must provide at least 20 percent of the cost, and the maximum term of the SBA loan is five years, amortized on a monthly basis.

SBA is prepared to lend up to \$100,000 on a direct loan; up to \$150,000 on a bank participation loan, and will guarantee up to \$350,000 of a bank loan made for the purchase of used machine tools.

The only tangible collateral SBA will require is a first lien on the machinery acquired, plus unsecured guarantees in some cases, and a lessor's agreement if the machinery is to be located in leased premises.

To qualify for a loan, a firm must be in sound financial condition and must be able to give reasonable assurance of repayment, Moot said.

Small firms seeking funds for working capital, debt payment, tools, dies, installation costs, and other purposes, are not eligible under the used machine tool financing program, Moot said, but they may be eligible for a regular SBA business loan.

SBA direct or participation loans will be approved for the purchase of used machine tools only if the machinery is to be delivered within five months.

"We believe that the extension of the program to include the purchase of good quality used machine tools will help many small producers upgrade their facilities and become more competitive," Moot said.

STATUS AND FUTURE OF SMALL BUSINESS (Excerpt from the testimony of Secretary of the Treasury Hon. Henry H. Fowler, in hearings before the Select Committee on Small Business, March 22, 1967, page 663)

The tax treatment of new investment for machinery or equipment may be illustrated in terms of the percentage of the cost of an asset subject to tax writeoff or equivalent charges against income in the year of acquisition.

In the case of a 10-year asset costing \$10,000, purchased by a firm subject to the 22-percent corporate normal tax rate, the following deductions or equivalents may be taken.

20-percent initial allowance (1958 law)	\$2,000
7-percent investment credit expressed as an equivalent credit expressed as an equivalent deduction from income	3,182
1st-year depreciation (double-declining balance depreciation, 10-year life)	1,600
Total	6,782

As these figures demonstrate, the various allowances under present law and the proposed reinstatement of the investment tax credit would in effect permit tax-free recovery of two-thirds of the cost of a machine or other equipment item with a 10-year life in the year of its acquisition. To the extent the depreciable life is shorter than the 10 years assumed in the example, the proportion of capital recovery would be still greater.

The average 15-percent reduction in tax lives resulting from the 1962 liberalization of depreciation guidelines is assumed to be already reflected in the 10 years used here. Prior to this reduction, the tax life would have been 11.75 years, with the result the first year's double-declining balance depreciation would have been \$338 less than the \$1,600 indicated.

Measures such as liberalized depreciation, the special low corporate tax rate, and the proposed reinstatement of the full investment tax credit all serve to increase the internally generated flow of cash needed to make new investments. This is especially important to the capital-scarce and growing small firm.

THE BALANCE OF PAYMENTS DEFICIT

Mr. THURMOND. Mr. President, on Friday, January 5, the Greenville News, of Greenville, S.C., published an excellent editorial which is not only informative but also quite knowledgeable concerning the balance of payments deficit which this country now faces. The editorial faces up to the problem which confronts Congress: We must do our part by cutting down on Government spending. I believe the editorial will be of interest to many Americans because it concerns a problem which is current and about which we should all be informed.

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

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

PAYMENTS DEFICIT IN LONG VIEW

To pick up where we left off earlier this week in a discussion of federal fiscal affairs and the administration's efforts to dampen inflation and close the growing international balance of payments gap, further action since those comments were written is welcome.

But it also may be too little and too late and could, in the long run, work against its intended purpose as much as for it.

Placing firm emphasis on his words, President Johnson told a news conference at the Texas White House, where he is working mainly on the 1968-69 budget, that he was taking executive action to cut down American spending—and investments—abroad.

He added that he would seek congressional action to go even farther and—more emphatically—that his request for a 10 per cent surcharge on personal and corporate incomes would be renewed with greater vigor this month.

This presidential action follows the directive of the Federal Reserve Board, which governs the fiscal policies of banks, raising the amount of cash banks must hold in reserve against short-term demands, such as checking accounts, and a Defense Department withdrawal of some 35,000 troops from Europe.

The Reserve action was an anti-inflationary measure intended to reduce the amount of money banks can lend, following up the fairly recent raising of prime interest rates to make borrowing less attractive. The Defense Department move is purely and simply to save about \$75 million a year it costs to maintain the troops in garrison abroad.

Both, indirectly, were aimed at influencing the twin problem of inflation at home and the unfavorable balance of payments abroad, for the little that they are worth.

What we said earlier about the crux of the problem—the size of the federal budget with its built-in waste and its inflationary effect, and the apparent necessity for Congress to cut it drastically, since the administration apparently does not intend to do so—still goes, and with emphasis equal to that of the President in his announcement.

Inflation hardly needs explaining. In part it results from a variety of factors such as the wage-price spiral in the consumer market and the cost-price squeeze in production.

But the most inflationary factor of all is federal spending, which is taking an ever larger amount of money from the people, which they might otherwise spend for necessities, more luxuries and savings; and from industry, which might spend it in dividends and expansions to create more tax-producing earnings and jobs.

And the most damaging aspect of this is the huge annual deficit, the difference between revenues and spending which is added

to the national debt through government borrowing to meet budget obligations.

The balance of payments deficit is a little easier to define, but is equally intricate and complex to control or reverse, and the federal government again is the principal culprit.

The simplified explanation is that American government, business and people are sending and spending abroad more money than is coming back into the United States from foreign countries. To put it another way, the United States is buying more goods and services abroad than it is selling or receiving.

Ironically, the very countries which hold the largest amounts in due bills against the United States are the very ones this country has done the most to assist in the last 20 to 25 years. Some of them, France being a notable example, owe the United States more in debts going back more than 40 years than the United States now owes them in balance of payment deficits.

To correct this condition, Mr. Johnson has ordered drastic curtailment of American investments and loans in foreign countries, and has urged Americans to travel in the Western Hemisphere, rather than in Europe and Asia, for their foreign vacations. He indicated he would ask Congress for legislation to curb foreign travel.

This may have some short-term desirable effects. It may reduce the balance of payments deficit as much as the President says it will—the first year. But after that, it is likely to begin to backfire, and backfire badly, in these ways:

People who can afford it are not going to like being told they can't travel abroad and spend their money as they see fit. What's more, federal, state and private agencies have been trying to promote tourism from abroad. Some foreign countries already limit travel by their citizens, and restrict the amounts of money they can bring to the United States. Further restrictions could come in retaliation.

Private investments abroad have been aimed at competing in the international markets. More than one American company has moved part, sometimes substantial amounts, of their manufacturing operations to cheaper-cost countries. But they also bring in substantial returns to the investors. That money comes, in large part, back to the United States.

The same is true of private bank loans. American international bankers are not in the business for fun, and little altruism. They are earning profits for their stockholders. This money, too, returns to the United States.

But back to the federal government's role in this affair its contributions, direct and indirect, to the balance of payments deficit.

During the last 20 years, the United States has extended assistance in the amount of more than \$100 billion in grants and loans to former allies and enemies alike. A substantial portion of the repayment of loans was in "counterpart funds" which could be spent only in the country receiving the loan and making the "repayment."

Furthermore, the administration wants to keep this foreign aid program going. Congress appropriated less, but the President asked for a foreign aid fund for this fiscal year just about equal to the anticipated balance of payments deficit for this year.

Finally, foreign imports from the countries and the industries the United States helped them to build are a major factor in the situation. This country is buying more abroad than it is exporting. Residents of this area are familiar with the situation in textiles at firsthand. We have discussed a similar situation in steel, and Holmes Alexander refers to it in a column on this page today.

Therefore, it appears to us that the long-range answer to the problem is a reduction in domestic spending for non-essential purposes, a reduction in foreign aid and, prob-

ably more important, more favorable foreign trade agreements. The United States has been taken by its foreign competitors each time it has gone to the tariff and trade conference table.

PRESIDENT JOHNSON SIGNS THE NEW SOCIAL SECURITY AMENDMENTS

Mr. BREWSTER. Mr. President, on January 2, President Johnson signed into law one of the most significant pieces of social legislation passed by the 90th Congress—the 1967 amendments to the historic Social Security Act.

In March, 24 million Americans will receive increased benefits as a result of this forward-looking law.

It will help the senior citizens. It will aid hundreds of thousands of disabled widows and children for the first time. Medicare benefits will be expanded. New provisions provide for child day care centers, earning incentives, maternal and child health programs.

In the President's own words:

Measured in dollars of insurance benefits, the bill enacted into law today is the greatest stride forward since Social Security was launched in 1935.

But this new law symbolizes more than dollars and cents.

The new amendments signify the strengthening of social insurance in America, where government, private enterprise and the citizen contribute to a fund which provides income and other benefits for the old, the retired, the handicapped, the blind, the dependent child or dependent mother.

Certain restrictions have been written into the law which many Senators and the President believe could be injurious to dependent children and dependent mothers. I trust that the Congress will take a new look at these restrictions at the earliest possible moment and rescind them. And I am in complete accord with the President's announcement creating a blue-ribbon commission to study and evaluate the entire welfare system in the United States, with a view to its intelligent reform and modernization.

But we cannot overlook the fact that the new amendments further enhance and strengthen the role of social security as a new social institution, accepted and applauded by the vast majority of the American people.

I need only recite the brief litany of social security, medicare, the Older Americans Act to demonstrate that this administration and this Congress care deeply for the future health, welfare, and prosperity of all its citizens.

I applaud the President for having made social security one of the priority issues in the first session of this Congress.

I ask unanimous consent that the statement made by the President on the signing of the social security bill be printed in the RECORD.

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

SOCIAL SECURITY SIGNING STATEMENT BY THE PRESIDENT

This coming year will mark one-third of a century since Social Security became the law of the land.

Because of Social Security, tens of mil-

lions of Americans have been able to stand straighter and taller—unafraid of their future.

Social Security has become so important to our lives, it is hard to remember that when it was first proposed it was bitterly attacked—much as Medicare was attacked and condemned before it came into being two and one-half years ago.

Today, for the second time in thirty months, I am signing into law a measure that will further strengthen and broaden the Social Security System. Measured in dollars of insurance benefits, the bill enacted into law today is the greatest stride forward since Social Security was launched in 1935.

In March, 24 million Americans will receive increased benefits of at least 13%. In the years to come, as the 78 million American earners now covered by Social Security become eligible, they will gain even greater benefits.

For a retired couple, maximum benefits will rise from \$207 to \$234 and ultimately to \$323 per month.

Minimum benefits for an individual will be increased from \$44 to \$55 a month.

Outside earnings can total \$140 a month with no reduction in benefits.

65,000 disabled widows and 175,000 children will receive benefits for the first time.

Medicare benefits are expanded to include additional days of hospitalization.

Combined, the Social Security amendments of 1965 and 1967 bring an average dollar increase of 23%. Medicare protection amounts on the average to an additional 12%. This makes total increases of 35% in the past thirty months.

When the benefit checks go out next March, one million more people will be lifted above the poverty line. This means that 9 million people will have risen above the poverty line since the beginning of 1964.

Social Security benefits are not limited to the poor. They go to widows, orphans, and the disabled who without them would be reduced to poverty. They relieve an awful burden from the young who would otherwise have to divert income from the education of their children to take care of their parents.

Franklin Roosevelt's vision of social insurance has stood the test of the changing times. I wish I could say the same for our nation's welfare system.

The welfare system today pleases no one. It is criticized by liberals and conservatives, by the poor and the wealthy, by social workers and politicians, by whites and by Negroes in every area of the nation.

My recommendations to the Congress this year sought to make basic changes in the system.

Some of these recommendations were adopted. They include a work incentive program, incentives for earning, day care for children, child and maternal health services and family planning services. I believe these changes will have a good effect.

Other of my recommendations were not adopted by the Congress. In their place, the Congress substituted certain severe restrictions.

I am directing Secretary Gardner to work with state governments so that compassionate safeguards are established to protect deserving mothers and needy children.

The welfare system in America is outmoded and in need of a major change.

I am announcing today the appointment of a Commission on Income Maintenance Programs to look into all aspect of existing welfare and related programs and to make just and equitable recommendations for constructive improvements, wherever needed and indicated. We must examine any and every plan, however unconventional, which could promise a constructive advance in meeting the income needs of all the American people.

That Commission of distinguished Americans will be chaired by Ben W. Heineman, Chairman of the Board, Chicago and North-

western Railroads. Its membership will include Messrs. Thomas J. Watson, Jr., Chairman of the Board, IBM Corporation, Donald C. Burnham, President, Westinghouse Electric Corp., James W. Aston, President, Republic National Bank, Dallas, Texas, Asa T. Spaulding, recently retired President North Carolina Mutual Life Company, Durham, North Carolina, Henry S. Rowen, President, Rand Corporation, Santa Monica, Calif., George E. Reedy, Jr., President, Struthers Research and Development Corporation, Washington, D.C., Anna Rosenberg Hoffman, Public and Industrial Relations Consultant, New York City, Julian Samora, Professor of Sociology, University of Notre Dame, Robert M. Solow, Professor of Economics, MIT, Edmund G. "Pat" Brown, partner, law firm Bell, Hunt, Hart and Brown and David Sullivan, General President, Building Service Employees International Union, New York.

Over the last third of a century in America we have proved that people who earn their living can make their lives better and more secure if they divert part of their incomes to protect themselves from the twists of fortune that face all men. Our challenge for the coming years is to see if we can extend that same human insurance and human dignity to persons who are not able to buy their own protection. Our challenge is to save children.

TEXAS CONSERVATION FEDERATION DEMANDS ACTION ON BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, Texas has become increasingly concerned about the conservation of one of her most unique areas, the Big Thicket. It has become a matter of increasing concern that the original National Park Service's preliminary proposal called for only 35,500 acres of this area to be preserved as a national monument. This is simply not adequate to preserve the beauty, and the valuable forms of life, that make up the Big Thicket.

Meeting in convention on November 25, in Beaumont, Tex., the Conservation Federation of Texas and the Texas Ornithological Society adopted a uniform policy for all their participating groups, calling for 100,000 acres as an adequate representative section of the Big Thicket for preservation. Their plan would incorporate several vital sections left out of the smaller "chain of pearls" plan, sections which contain features otherwise lost from the park, but essential to the identity of the Big Thicket.

The United Conservation Federation of Texas has taken up the fight for a Big Thicket National Park, and is going all out to get that park now. I urge rapid, and favorable, action on S. 4, the Big Thicket National Park bill, which I introduced in the last session of the 90th Congress.

I ask unanimous consent that the resolution pertaining to the Big Thicket National Park be printed in the RECORD.

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

THE BIG THICKET RIDES AGAIN

The Conservation Federation of Texas and the Texas Ornithological Society in Beaumont November 25, after receiving the knowledgeable counsel of Dempsey Henley, Mayor of Liberty, and Geraldine Watson, Silsbee columnist, formulated the following:

POLICY STATEMENT ON BIG THICKET MONUMENT

We favor a Big Thicket National Park or Monument which would include a minimum

of the 35,500 acres proposed in the Preliminary Report by the National Park Service study team, with the following modifications and additions:

1. Extend the Pine Island Bayou section southward and eastward down both sides of Pine Island Bayou to its confluence with the Neches River.

2. Extend the Neches Bottom Unit to cover a strip, a maximum of three miles, but not less than four hundred feet, wide on both sides of the Neches River from Highway 1746, just below Dam B, down to the confluence of Pine Island Bayou.

3. Extend the Beaumont Unit northward to include all the area between the LNVA Canal and the Neches.

4. Incorporate a Village Creek Unit, comprising a strip up to one mile wide where feasible, and no less than 400 feet wide on each side of Big Sandy-Village Creek from the proposed Profile Unit down to the Neches confluence. Wherever residences have already been constructed, an effort should be made to reach agreement with the owners for scenic easements, limiting further development on such tracts and preserving the natural environment. Pioneer architecture within these areas should also be preserved.

5. Incorporate a squarish area of at least 20,000 acres so that larger species such as black bear, puma and red wolf may survive there. An ideal area for this purpose would be the area southwest of Saratoga, surrounded by Highways 770, 326 and 105. Although there are pipeline crossings in this area, they do not destroy the ecosystem; therefore the National Park Service should revise its standards pertaining to such incumbrances, in this case, leaving them under scenic easement rules instead of acquiring them.

6. Connect the major units with corridors at least one-half mile wide, with a hiking trail along each corridor but without new public roads cutting any forest. A portion of Menard Creek would be good for one such corridor. The entire watershed of Rush Creek would be excellent for another.

Such additions would form a connected two-looped green belt of about 100,000 acres (there are more than 3 million acres in the overall Big Thicket area) through which wildlife and people could move along a continuous circle of more than 100 miles.

We recommend that the headquarters be in or near the line of the Profile Unit.

We are absolutely opposed to any trading or cession of any National Forest areas in the formation of the Big Thicket National Park or Monument.

In addition, but not as a part of the Big Thicket National Monument, we recommend: (a) the establishment of a National Wildlife Refuge comprising the lands of the U.S. Corps of Engineers around Dam B, (b) a state historical area encompassing communities of typical pioneer dwellings, farms, etc., such as that between Beech and Theuvenins Creeks off Road 1943 in Tyler County, and (c) other state parks to supplement the national reserve.

EMPLOYMENT OF COMMUNISTS IN DEFENSE FACILITIES

Mr. THURMOND. Mr. President, on Tuesday, January 2, the Columbia, S.C., State published an excellent editorial entitled "Courting Disaster," concerning the recent Supreme Court decision allowing Communists to work in defense facilities. This is the second editorial which the State has published concerning this very important topic. I placed the first one in the RECORD of December 15. Both present intelligent arguments indicating the incredible lack of judgment on the part of the Court in making such a decision.

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

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

COURTING DISASTER

Providing for the common defense is listed as one of the prime goals set forth in the preamble to the Constitution of the United States.

And in the body of the Constitution, the specific charge, "provide for the common defense," is entrusted to Congress. In the exercise of that responsibility, Congress some years ago determined—quite reasonably, it seems to us—that members of the Communist Party should not be employed in defense plants of the United States.

But the U.S. Supreme Court has its own ideas about that. The Court's over-weening obsession with the fancied as well as the legitimate "rights" of the individual has prompted it to reject Congress' judgment and to nullify the federal law which forbids Communists from working in defense plants.

With what seems incredible naivete, a majority of the Supreme Court raised a disapproving eyebrow at the Congressional belief that members of the Communist Party "are more likely than other citizens to engage in acts of espionage and sabotage harmful to our national security."

Where have the learned justices been all these years since the end of World War II? Are they unaware of the documented instances, past and present, of perfidy by Communists who have wormed their way into sensitive positions in this and other countries for the deliberate purpose of promoting the Communist cause at the expense of the free world?

Even the Supreme Court itself accepted (several years ago) the congressional appraisal that the Communist Party posed a threat "not only to existing government in the United States, but to the United States as a sovereign, independent nation."

Yet despite that, the Supreme Court now has overruled both the legislative intent of Congress and the administrative action of the executive branch of government by putting its stamp of approval on the employment of an admitted Communist Party member in a West Coast shipyard designated by the Secretary of Defense as a "defense facility."

It remained for one of the younger and dissenting members of the Court, Justice Byron White, to remind his elders of what James Madison wrote at the time the Constitution was up for ratification:

"Security against foreign danger is one of the primitive objects of civil society . . . It is in vain to oppose constitutional barriers to the impulse of self-preservation."

White's citation from Madison, as well as his own cogent arguments, went unheeded by a majority of the Court. To the Communist-coddling justices of the Supreme Court, the rights of this nation run a poor second to the privileges of its enemies, whether they operate in the guise of criminals or Communists.

OEO PROGRAMS FOR THE ELDERLY

Mr. WILLIAMS of New Jersey. Mr. President, Senator KENNEDY of Massachusetts and I have just received a letter from Mr. William R. Hutton, executive director of the National Council of Senior Citizens, expressing concern that the Office of Economic Opportunity will allocate insufficient funds for projects for the elderly poor from its current appropriation. Mr. Hutton has received information which leads him to predict that those who hope that the elderly might

receive a fair share of OEO's fiscal 1968 funds "are in for a cruel disappointment."

As chairman of the Senate Special Committee on Aging during the past year, and as an active member of that committee since its establishment in 1961, I have been keenly interested in the potential of the war on poverty to lift the elderly poor out of poverty. The senior Senator from Massachusetts shares that interest. Our committee conducted a full-scale inquiry, including hearings, during 1965 and 1966 on "The War on Poverty as It Affects Older Americans," and issued a comprehensive report during 1966 on this subject.

We recognize that the appropriation for the Office of Economic Opportunity was cut severely and that this has been reflected in cutting OEO programs across the board.

However, by the most generous estimates, only 2 percent of the moneys so far expended by the OEO have reached the elderly poor. Moreover, substantially less than that amount has been expended in programs specifically designed for the elderly poor.

It is the clear intent of the Congress, specifically outlined in the OEO authorization bill of 1967, that substantial new attention and resources be focused on the elderly poor.

The Congress wrote these instructions into the legislation precisely because it was not satisfied with the attention given older Americans living in poverty in the OEO program to date.

The Office of Economic Opportunity is presently preparing its program for fiscal 1968. Final decisions have not yet been made, as we understand it. The senior Senator from Massachusetts and I wish to remind the Director, at this point, of the congressional intent expressed in the OEO authorization bill and to make it clear that we will regard failure to follow through on this intent as a breach of faith with the Congress.

Mr. President, I feel that Mr. Hutton's knowledgeable comments deserve wide circulation among Senators, Members of the House, and other interested parties. I, therefore, ask unanimous consent that his letter to me be reproduced in the RECORD as part of my remarks.

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

NATIONAL COUNCIL OF SENIOR CITIZENS, INC.,

Washington, D.C., January 12, 1968.

HON. HARRISON A. WILLIAMS, JR.,
Chairman, Senate Special Committee on Aging,
Senate Office Building, Washington, D.C.

DEAR SENATOR WILLIAMS: The Office of Economic Opportunity has spent billions of dollars over the past three years with only a paltry amount (approximately 2 per cent) going to the elderly poor.

More than 7,000,000 older Americans are sunk in poverty. They comprise 20 per cent of the nation's poor. Yet, by the most generous estimate, they have benefited from only 2 per cent of the vast amount of cash spent on anti-poverty programs.

As you know, the National Council of Senior Citizens has protested this situation many times. Always, we have received a sympathetic hearing in Congress.

In fact, Congress has become so concerned with the plight of the elderly poor that it

directed not once but nine times in the 1967 Amendments to the Economic Opportunity Act that OEO set up meaningful programs on a national basis clearly and specifically designed for the elderly poor.

This raised new hope that the elderly might receive a fair and reasonable share of the funds available to OEO. They are in for a cruel disappointment.

The National Council of Senior Citizens is reliably informed that Sargent Shriver, OEO Director, has earmarked funds for major OEO projects but has made no move to fund new programs for the elderly.

Of the \$1,773,000,000 given OEO for the year ending next July 1 (fiscal 1968), OEO Director Shriver has set aside less than \$4,000,000 for programs designed for the elderly poor, the National Council has learned. That is something like two-tenths of one per cent of what OEO has to spend this year.

The National Council has also learned from reputable sources that Mr. Shriver is likely to apportion this amount among seven OEO regions so that it would have very little impact nationally.

The 1967 Economic Opportunity Act amendments place special emphasis on eight programs. One is to be known as the "Senior Opportunities and Services" program. The others are "Headstart", "Upward Bound", "Follow Through", "Legal Services for the Poor", "Emergency Food and Medical Services", "Comprehensive Health Services" and, finally, "Family Planning."

Mr. Shriver has allocated funds for all these programs except "Senior Opportunities and Services," according to information the National Council of Senior Citizens considers trustworthy.

The National Council is informed Mr. Shriver has allocated \$3,000,000 for family planning. Possibly he thinks preventing people from having unwanted children is much more important than keeping the elderly alive.

The 1967 Economic Opportunity Act amendments instructed OEO Director Shriver to "take necessary steps, including the development of special projects, where appropriate, to encourage the fullest participation of older persons and older persons' membership groups as volunteers and participant agencies" under VISTA.

Yet, I was told just this week at a two-hour conference with a representative of VISTA that the agency has no plans whatever for setting up special projects in accordance with the intent of Congress and no practical programs for doing more for the elderly.

Mr. Chairman, the war on poverty has bypassed the elderly too long. Throughout the present decade, men and women 65 or over have remained the most poverty-stricken group in the nation.

"For some strange reason, we expect old people to make ends meet with much less money than the rest of us," Theodor Schuchat, writer for the North American Newspaper Alliance, observed in a recent column describing the poverty of the elderly.

Judging from his attitude toward programs for the elderly, Mr. Shriver must share this view.

Testifying June 2, 1966, before the Subcommittee on Federal, State and Local Services of the Senate Special Committee on Aging, Mr. Shriver claimed OEO then was spending \$50,000,000 a year on so-called programs for the elderly. A year later OEO reported spending \$35,000,000 out of a \$1,678,000,000 budget on so-called programs for the elderly.

The prospect is for a drastic cut in funds for programs for the elderly in the coming year unless there is a change of heart at OEO, our information indicates.

In raising these matters, we have no wish to disparage Mr. Shriver or to be unduly critical of the OEO. We believe OEO has

greatly helped the poor in the areas where it operates. It does little to help the elderly poor because of a seemingly ineradicable bias against older Americans.

Last month, the National Council of Senior Citizens congratulated Mr. Shriver and the OEO on having won a legislative victory with enactment of the 1967 Economic Opportunity Act amendments. We expressed the hope Mr. Shriver would earmark \$40,000,000 in fiscal 1968 for a meaningful and effective "Senior Opportunities and Services" program.

As the attached letter file shows, Mr. Shriver wrote: "... We shall work ... to make the most equitable distribution we can of the limited funds available."

On the basis of our information, Mr. Shriver apparently considers something below \$4,000,000—or less than two-tenths of one per cent of his \$1,773,000,000 budget—an equitable distribution to the elderly.

Mr. Chairman, the National Council of Senior Citizens has approached you in this matter because of our belief you and your colleagues on the Senate Committee on Aging share our concern for the plight of the elderly poor.

The 1967 amendments to the Economic Opportunity Act give Mr. Shriver wide latitude in allocating funds for anti-poverty programs.

We of the National Council of Senior Citizens urge the Committee on Aging to insist upon allocation of \$40,000,000 for a "Senior Opportunities and Services" program. We also urge that you insist on allocation of another \$40,000,000 for job programs for the elderly under Title I of the Act.

With every good wish, I am,
Sincerely,

WILLIAM R. HUTTON,
Executive Director.

OEO AND THE ELDERLY POOR: A HISTORY OF INADEQUATE EFFORTS

Mr. KENNEDY of Massachusetts. Mr. President, the letter Senator WILLIAMS of New Jersey and I have received from the executive director of the National Council of Senior Citizens, Mr. William R. Hutton, is indeed cause for concern. Despite continued calls from the Congress for immediate action to develop programs for our elderly poor, OEO has not responded in a measure commensurate with the great and demonstrated needs.

The Special Committee on Aging conducted a broad inquiry in 1965 and 1966 into the effects of the poverty program on older Americans, hearing from many experts and interested citizens. The committee report, issued on June 20, 1966, made 12 specific recommendations for enlarging the OEO programs for the elderly poor. One of these—that a high-level position be created in OEO with responsibility for programs for the elderly poor—was included as part of the 1966 amendments to the poverty program legislation. I sponsored this amendment, which created an Assistant Director for the Elderly Poor. Miss Genevieve Blatt now holds that position.

In 1967, the Subcommittee on Employment, Manpower, and Poverty conducted an in-depth evaluation of the poverty program. During the hearings, I made numerous attempts to determine exactly what OEO was doing for the elderly poor. On June 23, I questioned OEO officials closely about the extent of their program efforts for the elderly poor.

The Deputy Director of OEO admitted under questioning:

We will acknowledge, sir, that the program so far as it relates to the aged, has not accomplished all we would want, and that you would want.

Information supplied to the subcommittee indicates that some \$44.6 million of community action program funds were allocated in 1966 to programs for older Americans. This figure includes portions of funds for other programs, which may or may not employ or help seniors. And it must be balanced against a more than \$600 million total for all CAP programs.

I was not alone in indicating my dissatisfaction with this effort. Other members of the subcommittee, including the chairman, Senator CLARK, joined in asking for renewed attention to the problems our seniors face.

On September 12, the Subcommittee on Employment, Manpower, and Poverty reported on the 1967 poverty bill. On page 44 of that report, the subcommittee said:

Recently an assistant director for programs for the elderly was appointed but has not yet implemented the 1966 amendment requiring special studies and programs (sec. 610). Once again the committee must report an inadequate performance in programs for the elderly and urges OEO to take immediate steps to remedy this deficiency.

That clear indication of congressional intent should be an immediate call to action.

During subcommittee deliberations on the bill, I sponsored a number of amendments designed to increase OEO's assistance for the elderly poor. I outlined them in the Senate on October 3 and December 8, and said on December 8:

I would reemphasize my hope that OEO move swiftly to implement this new program for our seniors.

Mr. President, there are 5.3 million poor people over 65 years of age. There are 6.3 million over 60 years of age. OEO has not responded adequately to the needs of these seniors.

As chairman of the Special Subcommittee on Aging of the Labor and Public Welfare Committee, I join with Senator WILLIAMS in urging OEO to get off of the starting blocks. The time for foot dragging is past. We must have action.

THE NEED FOR A BALANCED BUDGET

Mr. THURMOND. Mr. President, as the second session of the 90th Congress begins, it is my hope that it will be a session where economic good sense prevails and a reduction in domestic spending is effected.

This country is rapidly approaching an economic disaster because of policies of fiscal folly. This administration, and too often the Congress, has initiated spending programs far in excess of our ability to pay. Balancing the budget is something which many classify as only appropriate for the horse-and-buggy days of the past.

A succinct editorial which points out the vital challenge before this session of the Congress—a balance between income

and outgo—was published in the Sunday, January 14, 1968, News and Courier, of Charleston, S.C.

The editorial notes that this session of Congress must come to grips with the surtax question but correctly notes that the people are going to refuse to be taxed further without a sizable reduction in nonessential Federal spending.

The United States must alter its course if we are to survive the current fiscal crisis. Many hope that the 91st Congress can get the Nation back on the road to sound fiscal policies, but it appears to me that a start must be made this year, otherwise it will be too late—if such is not already the case.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

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

STRIKING A BALANCE

Looking ahead, but not very far, we see 1968 as a year of rare opportunities for profitable economic decisions by the voters. Congress and the President are concerned about inflation, but they are slow to take controversial action in an election year. What they need is a stiffening of their spines. Ordinary citizens are in a position to provide it.

In the last session of Congress, forthright objections from the grassroots headed off a plan to increase taxes without reductions in spending. An impression in Washington that Americans are willing to accept automatically the proposition of tax and tax and spend and spend was erased. The record shows now that people are not willing to be taxed indefinitely. What remains to be made clear is that they are also unwilling to spend indefinitely.

If they understand—and it appears to us that understanding is more widespread than is commonly supposed—what is implied for them and their children in a perennial policy of cheap money and lost confidence, sensible citizens will lose no time in conveying a message of disapproval to the White House and to Capitol Hill.

The evidence is that the President is already hoping for such a message. He has tried to stall money movement outside the country, but he has ignored the bigger challenge of domestic spending.

As a temporary corrective for an unfavorable balance of trade—one way of saying the country spends more in foreign countries than it gets back from them—cutting off travel and putting a lid on investment may prove worthwhile. In the long run, such gestures may prove harmful. Besides having little to do with the wage-price impulse which is behind the inflationary push, stern measures abroad earn ill will and permanently stunt healthy and productive enterprises.

Though Congress is in a position to force the President's hand in domestic policies, it also has chosen to settle for half hearted measures. We find something to commend in resistance to ill-advised tax measures, but we recognize a need for more than maintaining the status quo. In rejecting the surtax on incomes Congress prevented a wrong move without undertaking a right move of its own.

Getting the President and Congress moving in an election may not be easy. It can be done, if people want to take up with the new Congress where they left off with the old. Drifting along with the inflationary tide, leaders on Capitol Hill and in the White House are virtually sending up signals of distress. Now is the time for all good Americans to come to the aid of their leaders by demanding a balanced budget.

THE NEW CONSTITUTION OF MARYLAND

Mr. BREWSTER. Mr. President, the State of Maryland has taken a bold and dramatic step that deserves the attention of the Nation. A convention of 142 citizens has produced a new constitution for the Free State that will go before Maryland voters for ratification on May 14.

The significance of the constitution to Maryland is clear. It represents the first major revision of the document that is the basis of State law in 101 years. It spells out a program of government that should serve Maryland for generations to come.

The significance of Maryland's new constitution to the Nation also is clear. The constitution was drafted by a group of delegates who were elected on a non-partisan basis and worked long and diligently. They went about their historic endeavor with the greatest measure of responsibility. The best interests of good government, and the best interests of Maryland, were served well.

I shall be proud to support Maryland's new constitution, and I hope it will be ratified by an overwhelming vote. I hope also that it will draw the serious attention of citizens across the country. It stands as a model for the Nation in the manner of its development, in its style, and in its content. I hope that the country will share my pride and the pride of Maryland in our new constitution.

Mr. President, I ask unanimous consent that the text of the new Maryland constitution be printed in the RECORD.

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

TEXT OF PROPOSED CONSTITUTION OF MARYLAND

(Including schedule of transitional provisions, and text of attached schedule of legislation as adopted by the constitutional convention of Maryland on January 10, 1968)

PREAMBLE

We, the people of the State of Maryland, grateful to Almighty God for our civil and religious freedom, recognizing that all political power originates in the people and that all government is instituted to secure their right to life, liberty, and the pursuit of happiness, and acknowledging our duty and responsibility to posterity, do establish and ordain this Constitution.

ARTICLE 1. DECLARATION OF RIGHTS

Section 1.01. Freedom of Expression.

The people shall have the right peaceably to assemble and to petition the government for a redress of grievances. Freedom of the press and freedom of speech shall not be abridged, each person remaining responsible for abuse of those rights.

Section 1.02. Freedom of Religion.

No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof.

Section 1.03. Due Process and Equal Protection.

No person shall be deprived of life, liberty, or property without due process of law, nor be denied the equal protection of the laws, nor be subject to discrimination by the State because of race, color, religion, or national origin.

Section 1.04. Fair Treatment in Investigations.

No person shall be denied the right to

fair and just treatment in any investigation conducted by the State or by any unit of local government, or by any of their departments or agencies.

Section 1.05. Searches and Seizures.

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches, seizures, interceptions of their communications, or other invasions of their privacy, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized, or the communications sought to be intercepted.

Section 1.06. Grand Jury Indictment.

No person shall be held to answer for a felony unless on indictment of a grand jury, except in cases arising in the militia while in actual service.

Section 1.07. Rights of Accused.

A person accused of crime shall have the right to be informed of the nature and cause of the accusation in time to prepare his defense, to have the assistance of counsel for his defense, to be confronted with and to examine under oath or affirmation the witnesses against him, to have compulsory process for obtaining witnesses, and to have a speedy and public trial by an impartial jury of twelve without whose unanimous consent he shall not be adjudged guilty.

Section 1.08. Removal of Criminal Cases.

In a case involving a crime punishable by death or life imprisonment, after suggestion in writing under oath by either party that the party cannot have a fair and impartial trial in the county where the case is pending, the court shall order the case removed to another county for trial. Other criminal cases may be removed only as permitted by the Court of Appeals by rule or by the General Assembly by law.

Section 1.09. Self-Incrimination.

No person shall be compelled in any criminal case to be a witness against himself.

Section 1.10. Double Jeopardy.

No person shall be twice put in jeopardy of criminal punishment for the same offense.

Section 1.11. Unusual Punishments.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. Conviction of crime shall not work corruption of blood or forfeiture of estate.

Section 1.12. Imprisonment for Debt.

No person shall be imprisoned for debt, but an obligation for the support of a dependent, or for alimony, created by a valid decree of a court or created by an agreement approved by decree of a court shall not constitute a debt within the meaning of this section.

Section 1.13. Jury Trial in Civil Cases.

Every person shall have the right of trial by jury of all issues of fact in civil proceedings at law in the courts of this State where the amount or value in controversy exceeds the minimum that the General Assembly may prescribe by law. The jury shall consist of twelve, except that the General Assembly may provide by law for a jury of not less than six nor more than twelve in the District Court. A unanimous decision of the jury shall be required to constitute its verdict.

Section 1.14. Habeas Corpus.

The right to the writ of habeas corpus shall not be suspended.

Section 1.15. Ex Post Facto Laws.

No bill of attainder, or ex post facto law, or law impairing the obligation of contracts shall be enacted.

Section 1.16. Eminent Domain.

Private property shall not be taken or damaged for public use or purposes without just compensation, except at the allowance of compensation for property damaged but not taken for public use or purposes shall

be subject to any reasonable limitations and restrictions that the General Assembly may prescribe by law.

Section 1.17. Continuity of Government During Emergencies.

The provisions of this Constitution shall not be suspended, except that the General Assembly by law shall provide for the temporary suspension of specific provisions during an emergency caused by disaster or enemy attack. Any suspension shall be for the period of the emergency only, and only provisions of this Constitution concerning State and local public offices and governmental operations may be suspended.

Section 1.18. Reserved Rights.

The enumeration of rights in this Constitution shall not be construed to impair, disparage, or deny others retained by the people.

ARTICLE 2. SUFFRAGE AND ELECTIONS

QUALIFICATIONS FOR VOTING

Section 2.01. Voters in National, State, and County Elections.

Every citizen of the United States who has attained the age of nineteen years, and who has been a resident of this State for six months and of the county in which he offers to vote for three months next preceding an election, shall be eligible to vote, and if registered shall be qualified to vote in that county in national, state, and county elections. If any county is divided into different electoral districts or into portions of different electoral districts for the election of any national, state, or county officer, then, to vote for such an officer, a person shall have been a resident of the electoral district for three months next preceding the election. Removal from one electoral district to another electoral district in this State shall not deprive a person of his qualification to vote in the electoral district from which he has removed until three months after his removal.

Section 2.02. Voters in Presidential Elections.

For purposes of voting for president and vice president of the United States or for electors for those offices, the General Assembly shall prescribe by law a lesser residence requirement for citizens who have resided in this State for less than six months.

Section 2.03. Voters in Municipal Elections.

A municipal corporation may prescribe by law qualifications for voters in its municipal elections, subject to any procedures and standards that the General Assembly may prescribe by law. No municipal corporation may prescribe an age requirement of more than nineteen years or a residence requirement of more than one year.

Section 2.04. Voters in United States Enclaves.

A person shall not be deemed ineligible to vote in any election solely by reason of the fact that he resides on land over which the United States has been ceded jurisdiction.

Section 2.05. Property Qualifications.

Ownership of an interest in property shall not be required as a condition for voting except to the extent that nonresident property owners may be permitted by law to vote in a municipal election. Ownership of an interest in property shall not be required as a condition for holding any elective or appointive office of this State or of any unit of local government.

Section 2.06. Disqualifications.

The General Assembly may prescribe by law disqualifications from voting in any election by reason of mental incompetence or conviction of serious crime, and shall provide by law for the removal of these disqualifications.

CONDUCT OF ELECTIONS

Section 2.07. Conduct of Elections.

The General Assembly by law shall define residence, establish a uniform system of permanent registration of voters, provide for

the nomination of candidates, regulate the time, place, and manner of elections, provide for the uniform administration of elections, provide for absentee voting, insure secrecy of voting, and protect the integrity of the election process. A municipal corporation may prescribe by law election dates and procedures for the administration and regulation of its municipal elections, subject to any procedures and standards that the General Assembly may prescribe by law. The General Assembly shall provide by law for the supervision and uniform administration of laws enacted by the General Assembly pursuant to this section.

Section 2.08. General Elections.

A general election shall be held in every even-numbered year on the first Tuesday after the first Monday in November. State officers shall be elected at the general election in 1970 and every fourth year thereafter, except that judges may be elected in any even-numbered year. County officers shall be elected at the same time as state officers unless otherwise prescribed by the General Assembly by law or by the instrument of government of a county. If members of any public body serve overlapping terms, an election may be held every two years for those members then to be elected.

Section 2.09. Pluralities.

The candidates receiving the highest number of votes shall be elected to the offices for which they were candidates.

REFERENDUM

Section 2.10. Referendum.

The people reserve to themselves the power of referendum. Any law enacted by the General Assembly may be petitioned to referendum except laws for legislative apportionment and districting, or congressional districting, or imposing a tax, or making an appropriation for the state government or any public institution.

Section 2.11. Manner of Referral.

A law, other than a law applicable in only one county, shall be referred to a vote of the people after a petition has been signed by a number of qualified voters equal to at least five per cent of the total votes cast for governor in the most recent gubernatorial election. Not more than one-half of the required number of signatures shall be those of qualified voters residing in any one county. If the total number of required signatures is filed with the governor within sixty days after the bill becomes law, it shall be submitted to a vote of the people at the next general election held not less than four months after the bill becomes law.

Section 2.12. Suspension.

A law enacted by the General Assembly subject to referendum shall be suspendible unless it is passed by the affirmative vote of three-fifths of all the members of each house and contains a section declaring it to be an emergency law and necessary for the immediate preservation of the public health or safety. If one-half the required signatures are filed during the thirty days after a bill becomes law, the law, if suspendible, shall be suspended thereby through the sixtieth day after it became law. If the remaining required signatures are filed by that sixtieth day, the law shall continue to be suspended.

Section 2.13. Effect of Referendum.

A referred law shall be repealed thirty days after it has been rejected by a majority of those voting on it if the number voting on the question is not less than one-fourth the number voting in the election. A suspended law which is not repealed shall take effect thirty days after the referendum or at a later time if prescribed in the law.

Section 2.14. Law Applicable in One County.

The General Assembly shall prescribe by law procedures by which a law enacted by it and applicable in only one county may be petitioned to referendum. The law shall be submitted to a vote of the people of the

county after a petition has been signed by a number of qualified voters of the county, equal to at least ten per cent of the total votes cast for governor in that county in the most recent gubernatorial election. No law empowering a county to exercise a power or perform a function, nor any law pertaining to appropriations, nor any law granting, limiting, or withdrawing the taxing power of a county shall be subject to referendum pursuant to this section.

ARTICLE 3. LEGISLATIVE BRANCH

Section 3.01. Legislative Power.

The legislative power of the State shall be vested in the General Assembly, which shall consist of two houses, the Senate and the House of Delegates.

Section 3.02. State Capital.

The capital of the State and the meeting place of the General Assembly shall be at Annapolis.

Section 3.03. Composition of the General Assembly.

The number of members of each house of the General Assembly shall be prescribed by law, but the number of delegates shall not exceed one hundred twenty and the number of senators shall be one-third the number of delegates. Only one delegate shall represent a delegate district and only one senator shall represent a senate district. Each senate district shall consist of three whole delegate districts.

DISTRICTS

Section 3.04. Legislative Districts.

The State shall be divided by law into districts for the election of members of the Senate. Each senate district shall be subdivided into three districts for the election of members of the House of Delegates. The population represented by each senator shall be substantially equal, as shall the population represented by each delegate. Each district shall consist of adjoining territory and be compact in form. Due regard shall be given to natural boundaries and the boundaries of political subdivisions. Boundaries of districts shall be redrawn according to these standards prior to the general election in 1982 and in every tenth year thereafter.

Section 3.05. Redistricting Commission.

Six months before the first day of the regular session of the General Assembly in the year in which redistricting is to be effective, the presiding officer and the minority leader of each house shall each appoint two persons to a commission on legislative redistricting. The governor shall appoint an additional member who shall serve as chairman of the commission. Any vacancy on the commission shall be filled by the appointing authority. The commission shall adopt a redistricting plan only by a majority vote of all its members. No member of the commission shall hold a popularly elected office in the State.

Section 3.06. Legislative Redistricting Procedure.

The commission on legislative redistricting shall submit a plan to the governor, who shall transmit it to the General Assembly by the first day of the regular session in the year in which redistricting is to be effective. If any other plan has not been prescribed by law within seventy days after the transmission of the commission plan to the General Assembly, then the commission plan shall become law. The Court of Appeals shall have original jurisdiction, upon petition of any qualified voter, to review the new redistricting law and the commission plan if it has not become law. If the Court of Appeals finds a redistricting law enacted by the General Assembly invalid, then the commission plan shall become law. If the Court of Appeals finds the commission plan invalid, then the Court of Appeals shall grant appropriate relief for the conduct of the impending election.

Section 3.07. Congressional Districts.

The State shall be divided by law into congressional districts for the election of members of the United States House of Representatives. The difference between the populations of the largest and smallest congressional districts in the State shall not exceed ten per cent of the mean population of all congressional districts. Each congressional district shall consist of adjoining territory and be compact in form. Due regard shall be given to natural boundaries and the boundaries of political subdivisions. Boundaries of congressional districts shall be redrawn according to these standards prior to the general election in 1972 and in every tenth year thereafter.

Section 3.08. Congressional Redistricting Procedure.

The commission on legislative redistricting shall submit a congressional redistricting plan to the governor, who shall transmit it to the General Assembly by the first day of the regular session in the year in which congressional redistricting is to be effective. The General Assembly shall enact either the commission plan or a congressional redistricting plan of its own.

MEMBERS OF GENERAL ASSEMBLY

Section 3.09. Qualifications.

A senator or a delegate shall be a qualified voter of the State at the time of his election or appointment, shall have been a resident of the State for at least two years immediately preceding his election or appointment, and shall have been a resident of his senate district for at least six months immediately preceding his election or appointment. If any redistricting plan has been adopted within one year before a general election for members of the General Assembly, a candidate for the office of senator or delegate may also seek election in any new senate district containing fifty per cent or more of the population of the senate district in which he resided prior to redistricting. At the time of his election or appointment a senator shall have attained the age of twenty-five years, and a delegate shall have attained the age of twenty-one years.

Section 3.10. Election and Term of Office.

A member of the General Assembly shall be elected by the voters of the district in which he seeks election, to serve for a term beginning at noon on the second Wednesday of December following his election and ending at noon on the second Wednesday of December in the fourth year thereafter.

Section 3.11. Vacancies.

A vacancy in the General Assembly shall be filled as prescribed by law. An appointee to fill a vacancy, when succeeding a party member, shall be a member of the same political party as the person last elected to that office. An appointee shall serve only until the next general election held at least ninety days after the vacancy occurs. At that election the remainder of the term shall be filled.

Section 3.12. Compensation.

A member of the General Assembly shall receive the salary and allowances prescribed by law. A salary increase enacted during one term of office shall not become effective before the next term. No senator or delegate shall be paid daily living expenses during regular sessions of the General Assembly.

Section 3.13. Limitation on Appointment.

No person elected or appointed to the General Assembly shall be appointed, during the term of office for which he was elected or appointed, to any office which has been created, or for which the compensation has been increased, by the General Assembly during that term.

Section 3.14. Immunity.

Words used by a member of the General Assembly in any of its proceedings, including the proceedings of any committees and subcommittees, shall be absolutely privileged, and a member shall not be liable therefor in any civil action or criminal prosecution.

GENERAL ASSEMBLY

Section 3.15. *Sessions.*

The General Assembly may provide by law for an organizational session prior to the convening of the regular session. The General Assembly shall convene in regular session on the third Wednesday of January of each year, unless otherwise prescribed by law, and may continue in session for a period not longer than ninety days; provided that by the affirmative vote of a majority of the members of each house a regular session may be extended for a period not longer than thirty days, and that by the affirmative vote of three-fifths of the members of each house a regular session may be extended a second time for a period not longer than thirty days. The governor may convene a special session of the General Assembly at any time and shall convene a special session upon the written request of three-fifths of all the members of each house. The governor may, on extraordinary occasions, convene the Senate by proclamation, stating the purpose for which he has convened it. The presiding officer of the Senate and the presiding officer of the House of Delegates, acting concurrently, may convene a special session of the General Assembly at any time.

Section 3.16. *Organization.*

Each house shall be the judge of the qualifications and selection of its members, as prescribed by this Constitution and the laws of this State. Each house shall elect its officers and determine its rules of procedure, and may permit its committees and subcommittees to meet between sessions of the General Assembly. Each house, by the affirmative vote of a majority of all its members, may compel the attendance and testimony of witnesses and the production of records and papers either before the house as a whole or before any of its committees and subcommittees, provided that the rights and the records and papers of all witnesses in such cases are protected by law. Each house may punish a member for disorderly or disrespectful behavior, by the affirmative vote of a majority of all its members. Each house may expel a member by the affirmative vote of three-fifths of all its members.

Section 3.17. *Quorum.*

A majority of all the members of a house shall constitute a quorum for the transaction of business in that house, but a smaller number may adjourn from day to day.

Section 3.18. *Journals.*

Each house of the General Assembly shall prescribe by rule for a current daily journal of its proceedings, which shall be open to public inspection at all reasonable times. Each house shall prescribe by rule that the daily journal shall be published as soon as practicable. Each house shall prescribe by rule that all final committee votes on all bills shall be entered, by recorded votes of individual members, in the daily journal of that house. Each house shall prescribe by rule that on final passage of a bill or resolution, including a proposal for a constitutional amendment, the vote cast by each member shall be recorded in the daily journal of that house.

LEGISLATION

Section 3.19. *Form of Laws.*

Every law of this State shall be styled: "Be it enacted by the General Assembly of Maryland." The General Assembly shall enact no law except by bill. The subject of every law shall be described in its title. Every law enacted by the General Assembly, except the budget law and supplementary appropriation laws, shall embrace only one subject. The budget law and all supplementary appropriation laws shall be limited to the subject of budget, appropriations, their purpose or purposes and the requisite revenue. No law or section of law shall be revised or amended by reference only to its title or section, nor shall any law be construed by reason of its title to grant powers or confer

rights which are not expressly contained in the body of the act. The General Assembly, in amending any article or section of the code of laws of this State, shall enact the article, section, or law as it would read when amended.

Section 3.20. *Consideration of Bills.*

A bill may originate in either house of the General Assembly and may be amended, passed, or rejected by the other. No vote on final passage of a bill shall be taken until the bill and all amendments to it are in writing. No vote on final passage of a bill shall be taken until the fifth calendar day after its introduction in the house of origin and until the second calendar day after it reaches the second house except upon the affirmative vote of three-fifths of all the members of the house in which the bill is pending or except during the first four days of a special session. The General Assembly may provide by law that pending bills may be carried over to the next regular session of the same General Assembly.

Section 3.21. *Passage of Bills.*

No bill shall be enacted nor shall a resolution requiring the action of both houses be adopted unless it is passed in each house by the affirmative vote of a majority of all the members of that house. A vote in joint session or in either house on any bill or resolution or for the election or confirmation of any state officer shall be taken only in public session.

Section 3.22. *General Application of Laws.*

The General Assembly shall enact no public laws except general laws which in their terms and effects apply throughout the State. No county shall be exempt from a public general law. The limitation of this section that the General Assembly shall enact only public general laws shall not apply to laws (1) pertaining to appropriations; (2) providing for or regulating the powers of departments, agencies, or instrumentalities of the State which perform a state and not a local function; (3) pertaining to public education; (4) pertaining to multi-county governmental units; (5) providing for the establishment, merger, or dissolution of counties or for the alteration of their boundaries; (6) granting, limiting, or withdrawing the taxing powers of a county or counties; or (7) empowering a county or counties, subject to any standards that the General Assembly may provide by law, to exercise any power or perform any function denied to other counties. This section shall not be construed to limit any power of the General Assembly, otherwise existing under this Constitution, to enact special laws, except that a special law shall not be enacted for any situation for which an existing general law is applicable.

Section 3.23. *Effective Date of Laws.*

Each law passed by the General Assembly shall take effect on the first day of July after passage unless another date is prescribed in the law.

POST AUDIT

Section 3.24. *Post Audit.*

The General Assembly shall provide by law for post audit of state finances by an agency of the General Assembly. The principal officer of the agency shall be elected by and be responsible to the General Assembly.

ARTICLE 4. EXECUTIVE BRANCH

Section 4.01. *Executive Power.*

The executive power of the State shall be vested in the governor, who shall faithfully execute the laws.

GOVERNOR AND LIEUTENANT GOVERNOR

Section 4.02. *Qualifications of Governor.*

The governor shall have attained the age of thirty years at the time of his election and shall have been a qualified voter in the State for at least five years immediately preceding his election. No person elected governor for two full consecutive terms shall be eligible to

hold that office again until one full term has intervened.

Section 4.03. *Office of Lieutenant Governor.*

There shall be a lieutenant governor, who shall have only the duties delegated to him by the governor. No power specifically vested in the governor by this Constitution shall be delegated to the lieutenant governor pursuant to this section.

Section 4.04. *Qualifications of Lieutenant Governor.*

The lieutenant governor shall have attained the age of thirty years at the time of his election or appointment and shall have been a qualified voter in the State for at least five years immediately preceding his election or appointment. No person elected governor shall be eligible thereafter to hold the office of lieutenant governor.

Section 4.05. *Election of Governor and Lieutenant Governor.*

The governor shall be elected by the voters of the State for a term beginning on the first Wednesday in January following his election and ending on the first Wednesday in January in the fourth year thereafter, and shall serve until a person has qualified to become governor or to serve as acting governor. If the first Wednesday in January is a legal holiday the term shall begin on the next day. In the general election, each candidate for lieutenant governor shall be listed on the ballot with a candidate for governor, so that a vote cast for governor shall be considered as also cast for the lieutenant governor listed on the ballot with the candidate for governor. The election of a governor shall constitute the election for the same term of the lieutenant governor who was listed on the ballot with him.

GUBERNATORIAL SUCCESSION

Section 4.06. *Failure of Governor-Elect to Take Office.*

If the governor-elect is disqualified, resigns, or dies, the lieutenant governor-elect shall become governor for the full term. If the governor-elect fails to assume office for any other reason, the newly elected lieutenant governor shall become lieutenant governor and shall serve as acting governor until the governor-elect assumes office or until the office becomes vacant.

Section 4.07. *Lieutenant Governor as Acting Governor.*

The lieutenant governor shall serve as acting governor when notified in writing by the governor that the governor will be temporarily unable to perform the duties of his office. The lieutenant governor also shall serve as acting governor when the governor is disabled but is unable to communicate to the lieutenant governor the fact of his inability to perform the duties of his office. In either event the lieutenant governor shall serve as acting governor until notified in writing by the governor that he is able to resume the duties of his office or until the office becomes vacant.

Section 4.08. *Vacancy by Reason of Disability.*

The General Assembly, by the affirmative vote of three-fifths of all its members in joint session, may adopt a resolution declaring that the governor or lieutenant governor is unable by reason of physical or mental disability to perform the duties of his office. The resolution, if adopted, shall be delivered to the Court of Appeals, which then shall have exclusive jurisdiction to determine whether that officer is unable by reason of the disability to perform the duties of his office. If the Court of Appeals determines that such officer is unable to discharge the duties of his office by reason of a disability, the office shall be vacant. If the General Assembly and the Court of Appeals, acting in the same manner as described above, determine that the governor-elect or lieutenant governor-elect is unable by reason of physical or mental disability to perform the

duties of the office to which he has been elected, he shall be disqualified to assume office.

Section 4.09. *Succession to Offices of Governor and Lieutenant Governor.*

When a vacancy occurs in the office of governor, the lieutenant governor shall succeed to that office for the remainder of the term. When a vacancy occurs in the office of lieutenant governor, the governor shall nominate a person who shall succeed to that office upon confirmation by the affirmative vote of a majority of all members of the General Assembly in joint session. If vacancies in the offices of governor and lieutenant governor exist at the same time during the first year of their term, the offices shall be filled for the remainder of the term at the next general election and the president of the Senate shall serve as acting governor until the newly elected governor has qualified. If vacancies in the offices of governor and lieutenant governor exist at the same time after the first year of their term, the president of the Senate shall succeed to the office of governor for the remainder of the term. If a vacancy exists in the office of lieutenant governor, at a time when the lieutenant governor is authorized to serve as acting governor, the president of the Senate shall serve as acting governor. If there is a vacancy in the office of the president of the Senate at a time when he is authorized to succeed to the office of governor or is authorized to serve as acting governor, the Senate shall convene and fill the vacancy.

Section 4.10. *Powers and Duties of Successor.*

When the lieutenant governor or the president of the Senate succeeds to the office of governor, he shall have the title, powers, duties, and emoluments of that office; but when the lieutenant governor or the president of the Senate serves as acting governor, he shall have only the powers and duties of that office. When the president of the Senate serves as acting governor, he shall continue to be president of the Senate, but his duties as president shall be performed by such other person as the Senate shall select.

Section 4.11. *Adjudication of Disputes.*

The Court of Appeals shall have original and exclusive jurisdiction to adjudicate disputes or questions arising from the failure of the governor-elect to take office, or the service of the lieutenant governor or president of the Senate as acting governor, or the creation of a vacancy in the office of governor or lieutenant governor by reason of disability, or the succession to the office of governor or lieutenant governor, or the exercise of the powers and duties of a successor to the office of governor.

LEGISLATIVE RESPONSIBILITIES OF GOVERNOR

Section 4.12. *Messages to General Assembly.*

The governor from time to time shall inform the General Assembly of the conditions of the State and recommend such measures as he considers necessary or desirable.

Section 4.13. *Veto Power.*

The governor may veto any bill passed by the General Assembly except a budget bill or a bill proposing an amendment to this Constitution.

Section 4.14. *Item Veto.*

The governor may reduce or strike out any item in a supplementary appropriation bill. Each item or portion of an item not disapproved shall become law, and each item or portion of an item disapproved shall be subject to the same procedure as a bill vetoed by the governor.

Section 4.15. *Action on Bills by the Governor.*

A bill subject to veto shall become law if the governor signs or fails to veto it within twenty days after presentation, if the General Assembly is in session. If the General

Assembly has adjourned sine die before the bill becomes law, the bill shall become law if the governor signs or fails to veto it within thirty days after presentation.

Section 4.16. *Return of Vetoes Bills.*

If the governor vetoes a bill while the General Assembly is in session, he shall return it promptly to the General Assembly. If the governor vetoes a bill after the General Assembly has adjourned sine die, he shall return it promptly either to the next regular session of the same General Assembly or to a special session of the same General Assembly convened for the purpose of reconsidering bills that have been vetoed. A bill shall become law if passed over the veto by the affirmative vote of three-fifths of all the members of each house. The law shall take effect on the first day of July after passage, unless another effective date after passage is established by joint resolution of the General Assembly.

ATTORNEY GENERAL

Section 4.17. *Office of Attorney General.*

The attorney general shall be the chief legal officer of the State. He shall represent the State in all criminal cases in the Court of Appeals, the Intermediate Appellate Court, and the courts of the United States, and shall represent the State in all civil cases or proceedings in which the State is a party or may be interested. He shall have those other powers and duties with respect to criminal and civil cases or proceedings, and with respect to his responsibilities as chief legal officer of the State, that the General Assembly may prescribe by law. Upon request, he shall give his opinion on any legal matter to either house of the General Assembly or to its presiding officer, or to the governor, or to any other officer, agency, or department of the State. The attorney general may appoint, to serve at his pleasure, the number of deputies or assistants that the General Assembly may prescribe by law.

Section 4.18. *Qualifications.*

The attorney general shall have been a qualified voter in the State and have been authorized to practice law in the State for at least five years immediately preceding his election or appointment.

Section 4.19. *Election.*

The attorney general shall be elected by the voters of the State for a term beginning on the first Wednesday in January following his election and ending on the first Wednesday in January in the fourth year thereafter, and shall serve until his successor has qualified. If the first Wednesday in January is a legal holiday the term shall begin on the next day. If the office becomes vacant the governor shall appoint, with the advice and consent of the Senate, a person to the office for the remainder of the term.

COMPTROLLER

Section 4.20. *Office of Comptroller.*

The comptroller shall grant, under regulations prescribed by the General Assembly by law, all warrants for money to be paid out of the treasury of the State pursuant to appropriations by law. He shall also perform other duties relating to the payment of money of the State as prescribed by law. The comptroller shall not be the head of the finance department or of any other principal department of the executive branch. The comptroller shall give such bond for the faithful performance of his duties as may be prescribed by law.

Section 4.21. *Qualifications.*

The comptroller shall have attained the age of thirty years at the time of his election or appointment and shall have been a qualified voter in the State for at least five years immediately preceding his election or appointment.

Section 4.22. *Election.*

The comptroller shall be elected by the voters of the State for a term beginning on

the first Wednesday in January following his election and ending on the first Wednesday in January in the fourth year thereafter, and shall serve until his successor has qualified. If the first Wednesday in January is a legal holiday the term shall begin on the next day. If the office becomes vacant the governor shall appoint, with the advice and consent of the Senate, a person to the office for the remainder of the term.

TIE VOTES AND SALARIES

Section 4.23. *Tie Votes.*

If at any general election two or more candidates for governor, for attorney general, or for comptroller shall have the highest and an equal number of votes for the same office, one of them shall be elected to that office by the affirmative vote of a majority of all members of the General Assembly in joint session. The election shall be the first order of business after the organization of each house. The election of a governor shall constitute the election for the same term of the lieutenant governor who was listed on the ballot with him at the general election.

Section 4.24. *Salaries.*

The salary of the governor, of the lieutenant governor, of the attorney general, and of the comptroller shall be prescribed by law, and shall neither be increased nor decreased during the term for which each was elected.

ADMINISTRATIVE ORGANIZATION

Section 4.25. *Board of Review.*

There shall be a Board of Review in the executive branch. The Board shall consist of the governor, an officer in the executive branch designated by the governor, and the comptroller. The Board shall act by majority vote and shall hold its meetings in public or otherwise act in such manner and have such powers as the General Assembly may prescribe by law.

Section 4.26. *Structure of the Executive Branch.*

All functions, powers, and duties of the offices, agencies, and instrumentalities of the executive branch shall be allocated according to major purposes among and within not more than twenty principal departments. The maximum number of principal departments may be increased by the General Assembly by law enacted by the affirmative vote of three-fifths of all members of each house. Any agency or commission which is a regulatory, quasi-judicial, or temporary agency established by law may, but need not, be allocated within a principal department.

Section 4.27. *Reorganization of the Executive Branch.*

The General Assembly shall prescribe by law the functions, powers, and duties of the offices, agencies, and instrumentalities of the executive branch. The General Assembly from time to time by law may reallocate offices, agencies, and instrumentalities among principal departments; may increase, modify, diminish, and change their functions, powers, and duties; and may assign new functions, powers, and duties to them. The governor may make changes in the organization of the executive branch, including the establishment or abolition of offices, agencies, instrumentalities, and principal departments, and in the assignment of functions, powers, and duties among the offices, agencies, instrumentalities, and principal departments of the executive branch. Where these changes require the force of law, they shall be set forth in executive orders in statutory form and be submitted to the General Assembly within the first ten days of a regular session. An executive order shall become effective and have the force of law on the date designated in the order unless specifically disapproved, within fifty days after submission, by a resolution of disap-

proval concurred in by a majority vote of all members of either house of the General Assembly.

Section 4.28. *Heads of Principal Departments.*

The head of each principal department of the executive branch shall be a single executive unless otherwise prescribed by the General Assembly by law or by the process of executive reorganization. Any board or commission at the head of a principal department shall have a chief administrative officer.

Section 4.29. *Appointments by Governor.*

The governor shall appoint, with the advice and consent of the Senate, each person serving as the head of each principal department and persons to fill vacancies on any board or commission serving as the head of a principal department, and shall also, with the advice and consent of the Senate, appoint persons to fill vacancies on regulatory and quasi-judicial agencies. He shall appoint, without the advice and consent of the Senate, each chief administrative officer serving under a board or commission which is the head of a principal department except the head or chief administrative officer of an institution of higher education or of the state public school system. The General Assembly may prescribe by law the qualifications of persons appointed by the governor to serve as heads of principal departments or as members of boards and commissions serving as heads of principal departments.

Section 4.30. *Terms of Office.*

Each person serving as the head of a principal department, and each chief administrative officer of a board or commission serving as the head of a principal department, except the head or chief administrative officer of an institution of higher education or of the state public school system, shall serve at the pleasure of the governor. The terms of office of the members of each board or commission which serves as the head of a principal department, except the governing board of an institution of higher education or of the state public school system, shall be prescribed by the General Assembly by law or by the process of executive reorganization, so that the governor, immediately upon taking office following his election, may appoint at least one-half of the members of each board and commission.

Section 4.31. *Appointment and Removal of Other Persons.*

All persons in the executive branch whose method of appointment or whose method of removal is not specified in this Constitution shall be appointed or may be removed as the General Assembly may prescribe by law.

Section 4.32. *Interim and Recess Appointments.*

If a vacancy occurs in any office which the governor may fill with the advice and consent of the Senate, he shall appoint a person to the office. If the appointment is made within the first sixty days of a regular session of the General Assembly, the governor shall submit to the Senate the nomination of the appointee, or the nomination of another person in his place. If the appointment is made at any other time, the governor shall submit the nomination to the Senate at the beginning of the next regular session of the General Assembly. Such an appointee shall remain in office until the end of the next regular session of the General Assembly, or until the expiration of the term of the office to which he was appointed, or until his nomination is rejected by the Senate, whichever shall occur first. No person after being rejected by the Senate shall again be appointed to or nominated for the same office at the same session, unless at the request of the Senate, or be appointed to the same office during the adjournment of the General Assembly.

Section 4.33. *Information from Administrative Officers.*

The governor at any time may require information, in writing or otherwise, from any officer of any department, office, agency, or instrumentality in the executive branch.

CLEMENCY

Section 4.34. *Executive Clemency.*

The governor shall have power to grant reprieves, commutations, and pardons, except in cases of conviction upon impeachment, and to remit fines and forfeitures for offenses against the State. At least annually he shall file with the Court of Appeals a public report of the instances of the exercise of this power.

STATE'S ATTORNEY

Section 4.35. *State's Attorney.*

There shall be a state's attorney in each county or district which may be prescribed by the General Assembly by law. He shall be elected by the voters of the county or district in which he seeks office. The term of office, functions, powers, duties, method of filling vacancies, and all other matters relating to the office shall be prescribed by the General Assembly by law.

ARTICLE 5. JUDICIAL BRANCH

Section 5.01. *Judicial Power.*

The judicial power of the State shall be vested exclusively in a unified judicial system composed of the Court of Appeals, the Intermediate Appellate Court, the Superior Court, and the District Court.

COURT OF APPEALS

Section 5.02. *Jurisdiction.*

The Court of Appeals shall be the highest court of the State and shall have the appellate jurisdiction prescribed by law and the original jurisdiction prescribed by this Constitution.

Section 5.03. *Rule-Making Power.*

The Court of Appeals shall have power to prescribe rules governing practice and procedure in all courts; governing the admission of persons to practice law in this State and their discipline; and governing the administration of the courts, officers of the judicial branch, and officers of the executive branch to the extent that their duties directly relate to the enforcement of judicial orders. The General Assembly shall have concurrent power to regulate by law the matters enumerated in this section, except when these matters are specifically required by this Constitution to be prescribed by rule. As used in this article, rule shall mean a rule prescribed by the Court of Appeals. In the event of a conflict between a rule and a law, the later in time shall prevail to the extent of the conflict.

Section 5.04. *Composition.*

The Court of Appeals shall consist of seven judges, one of whom shall serve as chief judge. Five judges shall constitute a quorum, and the concurrence of four shall be necessary to decide a case.

Section 5.05. *Chief Judge of Court of Appeals.*

The governor shall fill a vacancy in the office of chief judge of the Court of Appeals by designating one of the judges of the Court of Appeals to be chief judge for the remainder of his service on the Court, or until he resigns the office of chief judge. The associate judge senior in service on the Court of Appeals shall have the powers and duties of the office when the chief judge is absent, or when the Court of Appeals determines that he is unable to serve, or when the office is vacant.

INTERMEDIATE APPELLATE COURT

Section 5.06. *Jurisdiction.*

The Intermediate Appellate Court shall have the jurisdiction prescribed by law.

Section 5.07. *Composition.*

The Intermediate Appellate Court shall

consist of five judges, unless the number is increased by law. The Intermediate Appellate Court may sit in divisions. At least three judges shall sit in each case.

SUPERIOR COURT

Section 5.08. *Jurisdiction.*

The Superior Court shall have original jurisdiction in all judicial proceedings, except as otherwise prescribed by this Constitution or by law. The Superior Court shall have such other jurisdiction as prescribed by law. Jurisdiction of the Superior Court shall be uniform throughout the State.

Section 5.09. *Composition.*

The Superior Court shall consist of the number of judges prescribed by law. The number shall be allocated among the counties by law. At least one superior court judge shall reside in each county. Functional divisions of the Superior Court may be established in any county.

DISTRICT COURT

Section 5.10. *Jurisdiction.*

The District Court shall have the original jurisdiction prescribed by law. Jurisdiction of the District Court shall be uniform throughout the State.

Section 5.11. *Composition.*

The District Court shall consist of the number of judges prescribed by law. The State shall be divided by law into districts. Each district shall consist of one county or two or more entire and adjoining counties. The number of judges shall be allocated among the districts by law. At least one district court judge shall reside in each county. Functional divisions of the District Court may be established in any district.

Section 5.12. *Commissioners.*

There may be district court commissioners in the number and with the qualifications prescribed by rule. Commissioners in a district shall be appointed by and serve at the pleasure of that judge of the District Court who shall be designated by rule to appoint commissioners therein. Commissioners may exercise powers only with respect to warrants of arrest, or bail or collateral or other terms of pretrial release pending hearing, or incarceration pending hearing, and then only as prescribed by rule.

SELECTION AND TENURE OF JUDGES

Section 5.13. *Judicial Circuits.*

The State shall be divided by law into circuits of the Court of Appeals and into circuits of the Intermediate Appellate Court.

Section 5.14. *Eligibility for Nomination and Appointment.*

A judge shall have been a citizen of the State and shall have been authorized to practice law in the State for at least five years immediately preceding his nomination. A nominee for judge of the Court of Appeals or of the Intermediate Appellate Court shall be a resident of the circuit where that court vacancy exists. A nominee for judge of the Superior Court shall be a resident of the county where the vacancy exists. A nominee for judge of the District Court shall be a resident of the district where the vacancy exists.

Section 5.15. *Nomination and Appointment.*

A judicial nominating commission shall nominate from three to five eligible persons for each judicial vacancy. Nominations to fill a vacancy shall be made not more than thirty days prior to nor more than sixty days after the vacancy occurs. The governor shall fill a vacancy by appointing one person from the list of nominees. If the governor fails to appoint one of the nominees within sixty days after receiving the list, his power to make the appointment shall end and the chief judge of the Court of Appeals shall appoint one of the nominees.

Section 5.16. Appellate Courts Nominating Commission.

The Appellate Courts Nominating Commission shall make nominations to fill a vacancy on the Court of Appeals or on the Intermediate Appellate Court. The Commission shall consist of six lay members and six lawyer members. The term of each member shall be four years, but the General Assembly shall prescribe by law shorter terms for four of the lay and four of the lawyer members first appointed or elected, in order to establish overlapping terms of office. A vacancy on the Commission shall be filled for the remainder of the term. No member shall receive compensation for his service.

Section 5.17. Trial Courts Nominating Commissions.

A trial courts nominating commission shall make nominations to fill a vacancy on the Superior Court or on the District Court. The number of commissions and the terms of their members shall be prescribed by law. Each commission shall have at least six members and shall consist of an equal number of lay and lawyer members as prescribed by law. No member shall receive compensation for his service. Each commission shall make nominations to fill vacancies on the Superior Court in one or more counties, or on the District Court in one or more districts, or both, as prescribed by law.

Section 5.18. Lawyer Members of Nominating Commissions.

Lawyers throughout the State shall elect by secret ballot the lawyer members of the Appellate Courts Nominating Commission. Lawyers of the area for which each trial court's nominating commission is established shall elect by secret ballot the lawyer members of each commission. Election procedure and eligibility of lawyer members of nominating commissions and of their electors shall be prescribed by law.

Section 5.19. Lay Members of Nominating Commissions.

The governor shall appoint the lay members of the Appellate Courts Nominating Commission from among the qualified voters of the State. The governor shall appoint the lay members of each trial court's nominating commission from among the qualified voters of the area for which that commission is established.

Section 5.20. Restrictions on Members of Nominating Commissions.

During his service on a commission, a member shall not hold any public office of profit or office in a political party. A member shall not be eligible to hold a judicial office for two years immediately following his service on a commission and he shall not be eligible to hold any other public office of profit for one year immediately following his service.

Section 5.21. Procedures of Nominating Commissions.

Each nominating commission shall act only upon the concurrence of a majority of its members. Each commission shall elect one of its members as chairman.

Section 5.22. Judicial Term of Office.

The continuance in office of each judge shall be subject to approval or rejection at the next general election following the expiration of two years from the date of the occurrence of the vacancy to which he was appointed and at the general election every eight years thereafter. The continuance in office of each judge of the Court of Appeals and of the Intermediate Appellate Court shall be subject to approval or rejection by the voters of the entire State. The continuance in office of each judge of the Superior Court and of the District Court shall be subject to approval or rejection by the voters of the county or the district in which the office then exists. The Court of Appeals shall prescribe by rule for a poll by secret ballot

of the lawyers of the area in which a judge stands for election regarding the desirability of his continuance in office. The Court of Appeals shall prescribe by rule for publication of the results of the poll. If the voters reject the continuance in office of a judge the office shall be vacant.

Section 5.23. Judicial Retirement.

Each judge shall retire at the age of seventy. If a majority of the members of the Court of Appeals approve, the chief judge may authorize a retired judge to perform temporarily judicial duties in any court.

Section 5.24. Judicial Compensation.

Each judge shall be compensated solely by the State for his judicial service. The compensation of a judge shall not be reduced during his continuance in office. Judges of the same court shall be paid the same compensation, including any pension based upon length of service, except that a uniform reduction in compensation may be made applicable to all judges of the same court appointed after the effective date of the reduction. A pension payable to a retired judge or to his surviving spouse, or to the surviving spouse of a deceased judge, pursuant to provisions in effect during his continuance in office, shall not be reduced.

Section 5.25. Restriction of Non-Judicial Activities.

No judge shall practice law, or seek public elective office other than the judicial office he then holds, or contribute to or hold office in a political party or political organization, or participate in a partisan political campaign, or serve as officer, director, or employee of any business formed with the intention of making a profit. No retired judge while practicing law or holding any public office of profit shall be paid any pension for his judicial service.

REMOVAL OF JUDGES**Section 5.26. Commission on Judicial Disabilities.**

The Commission on Judicial Disabilities shall consist of one judge of the Intermediate Appellate Court, one judge of the Superior Court, one judge of the District Court, one lay member, and one lawyer member. The Court of Appeals shall appoint the judicial members. The governor shall appoint the lay and lawyer members from among the qualified voters of the State. The term of each member shall be four years, but the General Assembly shall prescribe by law shorter terms for the three judicial members and one of the other members first appointed, in order to establish overlapping terms of office. A vacancy on the Commission shall be filled for the remainder of the term. No member shall receive compensation for his service.

Section 5.27. Powers of Commission on Judicial Disabilities.

The Commission on Judicial Disabilities shall have the power to investigate complaints against any judge, to conduct hearings concerning the removal or retirement of a judge, to administer oaths and affirmations, to issue process to compel the attendance of witnesses and the production of evidence, and to require persons to testify and produce evidence by granting them immunity from prosecution or from penalty or forfeiture. The Commission shall have the power to recommend to the Court of Appeals the removal or retirement of a judge. All proceedings, testimony, and evidence before the Commission shall be confidential and privileged, except that the record of any proceeding filed with the Court of Appeals shall lose its confidential character. The Court of Appeals shall prescribe by rule the means to implement and enforce the powers of the Commission.

Section 5.28. Procedures of Commission on Judicial Disabilities.

The Commission on Judicial Disabilities shall act only upon the concurrence of a majority of its members. The Commission shall

elect one of its members as chairman. Practice and procedure before the Commission shall be prescribed by rule.

Section 5.29. Removal by Court of Appeals.

Upon recommendation of the Commission on Judicial Disabilities that a judge be removed from office, the Court of Appeals, after a hearing and upon a finding of misconduct while in office, or of persistent failure to perform the duties of his office, or of conduct prejudicial to the proper administration of justice, may remove the judge from office or may censure him. A judge removed under this section, and his surviving spouse, shall have the rights and privileges accruing from his judicial service only to the extent prescribed by the order of removal. No judge shall sit in judgment in any hearing involving his own removal.

Section 5.30. Retirement by Court of Appeals.

Upon recommendation of the Commission on Judicial Disabilities that a judge be retired from office, the Court of Appeals, after hearing and upon a finding of disability which is or is likely to become permanent and which seriously interferes with the performance of his duties, may retire the judge from office. A judge retired under this section shall have the rights and privileges prescribed by law for other retired judges. No judge shall sit in judgment in any hearing involving his own retirement.

ADMINISTRATION**Section 5.31. Administration of Judicial System.**

The chief judge of the Court of Appeals shall be the administrative head of the judicial system. He shall designate, to serve at his pleasure, one Intermediate Appellate Court judge, one Superior Court judge, and one District Court judge as the chief judge of each court. Each shall perform those duties in the administration of the judicial system that the chief judge of the Court of Appeals shall assign to him. The chief judge of the Court of Appeals may assign administrative duties to other judges in the manner prescribed by rule. Any judge may be assigned to sit temporarily in any court as prescribed by rule.

Section 5.32. Cost of Judicial Branch.

The cost of the operation and administration of the judicial branch shall be borne exclusively by the State, and all revenues derived from the operation and administration of the judicial branch shall inure to the State.

Section 5.33. Clerks of Court.

The chief judge of each court shall appoint, to serve at his pleasure, a chief clerk of that court. There shall be in each county a clerk of the Superior Court who shall be selected as prescribed by law. There shall be in each county a clerk of the District Court whose appointment and term shall be prescribed by rule.

ARTICLE 6. FINANCE**TAXATION****Section 6.01. Power to Tax.**

Taxes shall be imposed only for public purposes and only by the elected representatives of the people exercising legislative powers.

Section 6.02. Local Taxing Power.

All units of local government shall retain, unless withdrawn by the General Assembly by law, those taxing powers that they have at the effective date of this Constitution. Taxing powers may be granted or withdrawn by the General Assembly by law applicable to all municipal corporations or by law applicable to one or more of the other popularly elected representative local governments.

Section 6.03. Assessments.

Assessments with respect to any tax shall be made pursuant to uniform rules and pur-

suant to classifications of property, taxpayers, and events prescribed by law, which classes shall include agricultural property as defined by the General Assembly by law.

Section 6.04. Equalization.

The State shall prescribe and administer uniform rules and methods for determining property tax assessments. State funds distributed to units of local government on the basis of assessments of property shall be determined by assessments equalized among those units, as prescribed by the General Assembly by law.

Section 6.05. Exemptions.

Exemptions with respect to any tax imposed by the State shall be made pursuant to uniform rules within classes of property, taxpayers, or events.

STATE DEBT AND GIFTS

Section 6.06. State Indebtedness.

The State shall have the power to incur indebtedness for any public purpose in the manner and upon the terms and conditions that the General Assembly may prescribe by law. Unless the law authorizing the creation of an obligation includes an irrevocable pledge of the full faith and credit of the State, the obligation shall not be considered an indebtedness of the State and the terms of this section shall not apply. If the law includes such a pledge the obligation shall be secured by the unlimited taxing power of the State and shall be subject to the terms of this section. If at any time the General Assembly shall have failed to appropriate and to make available sufficient funds to provide for the timely payment of the interest and principal then due upon all state indebtedness, it shall be the duty of the comptroller to pay, or to make available for payment, to the holders of such indebtedness from the first revenues thereafter received applicable to the general funds of the State, a sum equal to such interest and principal. All state indebtedness shall mature within fifteen years from the time when such indebtedness is incurred, except that at the time of authorizing the indebtedness the General Assembly by law may extend the period to not more than twenty-five years by the affirmative vote of three-fifths of all the members of each house.

Section 6.07. Gift or Loan of Assets or Credit.

The assets or credit of the State shall not be given or lent to any individual, association, or corporation unless a public purpose will be served thereby and unless authorized by the General Assembly by a law stating the public purpose to be served. A gift of assets may be authorized by a law enacted by the affirmative vote of a majority of all the members of each house, but a law authorizing a gift of credit or a loan of credit or a loan of assets shall require the affirmative vote of three-fifths of all the members of each house.

BUDGET AND APPROPRIATIONS

Section 6.08. Appropriations.

The General Assembly shall not appropriate any money from the treasury except by a budget bill or a supplementary appropriation bill.

Section 6.09. The Budget.

The Governor shall submit a budget for the ensuing fiscal year to the General Assembly on the third Wednesday in January in each year, except that in the year after the election of a new governor, the budget shall be submitted not later than twelve days after the convening of the regular session of the General Assembly. In any year the time may be extended by the General Assembly. The budget shall show the estimated surplus or deficit of revenues at the end of the preceding year and shall contain for the ensuing fiscal year an estimate of revenues, a complete plan of proposed expenditures by program including all appro-

priations required by this Constitution or by law, and any additional information prescribed by law, all in such form and detail as the governor shall determine. The total of the proposed expenditures shall be limited to funds available therefor as shown in the budget.

Section 6.10. Mandatory Appropriations.

The estimates of appropriations for the legislative branch certified by the presiding officer of each house, and for the judicial branch certified by the judge designated by the chief judge of the Court of Appeals to certify the judicial branch budget, shall be transmitted to the governor in the form and at the time that he shall direct. To the extent that appropriations for the legislative and judicial branches and for state support of public school systems are required by law, the estimates therefor shall be included in the budget without revision.

Section 6.11. Presentation of Budget Bill.

At the time the governor submits the budget to the General Assembly, he shall deliver to the presiding officer of each house a budget bill for all the proposed appropriations of the budget, classified and in the form and detail that he shall determine or that the General Assembly may prescribe by law. Each presiding officer shall promptly cause the budget bill to be introduced. Before final action on the budget bill by the General Assembly, the governor may amend or supplement the bill to correct an oversight, to appropriate funds contingent on passage of pending legislation, or to provide for an emergency. An amendment or a supplement shall be delivered to the presiding officer of each house, and it shall become an addition, substitute, or modification of the budget bill or any item thereof. Each amendment or supplement shall be accompanied by a statement by the governor explaining the reasons therefor.

Section 6.12. Amendment of Budget Bill.

The General Assembly may amend the budget bill by increasing any item relating to the legislative or judicial branches, or by reducing or striking out any item except the appropriation of sufficient funds to provide for the timely payment of interest upon and installments of principal of all state indebtedness and the appropriations required by law for state support of public school systems. The General Assembly may not amend the budget bill in any other manner, or change the estimate of revenues, or decrease the compensation of a public officer during his term of office.

Section 6.13. Enactment of Budget Bill.

The budget bill shall become law when passed by both houses of the General Assembly and shall not be subject to veto by the governor. If the budget bill shall not have been finally enacted by the General Assembly by the eightieth day of its regular session, the governor shall issue a proclamation extending the session until the enactment of the budget bill and ten days thereafter. After the proclamation no other legislation, except provision for the cost of the extended session, shall be finally passed by the General Assembly until the budget bill has been enacted.

Section 6.14. Testimony on Budget Bill.

Either house of the General Assembly may require any person in any branch or agency of the state government, other than the governor, to appear and testify with respect to the budget bill or a supplementary appropriation bill. The governor or a person designated by him shall have the right to appear and testify with respect to these bills.

Section 6.15. Supplementary Appropriations.

Any other appropriation shall be embodied in a supplementary appropriation bill, the purpose or purposes of which shall be clearly defined therein. In a regular ses-

sion a supplementary appropriation bill may be passed by either house, but shall not be finally passed by both houses until the budget bill has been enacted. In a special session a supplementary appropriation bill may be considered and enacted at any time. Except with regard to capital projects submitted by the governor, a supplementary appropriation bill shall provide the revenue necessary to pay the appropriation by a tax, direct or indirect, to be levied and collected as prescribed therein.

Section 6.16. Capital Expenditures.

Appropriations for capital projects to be financed by the creation of indebtedness of the State shall be embodied in a supplementary appropriation bill which shall contain an irrevocable pledge of the full faith and credit and unlimited taxing power of the State. Any such appropriation that is in addition to or exceeds the capital appropriations submitted to the General Assembly by the governor shall provide for a tax, direct or indirect, sufficient to pay the debt, service required thereby, to be levied and collected as prescribed in the supplementary appropriation bill.

LOTTERY

Section 6.17. Lottery.

Neither the State nor any unit of local government shall operate or authorize a lottery for the purpose of financing any expenses of government.

ARTICLE 7. LOCAL GOVERNMENT

COUNTIES

Section 7.01. Establishment of Counties.

County shall mean Baltimore City, each of the twenty-three existing counties, and other counties established pursuant to this Constitution. The General Assembly may provide by law for the establishment, merger, or dissolution of counties, or for the alteration of their boundaries. No such law shall become effective until submitted to the voters of each county affected and approved by a majority of those voting on the question in each county affected.

Section 7.02. Structure of County Governments.

Each county shall have a written instrument of government which establishes its governmental structure. An instrument of government shall be submitted to the voters of the county and shall be adopted only if approved by a majority of those voting on the proposal.

Section 7.03. Change of Structure of County Governments.

An amendment to an instrument of government may be proposed to the voters of a county by its governing body or by petition of the voters in the county as prescribed in the instrument of government. An amendment also may be proposed by other means prescribed either in the instrument of government or by the General Assembly by law. An amendment shall be adopted only if approved by a majority of those voting on the proposal.

Section 7.04. Powers of Counties.

A county may exercise any power, other than the judicial power, or perform any function unless that power or function has been denied to the county by this Constitution or by its instrument of government, or has been transferred exclusively to another governmental unit, or has been denied to the county by the General Assembly by law. A county may exercise only those taxing powers granted to it by the General Assembly by law but shall retain taxing powers granted to it prior to the effective date of this Constitution, unless any of those powers are subsequently denied to it by law.

MUNICIPAL CORPORATIONS AND INTRACOUNTY GOVERNMENTAL UNITS

Section 7.05. Existing Municipal Corporations.

Municipal corporation shall mean an incorporated city, town, or village, but shall not include Baltimore City or any other county. Municipal corporations existing at the effective date of this Constitution may not be merged or dissolved or have their boundaries altered or have their existing powers withdrawn, without the consent of the governing bodies of the county and the municipal corporations affected, or except as the General Assembly may prescribe by law.

Section 7.06. New Municipal Corporations and Intracounty Governmental Units.

A county may provide by law for the creation of new municipal corporations and other units of local government comprising a part of the area of the county and by law may grant to and withdraw from them any and all powers of the county, subject to any procedures and standards that the General Assembly may prescribe by law.

Section 7.07. Additional Powers of Municipal Corporations.

The General Assembly by law or a county by law may grant additional powers to municipal corporations, and the granting authority may withdraw such powers.

MULTI-COUNTY GOVERNMENTS

Section 7.08. Establishment of Multi-County Governmental Units.

Multi-county governmental units, including intergovernmental authorities and popularly elected representative regional governments, shall consist of all or part of two or more counties. The General Assembly may provide by law for the establishment, merger, or dissolution of multi-county governmental units, or for the alteration of their boundaries, or for the powers they may exercise. The General Assembly may provide for referenda on any of these laws pertaining to a popularly elected representative regional government.

Section 7.09. Financing of Intergovernmental Authorities.

The General Assembly by law or a popularly elected representative local government by law may grant to an intergovernmental authority the power to impose and to collect service or benefit charges, to borrow money, and to collect taxes imposed by the General Assembly or by the popularly elected representative local government, but may not grant the power to impose taxes.

CREDIT LIMITATIONS

Section 7.10. Credit Limitations of Local Governments.

The assets or credit of a unit of local government may be given or lent to any individual, association, or corporation only if a public purpose will be served thereby, and then subject to any other restrictions prescribed by laws. The act of the governing body making the gift or loan shall state the public purpose to be served, and no gift of credit or loan of credit or loan of assets shall be made without the consent of three-fifths of the members of the governing body.

ARTICLE 8. EDUCATION

Section 8.01. Public Education.

The General Assembly by law shall provide for a statewide system of free public schools. The system shall be headed by a governing board whose members shall be appointed by the governor. The General Assembly by law shall provide also for such other public educational institutions and services as may be necessary or desirable for the intellectual, cultural, and occupational development of the people of this State.

Section 8.02. Public Higher Education.

The governing boards prescribed by the General Assembly by law for the University of Maryland, the state colleges, and all other state institutions of higher education, including community colleges, shall formulate policies for their respective institutions and

shall have general supervision over them in all academic matters. These boards may be granted by the General Assembly by law such additional powers of supervision, direction, and control of their respective institutions and over the expenditure of their funds as the General Assembly may deem to be appropriate.

ARTICLE 9. GENERAL PROVISIONS

Section 9.01. Oath.

Every person elected or appointed to any office of profit or trust under the Constitution or laws of this State, before he enters upon the duties of such office, shall take and subscribe to the following oath or affirmation, the parenthetical language being optional: "(In the presence of Almighty God) I, _____, do swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice execute the office of _____, according to the Constitution and laws of this State." No other oath or affirmation shall be required. Should any person elected or appointed to an office of profit or trust refuse or neglect to take the oath or affirmation, then such office shall be vacant, and shall be filled as prescribed by this Constitution or by law.

Section 9.02. Conflict of Interest.

The General Assembly shall prescribe by law a code of ethics, and provide for the regulation of conflicts of interest, for all elected state officers.

Section 9.03. Limitation on Holding Office.

No person shall hold at the same time more than one office of profit created by this Constitution or the laws of this State, except as may be prescribed by law.

Section 9.04. Impeachment.

The House of Delegates shall have the sole power of impeachment of elected state officers, judges, and any other state officers who may be designated by the General Assembly by law, in cases of serious crimes or serious misconduct in office. The affirmative vote of three-fifths of all the members of the House of Delegates shall be required to impeach. Impeachments shall be tried by a special tribunal of ten judges appointed by the Court of Appeals from among the judges of the State. The concurrence of three-fifths of the judges of the special tribunal shall be required to convict. Judgment upon conviction shall be removal from office and may include disqualification from holding any office of public trust, and deprivation of pension rights and other privileges of office. A person tried upon impeachment, whether or not convicted, nevertheless may be subject to criminal prosecution and punishment according to law.

Section 9.05. Militia.

The General Assembly may provide by law for a militia. The governor shall be its commander in chief and shall appoint its officers. The governor may order the militia into active service to repel invasions, to suppress insurrections, to enforce the execution of the laws, and to provide assistance when great destruction of life or property may be threatened or may have occurred. The military authority of the State shall be and remain subject to civil control in the person of the governor at all times. Only a member of the militia may be subject to a military trial and then only for offenses committed while in actual service.

Section 9.06. Natural Resources.

The General Assembly shall provide by law for the conservation, enhancement, improvement, and protection of the natural environment, natural resources, and natural beauty of the State.

Section 9.07. Consumer Protection.

The General Assembly shall provide by law for the protection and education of the citizens of the State against harmful and unfair business practices.

Section 9.08. Sovereign Immunity.

Sovereign immunity may not be pleaded as a defense in a suit against the State or any unit of local government, or any of their departments or agencies, except to the extent and in the manner prescribed by law.

Section 9.09. Intergovernmental Cooperation.

The State or any unit of local government, except as limited by any law, may cooperate or agree with one or more other governmental unit or units, whether within or without the boundaries of the State, including the federal and state governments, for the exercise of any of its powers and functions.

Section 9.10. Corporation Charters.

Corporations may be formed under general laws, but shall not be created by special act, except in cases where no general laws exist providing for the creation of corporations of the same general character as the corporation proposed to be created; and any act of incorporation passed in violation of this section shall be void. All charters granted, or adopted, in pursuance of this section, and all charters heretofore granted and created subject to repeal or modification may be altered, from time to time, or be repealed; provided nothing herein contained shall be construed to extend to banks or the incorporation thereof. The General Assembly shall not alter or amend the charter of any corporation existing on December 3, 1891, or pass any other general or special law for the benefit of such corporation except upon the condition that such corporation shall surrender all claim to exemption from taxation or from the repeal or modification of its charter, and that such corporation shall thereafter hold its charter subject to the provisions of this Constitution; and any corporation chartered by this State which shall accept, use, enjoy, or in any wise avail itself of any rights, privileges, or advantages granted or conferred by any general or special act, shall be conclusively presumed to have thereby surrendered any exemption from taxation to which it may be entitled under its charter and shall be thereafter subject to taxation as if no such exemption has been granted by its charter except to the extent that application of this section may be prohibited by Article I, Section 10, of the Constitution of the United States.

ARTICLE 10. EFFECT AND AMENDMENT OF CONSTITUTION

Section 10.01. Effective Date of Constitution.

This Constitution shall become effective, and the Constitution of 1867 as amended shall cease to be effective, on July 1, 1968, except as otherwise specifically provided in the Schedule of Transitional Provisions attached to this Constitution.

Section 10.02. Effect of Constitution on Existing Law.

All legislation, including local legislation, and all other law, including common law, in force on June 30, 1968, insofar as it is not in conflict with this Constitution, shall continue in force until it expires by its own limitation or is lawfully changed. A law in effect on June 30, 1968, shall not be deemed in conflict with this Constitution solely because it was enacted pursuant to authority granted by a provision of the Constitution of 1867 as amended. All existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, property titles, and rights shall continue unaffected except as modified by law or in accordance with the provisions of this Constitution.

Section 10.03. Constitutional Amendment.

An amendment to this Constitution may be proposed either by the affirmative vote of three-fifths of all the members of each house of the General Assembly or by the affirmative vote of a majority of all the members of a constitutional convention. Any proposed amendment shall be submitted to the voters of the State at a special or general election as determined by the General Assembly or by the convention, whichever proposes the amendment. Notice of the election shall be given as the General Assembly shall prescribe by law. Unless otherwise provided, the amendment shall become effective thirty days after approval by the vote of a majority of those voting on the amendment.

Section 10.04. Constitutional Convention.

The General Assembly by law may call a constitutional convention at any time or may submit the question of calling a constitutional convention to the voters of the State at any time. If a constitutional convention shall not have been called or if the question of calling a convention shall not have been submitted to the voters of the State for a period of twenty years, then the question shall be submitted at the next general election. A convention shall be held within two years after a majority of those voting on the question approve the calling of a convention or within two years after the General Assembly calls a convention. Within sixty days after approval by the voters or within sixty days after the General Assembly calls a convention, the governor shall appoint a commission to prepare for the convention. Not later than the second regular session following the approval, the General Assembly shall prescribe by law the manner for electing delegates, for filling vacancies in the position of delegate, and for assembling the convention, and shall appropriate sufficient funds for the work of the convention. The convention shall adopt its own rules of procedure. Any proposal recommended by the convention for changing the Constitution shall be submitted to the voters of the State for adoption, and shall be effective only if approved by the affirmative vote of a majority of those voting on the proposal.

VOTE ON THE CONSTITUTION

This Constitution, the attached Schedule of Transitional Provisions, and the attached Schedule of Legislation shall be submitted to the qualified voters of the State for ratification or rejection at the special referendum election to be held on May 14, 1968, in accordance with the procedures prescribed by Chapter 4 of the Acts of the General Assembly of Maryland of 1967. If this Constitution is ratified at such special referendum election, then the attached Schedule of Transitional Provisions is ratified as a part thereof and the attached Schedule of Legislation is adopted also and shall take effect as provided therein.

Done in Convention at Annapolis, Maryland, this tenth day of January in the year Nineteen Hundred and Sixty-eight.

H. VERNON ENEY,
President.

Attest:

ROBERT J. MARTINEAU,
Secretary.

SCHEDULE OF TRANSITIONAL PROVISIONS

This schedule is a part of the Constitution, and the provisions contained herein are of the same force and effect as those contained in the numbered articles of this Constitution, but differ only in that their effect is of limited duration and expire in accordance with their own terms. The grouping of sections in this schedule under the titles of the various articles of this Constitution is intended for convenience only and not as a limitation on the applicability of the sections.

GENERAL**Section 1. Definition.**

In this schedule the words "prior Constitution" mean the Constitution of 1867 as amended.

Section 2. Incumbents.

Offices expressly established by the prior Constitution shall exist only insofar as they are provided for in this Constitution or by law not in conflict with this Constitution. Except as otherwise provided in this Constitution, persons holding such offices on June 30, 1968, shall continue in office until the office ceases to exist or until the completion of the term for which they have been elected or appointed, whichever shall first occur. The taking effect of this Constitution, or any provision thereof, shall not of itself affect the tenure, term, status or compensation of any person then holding any other public office, position or employment in this State, except as provided in this Constitution.

DECLARATION OF RIGHTS**Section 3. Eminent Domain.**

The provisions of section 1.16, insofar as they pertain to compensation for private property damaged for public use or purposes, shall not be effective until July 1, 1969.

SUFFRAGE AND ELECTIONS**Section 4. Effect of Certain Sections.**

Sections 2.10 through 2.13 shall be effective as to laws enacted on or after July 1, 1968. Laws enacted prior to July 1, 1968, shall be subject to referendum pursuant to the provisions of the prior Constitution.

Section 5. Referendum for Public Local Laws.

A public local law enacted prior to January 6, 1971, for any one county shall be referred only to the people of said county upon a referendum petition of ten per cent of the qualified voters of the county calculated upon the total number of votes cast therein for governor at the last preceding gubernatorial election.

LEGISLATIVE BRANCH**Section 6. Delayed Effects of Certain Sections.**

Sections 3.03, 3.04 and 3.09 shall become effective on the second Wednesday in December 1970, but candidates standing for election to the General Assembly in the election of November 1970 shall be qualified as required by section 3.09 and shall stand for election in districts selected pursuant to sections 3.03 and 3.04.

Section 7. Redistricting.

The redistricting of seats for the Senate and House of Delegates for the election of November 1970 shall be based on those most recent official determinations of state population prescribed by the General Assembly by law. This redistricting shall be accomplished in accordance with sections 3.04, 3.05, and 3.06.

EXECUTIVE BRANCH**Section 8. Election of Officers.**

The first general election of governor, lieutenant governor, attorney general, and comptroller under this Constitution shall be on November 3, 1970.

Section 9. Terms of Office of Incumbents.

The terms of office of the governor, attorney general, comptroller, and treasurer in office on June 30, 1968, respectively, shall continue until January 6, 1971, and, except in the case of the treasurer, until their respective successors shall have qualified.

Section 10. Lieutenant Governor.

The office of lieutenant governor shall remain vacant until January 6, 1971.

Section 11. Vacancies in the Office of Governor.

Sections 6 and 7 of article II of the prior Constitution shall continue in effect until January 6, 1971.

Section 12. Initial Organization.

The initial allocation of offices, agencies, and instrumentalities, among and within principal departments by law pursuant to section 4.26 of this Constitution, shall be completed by the General Assembly by June 30, 1970. If such allocation is not completed by June 30, 1970, the governor prior to January 6, 1971, shall make the initial allocation by executive order. Such executive order shall have the force of law without being subject to disapproval by the General Assembly.

Section 13. Board of Public Works.

The rights, powers, and duties vested in the Board of Public Works by the prior Constitution shall continue to be so vested until January 6, 1971.

Section 14. Delayed Effect of Certain Sections.

Section 4.06 through 4.11, section 4.20, and section 4.25 shall become effective January 6, 1971. Sections 4.26 through 4.30 shall become effective upon the completion of the initial allocation of offices, agencies, and instrumentalities, among and within principal departments by law pursuant to section 12 of this schedule.

JUDICIAL BRANCH**Section 15. Judicial Power.**

Section 5.01 shall not become effective as to the District Court until January 1, 1970. The judicial power vested in the Orphans' Courts as of June 30, 1968, shall continue until January 1, 1971. The judicial power vested in the justices of the peace, People's Courts, Municipal Courts and the Housing Court of Baltimore County as of June 30, 1968, shall continue until January 1, 1970. Each of such justices of the peace and each of such courts other than the Orphans' Courts shall have until January 1, 1970, and the Orphans' Courts shall have until January 1, 1971, the powers and jurisdiction vested in each of them, respectively, on June 30, 1968, subject to such changes as the General Assembly may prescribe by law.

Section 16. Pending Causes—Appellate Courts and Trial Courts of General Jurisdiction.

All matters pending on June 30, 1968, in (a) the Court of Appeals, (b) the Court of Special Appeals, and (c) the Circuit Court for any county, the Superior Court of Baltimore City, the Court of Common Pleas, the Baltimore City Court, the Criminal Court of Baltimore, the Circuit Court of Baltimore City, the Circuit Court No. 2 of Baltimore City, and the Supreme Bench of Baltimore City shall be decided or otherwise disposed of, respectively, in (a) the Court of Appeals created by this Constitution, (b) the Intermediate Appellate Court, and (c) the Superior Court in the county in which the matter was pending on June 30, 1968, unless lawfully removed therefrom.

Section 17. Pending Causes—Courts of Limited Jurisdiction

The first sentence of section 5.10, all of section 5.11 and all of section 5.12 shall become effective on January 1, 1970. Any matter pending on December 31, 1969, before a justice of the peace or any People's Court or Municipal Court or in the Housing Court of Baltimore County shall be decided or otherwise disposed of in the District Court in the county in which the matter was pending on December 31, 1969, unless thereafter lawfully removed.

Section 18. Uniform Jurisdiction.

The third sentence of section 5.08 and the second sentence of section 5.10 shall become effective January 1, 1971, except as to matters then pending. Until January 1, 1971, the provisions of the second paragraph of article IV, section 20, of the prior Constitution shall remain in effect.

Section 19. Continuance in Judicial Office.

Each judge of (a) the Court of Appeals, (b)

the Court of Special Appeals, and (c) the first and second judicial circuits, the Circuit Courts for the counties, and the Supreme Bench of Baltimore City, in office on June 30, 1968, shall continue in office as a judge, respectively, of (a) the Court of Appeals created by this Constitution, (b) the Intermediate Appellate Court, and (c) the Superior Court, for the balance of the term for which he was appointed or elected, unless sooner removed, retired or convicted after impeachment pursuant to the provisions of this Constitution.

Section 20. Continuance in Office—Chief Judges of Appellate Courts.

The chief judge of the Court of Appeals and the chief judge of the Court of Special Appeals in office on June 30, 1968, shall be the chief judge, respectively, of the Court of Appeals created by this Constitution, and of the Intermediate Appellate Court for the remainder of his service on such court, or until he resigns the office of chief judge.

Section 21. Continuance in Office—Judges of Orphans' Courts.

Each judge of an Orphans' Court in office on June 30, 1968, shall continue in office as a judge of such Orphans' Court until January 1, 1971, unless sooner removed or convicted after impeachment pursuant to the provisions of this Constitution.

Section 22. Continuance in Office—Judges of Courts of Limited Jurisdiction.

Each full-time judge of the People's Court of Baltimore City, the Municipal Court of Baltimore City, and of the People's Courts of Anne Arundel, Cecil, Montgomery, Prince George's and Wicomico Counties who is in office on December 31, 1969, shall continue in office as a judge of the District Court for the balance of the term for which he was appointed or elected, unless previously removed, retired, or convicted after impeachment pursuant to the provisions of this Constitution; provided, however, that the term of any such judge whose term as such would, but for this section, have continued beyond December 31, 1969, but who shall be ineligible for appointment as a judge of the District Court under this Constitution, shall expire on December 31, 1969. Every other justice of the peace designated as trial magistrate or committing magistrate, municipal justice of the peace or magistrate, every other judge of a People's Court and each judge of the Housing Court of Baltimore County who is in office on July 1, 1968, shall continue in office until December 31, 1969, on which latter date his term shall expire.

Section 23. Judicial Qualifications.

Except as specifically provided below, until January 1, 1970, section 5.14 shall apply only to judges of the Court of Appeals, the Intermediate Appellate Court, and the Superior Court.

Section 24. Filling Vacancy in Court of Appeals, Intermediate Appellate Court or Superior Court.

Sections 5.15 through 5.21 shall become effective on July 1, 1969. Prior to that date, any vacancy in the office of judge of the Court of Appeals, the Intermediate Appellate Court, or the Superior Court for any reason other than expiration of the term of office, shall be filled by appointment by the Governor of a person qualified under section 5.14 of this Constitution to fill such office. Each person so appointed shall be subject to continuance in office by the procedures and for the term prescribed by section 5.22 of this Constitution.

Section 25. Filling Vacancy in Courts of Limited Jurisdiction.

Prior to January 1, 1970, any vacancy occurring in the office of judge of the Municipal Court of Baltimore City, the People's Court of Baltimore City, or the People's

Court for Anne Arundel, Cecil, Montgomery, Prince George's or Wicomico Counties for any reason other than expiration of term shall be filled by the governor by appointment of a person qualified under section 5.14 to fill judicial office, except that he shall be a resident of the county in which the vacancy exists. Each person so appointed shall be subject to continuance in office by the procedures and for the term prescribed by section 5.22 of this Constitution. Prior to January 1, 1970, any vacancy occurring for any reason in the office of judge of any other People's Court, Municipal Court or the Housing Court of Baltimore County, or the office of any substitute or part-time People's Court judge in any county or in the office of justice of the peace shall be filled by the governor by appointment of a person qualified to fill such office under the law creating the office or under section 5.14 of this Constitution. Each such appointment shall be for a term expiring December 31, 1969.

Section 26. Application of Section 5.22 to Judges Now in Office.

Every judge of the Court of Appeals, the Intermediate Appellate Court, Superior Court, the Municipal Court of Baltimore City, the People's Court of Baltimore City, the People's Courts of Anne Arundel, Cecil, Montgomery, Prince George's or Wicomico Counties whose term expires on or after July 1, 1968, and prior to the general election in November 1968 shall have his term extended until such election. Each judge of those courts who is required to stand for retention in judicial office at that election shall do so pursuant to the provisions of and for the term prescribed by section 5.22 of this Constitution. Any People's or Municipal Court judge subject to this section shall be subject to approval or rejection by the electorate of the county or Baltimore City in which he would have been required to stand for election under the law in effect on June 30, 1968.

Section 27. Election of Judges Continued in Office.

Any judge of any court continued in office pursuant to this schedule shall stand for retention in office at the general election next following the expiration of his term pursuant to and for the term prescribed in section 5.22. The term of any such judge shall be extended until such next general election.

Section 28. Applicability of Section 5.23.

Section 5.23 shall not apply to any judge of the Orphans' Court, or of any People's Court, except full-time judges of People's Courts in Baltimore City and Anne Arundel, Cecil, Montgomery, Prince George's and Wicomico Counties, and the judges of the Municipal Court of Baltimore City, nor shall it apply to any justice of the peace.

Section 29. Judicial Compensation.

(a) Except for its second and last sentences, section 5.24 shall not apply to any judge of any People's Court, the Municipal Court of Baltimore City, the Housing Court of Baltimore County, the Orphans' Court, nor to any justice of the peace; provided, however, that between July 1, 1968, and January 1, 1970, the General Assembly may provide by law for uniform compensation and pension rights for full-time judges of the Municipal Court of Baltimore City and of the People's Courts of Baltimore City and of Anne Arundel, Cecil, Montgomery, Prince Georges and Wicomico Counties, and their respective spouses.

(b) The initial salary to be paid by the State to a judge of the Court of Appeals shall not be less than the total salary, including any local supplementation, paid on January 1, 1968, to the chief judge of the Court of Appeals established under the prior Constitution.

(c) The initial salary to be paid by the

State to a judge of the Intermediate Appellate Court shall not be less than the total salary, including any local supplementation, paid on January 1, 1968, to the chief judge of the Court of Special Appeals.

(d) The initial salary to be paid by the State to a judge of the Superior Court shall not be less than the total salary, including any local supplementation, paid on January 1, 1968, to the chief judge of the Supreme Bench of Baltimore City.

(e) In establishing a uniform scale of judicial salaries and pensions, including those for the District Court, the General Assembly may disregard any local supplementation or local salary or pension authorized after January 1, 1968, and such action shall not be deemed to be a diminution of the salary or pension of any judge.

Section 30. Restriction of Non-Judicial Activities.

Section 5.25 shall not apply to judges of the Orphans' Court, justices of the peace or judges of any People's Court, except for full-time judges of the Municipal Court of Baltimore City, of the People's Court of Baltimore City and of the People's Courts of Anne Arundel, Cecil, Montgomery, Prince George's and Wicomico Counties. Until January 1, 1970, the provisions of article 33 of the Declaration of Rights of the prior Constitution shall remain in effect as to any judge or justice of the peace not subject to section 5.25.

Section 31. Commission on Judicial Disabilities.

The provisions of section 5.26 providing that a judge of the District Court shall be a member of the Commission on Judicial Disabilities shall not become effective until January 1, 1970. Prior to that date, the Court of Appeals shall appoint one of the full-time judges of the Municipal Court of Baltimore City or the People's Court of Baltimore City, or the Peoples Court of Anne Arundel, Cecil, Montgomery, Prince Georges or Wicomico Counties as a member of the Commission on Judicial Disabilities. If such member is continued in office on January 1, 1970, as a judge of the District Court and if his term on the Commission on Judicial Disabilities has not expired, he shall remain in office as a member of the Commission on Judicial Disabilities for the balance of his term. If he shall not be continued in office, or if his term shall have expired on January 1, 1970, the office shall be vacant on that date.

Section 32. Clerks of Trial Courts.

The clerk of the Superior Court of Baltimore City and of the Circuit Court for each county in office on June 30, 1968, shall become, respectively, the clerk of the Superior Court in Baltimore City or in that county, as the case may be. The clerks of the Court of Common Pleas, the Baltimore City Court, the Criminal Court of Baltimore, the Circuit Court of Baltimore City, and the Circuit Court No. 2 of Baltimore City in office on June 30, 1968, shall each become a chief deputy clerk of the Superior Court in Baltimore City. Each such Superior Court clerk, and each chief deputy clerk mentioned above, shall hold office for the balance of the term for which he was originally elected, or appointed, subject only to removal pursuant to the provisions of the Constitution or law in effect June 30, 1968. Each full-time clerk of a justice of the peace designated trial magistrate, of a Municipal Court or of a People's Court, and the chief constable of the People's Court of Baltimore City in office on December 31, 1969, shall become a deputy clerk of the District Court.

Section 33. Registers of Wills.

The constitutional office of register of wills shall terminate on January 1, 1971. Until that date, the provisions of article IV, section 41, of the prior Constitution shall remain in effect.

Section 34. Sheriffs.

The Constitutional office of sheriff shall terminate on January 6, 1971. Until that date, the provisions of article IV, section 44, of the prior Constitution shall remain in effect.

Section 35. Costs of Judicial System.

Except with respect to judicial compensation and pensions as provided for in section 29 of this schedule and in section 5.24 of this Constitution, section 5.32 of this Constitution shall not become effective until January 1, 1970.

LOCAL GOVERNMENT**Section 36. Delayed Effect of Certain Sections.**

The provisions of section 3.22, insofar as they relate to counties; and all of section 7.04, shall not be effective until January 6, 1971, unless simultaneously made effective for all counties by the General Assembly at an earlier date.

Section 37. Adoption of Instrument of County Government.

Prior to July 1, 1969, the General Assembly shall prescribe by law a choice of procedures by which an instrument of government of a county may be proposed. The proposed instrument of government shall be submitted to the voters of the county and shall be adopted only if approved by a majority of those voting on the proposal. Prior to July 1, 1970, the General Assembly shall prescribe by law an instrument of government which shall, without further action, become effective on January 6, 1971, for those counties which have failed to adopt by July 1, 1970, an instrument of government effective no later than January 6, 1971. The charter adopted by any county pursuant to the provisions of the prior Constitution shall be without further act the instrument of government for that county; provided that any procedure to obtain a charter or instrument of government commenced pursuant to the prior Constitution must be completed prior to July 1, 1970, and the instrument of government so adopted must be effective no later than January 6, 1971.

Section 38. Interim Restriction Upon Public Local Law.

From and after the effective date of the instrument of government of a county, no law applicable only to that county shall be enacted by the General Assembly for that county on any subject covered by the express powers granted to such county by the General Assembly by law. The effect of this section shall terminate on January 6, 1971, or on any earlier date that sections 3.22 and 7.04 shall be made fully effective by the General Assembly by law.

Section 39. Powers of Baltimore City To Issue Bonds

Except as provided in section 41, the powers of Baltimore City to borrow money on the faith and credit of Baltimore City and to issue bonds or other evidences of indebtedness therefor shall be subject only to such limitations and restrictions as to the amount or method of issuance as may be applicable at the time of such issuance to all counties which have adopted an instrument of government, but nothing herein shall authorize Baltimore City to issue any bonds except pursuant to an ordinance submitted to the qualified voters approved by a majority of those voting on the question. The effect of this section shall terminate on the effective date of section 7.04.

FINANCE**Section 40. Delayed Effect of Certain Sections.**

Sections 6.04, 6.05, 6.06, and 6.16 shall become effective July 1, 1969. Except insofar as section 6.07 is inconsistent with it, article III, section 34, of the prior Constitution shall remain in effect until July 1, 1969.

Section 41. Law Governing Bonds.

All bonds and other evidences of indebtedness authorized by the General Assembly or by any local legislative body prior to the effective date of this Constitution shall be governed by the constitutional provisions and laws in effect at the time of authorization.

GENERAL PROVISIONS**Section 42. Sovereign Immunity.**

Section 9.08 shall not be effective as to causes of action arising prior to January 1, 1970.

SCHEDULE OF LEGISLATION

This schedule takes effect under the authority of Chapter 4, Section 17, of the Acts of 1967, and under the authority of its adoption by the people of Maryland together with the Constitution to which it is attached. Provisions contained in this schedule shall become effective on July 1, 1968, and may be amended or repealed by the General Assembly by law. The grouping of sections of this schedule under titles referring to the numbered articles of the Constitution is intended for convenience and not as a limitation on the applicability of the sections.

Section 1. Definitions.

(a) In this schedule the words "prior Constitution" mean the Constitution of 1867 as amended.

(b) In this schedule the word "county" shall be deemed to include Baltimore City.

SUFFRAGE AND ELECTIONS**Section 2. Petition Requirements.**

A referendum petition may consist of several papers, but each paper shall contain the full text of the act or part of act petitioned upon; and there shall be attached to each such paper an affidavit of the person procuring the signatures thereon that of the said person's own personal knowledge every signature thereon is genuine and bona fide, and that the signers are qualified voters of the State of Maryland, and county, as set opposite their names, and no other verification shall be required.

Section 3. Interim Provisions for Disqualifications from Voting.

No person convicted of larceny, or other infamous crime, unless pardoned by the governor, shall be entitled to vote at any election in this State; and no person under guardianship as a lunatic, or, as a person *non compos mentis*, shall be entitled to vote. The effect of this section shall terminate July 1, 1969.

Section 4. Procedure for Retention in Office of Judges.

The procedure for approval or rejection of the continuance in office of a judge required to stand for election under section 5.22 of the Constitution shall be as follows:

(a) Each candidate for continuance in office as judge shall file a certificate of candidacy with the secretary of state. Such certificate shall be filed not less than ninety days prior to the date of the election at which the judge's retention or rejection is to be determined. The filing fee shall be \$25.00.

(b) Not less than sixty days before any such election, the secretary of state shall certify to the boards of supervisors of elections of the county or counties, the voters of which are entitled to vote on the continuance in office of such judge, the name and residence of such judge, and the court in which he seeks to be retained.

(c) Each such board shall include on the ballots prepared by it pursuant to Section 16-4, Art. 33, Annotated Code of Maryland, the following questions with respect to each judicial candidate certified to it by the Secretary of State:

Shall Judge (name of candidate) be retained in office as a judge of the (name of court)? Yes No

(d) No such judge shall be required to run in a primary election nor shall his political affiliation appear on the ballot.

(e) Provisions of the election laws not inconsistent with the foregoing shall apply to judicial elections.

LEGISLATIVE BRANCH**Section 5. Salary of Members of the General Assembly.**

Each member of the General Assembly shall receive an annual salary of eight thousand dollars, accounting from July 1, 1968, and payable bi-weekly.

Section 6. Vacancies Occurring During Present Term of the General Assembly.

(a) In case of death, disqualification, resignation, refusal to act, expulsion, or removal from the county for which he shall have been elected, of any person who shall have been chosen as a delegate or senator, or in case of a tie vote between two or more such qualified persons, the governor shall appoint a person whose name shall be submitted to him in writing, within thirty days after the occurrence of the vacancy, by the state central committee of the political party with which the delegate or senator, so vacating, had been affiliated in the county or district from which he or she was elected, provided that the appointee shall be of the same political party as the person whose office is to be filled; and it shall be the duty of the governor to make said appointment within fifteen days after the submission thereof to him. If a name is not submitted by the state central committee within thirty days after the occurrence of the vacancy, the governor within another period of fifteen days shall appoint a person, who shall be of the same political party as the person whose office is to be filled, and who is otherwise properly qualified to hold the office of delegate or senator in the district or county. In every case when any person is so appointed by the governor, his appointment shall be deemed to be for the unexpired term of the person whose office has become vacant.

(b) In addition, and in submitting a name to the governor to fill a vacancy in a senatorial district or subdistrict, as the case may be, in any of the counties of Maryland, the state central committee or committees shall follow these provisions:

(1) If the vacancy occurs in a district or subdistrict having the same boundaries as a county, the state central committee of the county shall submit the name of a resident of the district or subdistrict.

(2) If the vacancy occurs in a district or subdistrict which has boundaries comprising a portion of one county, the state central committee of that county shall submit the name of a resident of the district or subdistrict.

(3) If the vacancy occurs in a district or subdistrict which has boundaries comprising a portion or all of two or more counties, the state central committee of each county involved shall have one vote for submitting the name of a resident of the district or subdistrict; and if there is a tie vote between or among the state central committees, the list of names there proposed shall be submitted to the governor, and he shall make the appointment from the list.

Section 7. Procedure for Enactment of Law.

Every bill, when passed by the General Assembly, and sealed with the Great Seal, shall be presented to the governor, who, if he approves it, shall sign the same in the presence of the presiding officers and chief clerks of the Senate and House of Delegates. Every law shall be recorded in the office of the Court of Appeals, and in due time, be printed, published, and certified under the Great Seal to the several courts, in the same manner as has been heretofore usual in this State.

EXECUTIVE BRANCH

Section 8. *Salary of Governor.*

The governor shall receive an annual salary of forty thousand dollars, accounting from July 1, 1968 and payable bi-weekly.

Section 9. *Appointment of Officers by Governor.*

The governor shall nominate, and, by and with the advice and consent of the Senate, appoint all civil and military officers of the State whose appointment or election is not otherwise provided for in the Constitution, unless a different mode of appointment be prescribed by the law creating the office.

Section 10. *Removal of Officers by Governor.*

The governor may suspend or arrest any military officer of the State for disobedience of orders, or other military offense; and may remove him in pursuance of the sentence of a court-martial; and may remove for incompetency or misconduct, all civil officers who received appointment from the executive for a term of years.

Section 11. *Secretary of State.*

The secretary of state shall carefully keep and preserve a record of all official acts and proceedings, which may at all times be inspected by a committee of either house of the General Assembly; and he shall perform such other duties as may properly belong to his office.

Section 12. *State's Attorneys.*

In the case of a vacancy in the office of state's attorney, or of his removal from the county in which he shall have been elected, the said vacancy shall be filled by the judge or judges of the Superior Court resident in the county in which the vacancy occurs for the residue of the term thus made vacant.

Section 13. *Comptroller and Treasurer.*

Until January 6, 1971, the comptroller and the treasurer shall continue to exercise those rights, powers, and duties pertaining to them, respectively, on June 30, 1968, and not in conflict with the Constitution.

Section 14. *Board of Public Works and Board of Review.*

Upon the termination of the legal existence of the Board of Public Works for which provision is made in article XII of the prior Constitution, all its powers and duties shall be vested in the Board of Review for which provision is made in section 4.25 of this Constitution; and all references to the Board of Public Works in legislation, contracts, or documents shall be deemed to refer to the Board of Review as well as to the Board of Public Works. Prior to termination of the legal existence of the Board of Public Works, it shall continue to exercise those rights, powers, and duties granted to it by article XII of the prior Constitution.

JUDICIAL BRANCH

Section 15. *Courts of Record.*

Each court created by this Constitution shall be a court of record, and shall have a seal.

Section 16. *Statutory References to Courts.*

Except where inconsistent with this Constitution, the Schedule of Transitional Provisions, or this Schedule:

(a) All statutory references to the Court of Appeals shall be deemed to refer to the Court of Appeals established by this Constitution.

(b) All statutory references to the Court of Special Appeals shall be deemed to refer to the Intermediate Appellate Court.

(c) All statutory references to Circuit Courts, courts for any circuit or county (other than People's Courts, Municipal Courts, or the Housing Court of Baltimore County), the Supreme Bench of Baltimore City, the Superior Court of Baltimore City, the Court of Common Pleas, the Baltimore City Court, the Criminal Court of Baltimore, the Circuit Court of Baltimore City or the

Circuit Court No. 2 of Baltimore City shall be deemed to refer to the Superior Court in the appropriate county.

Section 17. *Appellate Circuits.*

There shall be six circuits of the Court of Appeals, as follows: The First Appellate Circuit, consisting of Cecil, Kent, Queen Annes, Caroline, Talbot, Dorchester, Wicomico, Worcester, and Somerset counties; the Second Appellate Circuit, consisting of Baltimore and Harford counties; the Third Appellate Circuit, consisting of Allegany, Frederick, Garrett, Montgomery, and Washington counties; the Fourth Appellate Circuit, consisting of Prince George's, Calvert, Charles and St. Mary's counties; the Fifth Appellate Circuit, consisting of Anne Arundel, Carroll, and Howard counties; and the Sixth Appellate Circuit, consisting of Baltimore City. One of the judges of the Court of Appeals shall be resident in each of the first five appellate circuits and two judges shall be resident in the Sixth Appellate Circuit.

Section 18. *Judicial Circuits.*

Wherever any statute refers to a judicial circuit, to the courts of such circuit or to the judges of or in such circuit, it shall be deemed to refer to the Superior Court or the judges of the Superior Court resident in the geographical area prescribed for that circuit by article IV, section 19, of the prior Constitution.

Section 19. *Jurisdiction of Superior Court in Baltimore City.*

The jurisdiction vested in the Superior Court of Baltimore City, the Court of Common Pleas, the Baltimore City Court, the Circuit Court of Baltimore City, and the Criminal Court of Baltimore by article IV, sections 28-29, and 30 of the prior Constitution shall be vested in the Superior Court in Baltimore City.

Section 20. *Duties of Clerk of Superior Court in Baltimore City.*

The duties vested in the various clerks of the courts comprising the Supreme Bench of Baltimore City by sections 37 and 38 of article IV of the prior Constitution shall be vested in the clerk of the Superior Court in Baltimore City.

Section 21. *Judicial Pensions.*

(a) In the case of a judge who in one year had active service as a member of more than one court including a court existing under provisions of the prior Constitution, the amount of pension for that full year shall be calculated yearly at the rate for service in that court for which the higher pension is allowed, but in no event shall the maximum pension exceed that prescribed for judges of the court upon which the judge is serving at death or retirement, nor shall a judge be credited with more than one partial year's service in a single year.

(b) In the case of a judge who has served as a member of more than one court, including a court existing under provisions of the prior Constitution, all such service shall be credited for pension purposes at the rate provided by the law in effect during such service, including any local supplementation or local pension provided prior to January 1, 1968, but in no event shall the maximum pension exceed that prescribed for judges of the court upon which the judge is serving at death or retirement.

(c) Any judge not continued in office as a judge pursuant to the Schedule of Transitional Provisions shall, upon the termination of his office, be entitled to receive a pension in an amount equal to that which he would have been entitled to receive had he attained his sixtieth birthday and retired on the date of abolition of his office. Such pension shall not be payable until the judge reaches his sixtieth birthday.

Section 22. *Pensions of Former Judges.*

In the case of a former judge who is receiving a judicial pension on June 30, 1968,

or who would then be receiving such a pension but for the fact that he is then engaged in the private practice of law or is then holding a public office of profit, or in the case of the spouse of such former judge, judicial pension rights shall not be reduced. Such judicial pension rights shall not be increased except by the General Assembly by law effective on or after July 1, 1968. The full amount of any such pension payable to a former judge of the Court of Appeals, the Court of Special Appeals, the Supreme Bench of Baltimore City, or of any Circuit Court, or his spouse, shall be paid by the State on and after July 1, 1968. The full amount of any such pension payable to any other former judge or his spouse shall be paid by the State on and after January 1, 1970.

Section 23. *Terms of Initial Members of Commission on Judicial Disabilities.*

Of the first three judicial members of the Commission on Judicial Disabilities, the Court of Appeals shall designate one to serve for one year, one to serve for two years and one to serve for three years. Of the first non-judicial members of the Commission, the governor shall designate one to serve three years and the other to serve four years.

Section 24. *People's Court of Baltimore City.*

(a) Until January 1, 1970, the People's Court of Baltimore City shall continue in existence subject to the provisions of article IV, section 41-A of the prior Constitution.

(b) Until January 1, 1970, the provisions of article IV, section 41-A of the prior Constitution pertaining to the chief constable, constables, and clerk of said Court shall remain in effect.

(c) Unless sooner modified or repealed by the General Assembly by law the effectiveness of this section shall terminate on January 1, 1970.

Section 25. *Municipal Court of Baltimore City.*

(a) Until January 1, 1970, the Municipal Court of Baltimore City and its jurisdiction, shall continue in existence subject to the provisions of article IV, section 41-C of the prior Constitution.

(b) Until January 1, 1970, the provisions of article IV, section 41-C of the prior Constitution pertaining to the chief clerk of said Court shall remain in effect.

(c) Unless sooner modified or repealed by the General Assembly by law, the effectiveness of this section shall terminate on January 1, 1970.

Section 26. *Court Dockets and Files.*

All papers, dockets, files, books, records, monies, and other property belonging or pertaining to or in (a) the Court of Appeals, (b) the Court of Special Appeals, or (c) the Circuit Court of any county, the Supreme Bench of Baltimore City, the Superior Court of Baltimore City, the Court of Common Pleas, the Baltimore City Court, the Criminal Court of Baltimore, the Circuit Court of Baltimore City and Circuit No. 2 of Baltimore City on June 30, 1968, shall be transferred on July 1, 1968, to, respectively, (a) the Court of Appeals created by this Constitution, (b) the Intermediate Appellate Court, or (c) the Superior Court in the appropriate county.

Section 27. *Vacancy in Orphans' Court.*

In case of a vacancy in the office of judge of the Orphans Court, the governor shall appoint, subject to confirmation, or rejection by the Senate, some suitable person to fill the same until January 1, 1971.

LOCAL GOVERNMENT

Section 28. *Procedure to Adopt a County Instrument of Government.*

The board of county commissioners of any county may appoint at any time a charter board of not more than nine members, and shall appoint a charter board within thirty

days after receipt of a petition signed by five per cent of the qualified voters of the county or by ten thousand voters, whichever is less. If additional charter board members are nominated by petitions signed by three per cent of the qualified voters of the county or by three thousand voters, whichever is less, which shall be delivered to the board of county commissioners within sixty days after the charter board shall have been appointed, then the board of county commissioners shall call a special election not less than thirty nor more than ninety days after receipt of the petitions unless a regular election falls within the designated period. The appointees of the board of county commissioners and those nominated by petitions shall be placed on the ballot in alphabetical order without party designation. The voters shall be entitled to cast votes for, and elect, a number of nominees equal to the number of charter board members originally selected by the board of county commissioners and those so elected shall constitute the charter board. The charter board shall be responsible for drafting the instrument of government. Such charter board shall, within twelve months from the date of its appointment or in the event of an election within twelve months from the date of that election, present an instrument of government for the county to the board of county commissioners, who shall publish the same in at least two newspapers of general circulation published in the county within thirty days after it shall have been presented. Such instrument of government shall be submitted to the voters of the county at a special or regular election held not earlier than thirty days, nor later than ninety days, after publication of the instrument of government. If a majority of the votes cast for and against the adoption of the instrument of government shall be in favor of adoption, then such instrument of government shall, on the thirtieth day after such election, become effective as the instrument of government of that county, and any laws applying only to that county which are inconsistent with the instrument of government, shall be thereby repealed. Prior to the effective date of section 7.04 of the Constitution, all counties having an instrument of government shall exercise only those express powers prescribed by the General Assembly by law.

The effect of this section shall terminate on July 1, 1970.

Section 29. Amendment of Instruments of Government.

An amendment may be proposed and adopted as provided in the county instrument of government; but if the instrument of government does not provide an amendment procedure, amendment to any instrument of government adopted under the provisions of the prior Constitution may be proposed by a resolution of the legislative body of the county; or by a petition signed by not less than 20 per cent of the qualified voters of the county, and filed with the legislative body of the county; provided, however, that in any case 10,000 signatures shall be sufficient to complete a petition. When so proposed, such amendment shall be submitted to the voters at the next regular election occurring after the passage of said resolution or the filing of said petition. If at said election the majority of the votes cast for and against said amendment shall be in favor thereof, said amendment shall be adopted and becomes a part of the instrument of government from and after the thirtieth day after said election. Said amendment shall be published by the legislative body of the county once a week for five successive weeks prior to said election in at least one newspaper published in said county.

Section 30. County Commissioners.

There shall be county commissioners for

each county not having an instrument of government in effect. Such county commissioners shall continue to exercise their offices in accordance with the provisions of the prior Constitution. The effect of this section shall terminate on January 6, 1971.

Section 31. County Surveyors.

County surveyors in office on June 30, 1968, shall continue in office until the expiration of the term for which they are elected. Such county surveyors shall continue to exercise their offices in accordance with the provisions of the prior Constitution.

Section 32. County Elections.

All elections for county offices held in November 1970, shall be for those offices provided for by the instrument of government effective or to become effective on January 6, 1971 for that county.

Section 33. Charter Amendments of Municipal Corporations.

Any municipal corporation existing on June 30, 1968, shall have the power and authority (a) to amend or repeal an existing charter or local laws relating to the incorporation, organization, government, or affairs of said municipal corporation heretofore enacted by the General Assembly of Maryland, and (b) to adopt a new charter and to amend or repeal any charter consistent with the provisions of this Constitution and any laws of the General Assembly pertaining thereto.

GENERAL PROVISIONS

Section 34. Style of Commissions and Grants.

Public commissions and grants shall run thus: "The State of Maryland, etc.," and shall be signed by the governor, with the Seal of the State annexed.

Section 35. Procedures for Amendment of the Constitution.

Any bill proposing an amendment to the Constitution shall be published by order of the governor, in at least two newspapers, in each county except Baltimore City, where so many may be published, and where not more than one may be published, then in that newspaper, and in three newspapers published in Baltimore City, once a week for four weeks immediately preceding the special or general election, at which the proposed amendment shall be submitted to the qualified voters of the State for adoption or rejection.

Section 36. Exception to Limitation for Notaries Public.

A person may hold office as notary public at the same time that he holds another office of profit created by the Constitution or laws of this State.

SENATOR DODD URGES ACTION AGAINST CRIME

Mr. DODD. Mr. President, immediately after the President's state of the Union message, I issued the following statement of initial reaction:

I agree with President Johnson that the Gun Control Bill, the Safe Streets Act, and stricter penalties for drug abuse—all of which I have been fighting for—must be passed by the Congress.

This can be done very easily and very quickly.

The Gun Control Bill, which I authored, and the Safe Streets Bill, which I co-sponsored, are already in Committee. The Senate Juvenile Delinquency Committee, which I chair, has held extensive public hearings on drug abuse and we plan early introduction of a bill to deal with it.

Overall, the President's message was an inspiring, uplifting speech for Americans at this present hour. It sets out our position on Vietnam with clarity and firmness. It told

us what we must do at home. It was a great speech, by a great President.

I now take this moment to elaborate upon that initial reaction:

I was particularly impressed with the President's strong views on the urgent need for a massive attack on crime and with his request to Congress for the laws and funds required to succeed.

The President again asked for passage of the Safe Streets and Crime Control Act of 1967, which is pending action in the Senate Judiciary Committee along with the State Firearms Control Assistance Act—the mail order gun law—S. 1, amendment No. 90.

These are two important measures. They lead a broad anticrime program of reform and innovation that would modernize the police function, the juvenile courts, the correctional systems, and a host of proposals aimed at correcting the evils of crime from juvenile to organized.

In short, the President asked Congress to recognize crime as a 20th-century problem, then use its talent, time, and resources to devise 20th-century concepts to deal with it.

It is imperative that Congress do so. Certainly it is obvious that horse-and-buggy methods have proved woefully unable to cope with jet-age crime.

Consequently, law enforcement officials have been compelled to sit by helplessly while all forms of crime have grown at what has become a computerized, predictable, rate.

Consider but three factors which, at this greatly advanced stage of criminal development, these computerized predictions show:

First. This year thousands of juveniles will be tossed into "correctional" institutions with hardened criminals who will teach them more sophisticated criminal techniques.

Second. This year 18,000 people will be slaughtered by gunfire in our streets.

Third. By 1970 more than 1 million juveniles will be going before juvenile courts each year.

Mr. President, if we had no other proof of the monstrous growth of this already monumental problem, what more proof would the Congress require before moving to act to combat it, promptly and effectively?

But as every Member of Congress knows, the public record is replete with a long and constantly accelerating train of endless proof of the absolute urgency of such action.

And certainly every Member of Congress has abundant proof of the broad public demand for such action.

I do not have to remind Senators of this demand for stronger Federal controls over the sale of firearms to juveniles, felons, dope addicts, and others who should not be permitted firearms possession.

I do not have to remind Senators of the significant endorsement of these demands which is represented in the almost universal endorsement of our proposed legislation which comes from a host of distinguished organizations such as the American Bar Association, the Association of the Bar of New York City, and many others.

I do not have to remind Senators of the fortification of this public demand which comes, each day, from the news media.

Mr. President, I ask unanimous consent that a brief, representative selection of these newspaper editorials be printed in the RECORD. I shall add to them from time to time.

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

[From the Springfield (Ill.) State Register, Sept. 16, 1967]

PROGRESS BEING MADE IN GETTING GUN CONTROL LAWS

The people who have been asking for years just how many people have to be shot before we get meaningful gun control legislation in this country may soon have their answer.

That number of victims seems to have been reached—reached at least for a growing number of congressmen and legislators in several states, including Illinois. Legislation designed to limit the sale of firearms has, in the past, been met by strong, organized opposition by some groups and by indifference by most people.

The public is now beginning to see that there can be value in making it impossible for criminals to obtain guns legally. Some legislative bodies, including Congress are beginning to see that the public is due some protection.

There is a bill in Congress to forbid the mail-order sale of guns. Presently, anyone—man, woman, child, criminal, insane—can get a gun just by ordering one through the mail.

Think this mail-order business is insignificant? Two million guns were sold in the United States last year and more than half of them—that's right, more than half—were sold through the mails!

Here in Illinois, the General Assembly is considering at its resumed session amending the gun and ammunition buyers' registration bill passed at this year's regular session to make it effective next Jan. 1 instead of July 1. It does not eliminate the need for federal legislation, but it will make it more difficult for untrustworthy individuals to obtain weapons and ammunition.

In New York, both the city and the state are studying ways of making their gun-control laws tougher. It's a nonpartisan issue, being pushed by people who are shocked by the number of people who have been victims of firearms.

These men are concerned because they know that in 1966 guns were used in 6,400 murders, 10,000 suicides, and 2,800 accidental deaths in this country. That means more Americans were killed by guns in the United States in one year than have been killed in all the years of fighting in Vietnam.

Philadelphia decided in 1965 they had to do something to control the indiscriminate sale of guns.

A gun-control ordinance was passed and in the following 18 months, 110 convicted criminals were denied permits for guns. This was out of a total of 5,034 prospective gun purchasers.

FBI records show that the number of murders in Philadelphia during the first nine months of 1966 dropped 17 per cent below the corresponding figures for 1965. This contrasts with the number in the nation as a whole which increased 9 per cent.

New Jersey last year put in a strict statewide law similar to the Philadelphia ordinance. Seven per cent of the applicants for guns were turned down because of criminal records.

The guns used in the New Jersey riots are not an indication of a failure in the law.

The guns were purchased legally in other states and brought into New Jersey.

It has been estimated by government officials that 80 per cent of the firearms confiscated in Newark were bought in other states. A check of 56 gun dealers in four states bordering on New Jersey showed that those dealers had sold some 690 firearms to New Jersey residents in recent months.

No one says that law-abiding citizens should not be able to buy the firearms they want and need for personal protection. No one says that sportsmen should not be able to buy the guns for their hobby. No one says that a firearms control bill will keep all firearms out of the hands of all criminals.

What is being said is there needs to be legislation which will make it as difficult as possible for the juvenile, the criminal and the mentally ill to purchase guns as easily as they purchase any other item in a store.

[From the Rochester (N.Y.) Democrat and Chronicle, Nov. 24, 1967]

DISARM THOSE POTENTIAL SNIPERS

Senate investigators are alarmed over evidence of stockpiling of guns, particularly in Detroit, scene last summer of the nation's worst race rioting. They base their conclusion on the sharp increase in rifle sales and on those of handguns in states where registration is not required.

The investigators, sent to riot cities by Sen. Thomas J. Dodd (D. Conn.), sponsor of a federal arms control measure, can do no more than to gather statistics and report back. The reason, one said is that "there's nothing in the law to stop it."

The Senate team also punctured sportsmen's claims that a control law would not curb sniping, "since most of the guns in the hands of rioters were stolen." In Detroit alone, only 37 of the hand guns seized were registered in the names of others than those possessing them. Most were foreign-made or surplus hand guns bought in nearby Toledo, Ohio, which has no restrictions on them.

The Dodd bill is stuck in the Senate. Meanwhile, potential snipers can arm themselves freely without hindrance from the law.

[From the Topeka (Kans.) State Journal, Aug. 4, 1967]

RIOTS DEMAND ACTION ON GUNS

The volume of voices calling for federal gun control legislation has grown with the rioting in the cities. Gov. Richard J. Hughes added his Wednesday to those urging swift passage of legislation that has been locked in a Senate subcommittee for four years.

Hughes, who saw at first-hand the bloody rioting in Newark, has a list of weapons seized at Newark. They include rifles, shotguns, pistols, revolvers and even one sub-machine gun. Many of them were of foreign make.

Some firearms dealers, in halting sales in a number of cities where violence took place, did so without official coercion and simply because the dealers didn't want to add anything to the violence.

New Jersey already has the strongest state gun control law in the nation but found, from experience, that residents could quite easily purchase guns in other states, and through the mails. He said many of the guns used by snipers in Newark obviously were obtained in other states. In practically every riot mail order guns were involved.

He believes federal control is the answer.

The pending bill in Congress, known as the Dodd bill, would ban interstate sale of firearms and prohibit over-the-counter sale of handguns to non-residents of a state. It would also tighten import controls.

The need for reasonable controls over the possession and sale of firearms grows with every riot.

[From the Pawtucket (R.I.) Times, Sept. 19, 1967]

REPUBLICANS DILLY-DALLY ON GUN CONTROLS

President Johnson has voiced concern about the sharp increase in crimes in which firearms were used, and he expressed it well when he stated, "A civilized nation cannot allow this armed terror to continue." To rid the nation of some of this lawlessness, he filed a bill several months ago—and it's still where it was several months ago: In the files of the House judiciary committee.

To the average citizen, unwise in the ways of Washington, such a measure should be rushed into law, having as its chief objectives a lessening in crime, a saving of innocent lives, and a more restful sleep by law-abiding citizens. Yet nothing has happened to this bill except that it has collected some dust. And unless a handful of legislators who've bottled up the bill can be persuaded to report it out and let the full House membership vote on it, it will stay there indefinitely much to the delight of the criminal element and much to the disgust of all decent Americans.

The Republican members of the committee have given no indication they will vote the bill out, and Democratic chairman Emanuel Celler says that without GOP backing, there's no chance of getting it to the House floor. This seeming hardheadedness on the part of these Republicans can only be guessed at, but could be explained in one of two ways: Either they are centering their efforts on their own gun control bill that is still being hammered together (and thus can go before the electorate in 1968 as the party that clamped down on crime), or the pressure groups opposed to the Johnson measure have worked effectively on these congressmen. These pressure specialists are a formidable lot—led by the National Rifle Association and other sportsmen's groups, and joined by officials of industrial firms who see the gun sale restrictions in the Johnson bill as cutting into profits.

The interests of a political party, of constituent businessmen, and of pressure groups that could retaliate against a legislator who voted "the wrong way" are facts of life in the legislative world, but when the gang element is becoming a menace to the life and liberty of respectable people, it's time for action, and not for pussyfooting. The Republicans on the House judiciary committee would do well to determine the sentiments of the public on the easy availability of lethal weapons. They might then vote out that Johnson bill in record time.

[From the Columbus (Ga.) Ledger, Sept. 21, 1967]

PRESIDENT PRESSING GUN CURB

"A civilized nation cannot allow this armed trend to continue," President Johnson declared last week as he began to work up a full head of steam behind a federal gun control law.

We agree with the President 100 per cent. No amount of ballyhoo about the citizen's right to bear arms, and the ridiculous assertion that having easy access to arms and ammunition is essential to advance the marksmanship of our youth in preparation for war, can any longer obscure the issue.

In a letter to Congress, based on the authentic statistics of the Federal Bureau of Investigation, the President stated that two million guns were sold in the United States last year—many of them to hardened criminals, snipers, mental defectives, rapists, habitual drunkards and juveniles.

In support of the administration's proposed gun law, now waiting action by the Judiciary Committee, the President noted that last year alone, guns were involved in

6,500 murders, 10,000 suicides, 2,600 accidental deaths, 43,500 aggravated assaults, and 50,000 robberies.

The gun law opponents argue that the administration's proposal will interfere with sportsmen.

This is untrue.

The law will not interfere or even inconvenience bona fide sportsmen and law abiding citizens.

But even if it did inconvenience people a little, what is inconvenience when measured against the personal security and safety of millions of Americans.

If anyone is still in doubt about the need for a gun control law, they should study the experience of the State of New Jersey which recently instituted gun controls.

There, state officials discovered that more than seven per cent of the applicants for weapons had criminal records.

More than 500 persons who sought firearms licenses in New Jersey were hardened criminals, alcoholics, drug addicts or mentally unstable individuals to whom guns were not the tools of the sportsman but potential instruments of terror and violence.

We are long past the point where we can allow enemies of society to buy and use weapons of death when existing state laws will not even allow these persons to drive a car, or to vote.

[From the Keokuk (Iowa) Gate City, Oct. 14, 1967]

GUN BILL UNDER FIRE

It looks as though people in the United States are going to go on shooting each other because of the failure of Congress to pass a federal gun control law.

President Johnson's gun control legislation is being shot down despite the fact that more citizens were killed or assaulted with guns on American streets or in their homes last year than were killed in battle during the entire Korean war. The battle deaths in Korea were 33,629.

That the Johnson legislation has been both bled to death and locked up in subcommittees for 13 months is a tribute to the lobbying talents and bankrolls of the 800,000-member National Rifle Association and of domestic and foreign arms industries.

There has been a lot of misinformation put out about these bills, ranging from distortions of facts and false rumors to outright lies. First of all, here is what this legislation would not do.

It would not prohibit any person over 18 from buying a shotgun or rifle from any licensed dealer. It would not prohibit any person over 21 from buying a handgun from a licensed dealer in the purchaser's state of residence.

Here is what it would do:

1. Stop interstate mail order sales of all firearms.

2. Curb imports of firearms into the United States.

Here are some interesting editorial comments on the firearms control bill:

Journal, Atlanta, Ga.—"The rifle association is supporting a weaker bill sponsored by Sen. Roman L. Hruska (R-Neb.), who as a subcommittee member was reported as voting 'no' on the move to pass the measure on to the judiciary committee.

"If a bill affecting guns is passed at all, look for it to be the weak one offered by Senator Hruska. Then look for increasing danger to citizens from irresponsible or sinister gunslingers."

Times, St. Petersburg, Fla.—"Assassins, snipers, deranged riflemen still will be able to purchase their instruments of death from a catalog, for a pittance, and with no questions asked.

"In this time of tension and trigger-happy hysteria in some of our cities' streets, there

should be talk of stronger, not weaker measures to control the easy accessibility of guns."

News, Birmingham, Ala.—"Before delaying further, Congress might well consider this opinion of J. Edgar Hoover, the nation's chief law enforcement official. He said 'we have reached the point where the time for debate is past; the time for action is here.'"

New York Times, New York City—"The New York City Council has begun consideration of a bill that has the same aim as one that has been shot at and wounded in the United States Congress: How to control the easy traffic in deadly weapons.

"Stronger state and Federal laws of a similar nature within their jurisdictions need to be passed to make gun control truly effective. President Johnson and Attorney General Clark in recent days have both urged Congress to defeat the lobbyists and finally approve a Federal gun-control law. It is long overdue."

Times, Toledo, Ohio—"It apparently is impossible to discuss the gun control issue without irrelevant emotionalism. The American Rifleman, official organ of the National Rifle Association of America, finds great meaning in an attack on the association in a recent issue of the Communist Worker. It concludes that the Communists have 'joined in attacks on home-front rifle practice and firearms ownership.'

"We await the magazine's appraisal of the International Association of Chiefs of Police, which supports the strictest possible gun-control legislation, and of FBI Director J. Edgar Hoover, who has never been accused of leftist sympathies despite his advocacy of federal gun control and local licensing of arms."

Constitution, Atlanta, Ga.—"During the 13 months since legislation was introduced, guns were involved in 6,500 murders in this country, 10,000 suicides, 2,600 accidental deaths, 43,500 aggravated assaults and 50,000 robberies. In the first six months of this year there was a 24 per cent rise in the use of guns in aggravated assaults and a 37 per cent rise in their use in robberies.

"These statistics and the fact that all major law enforcement agencies and associations support these very limited controls show clearly that they should be made law, the National Rifle Association and the arms manufacturers to the contrary notwithstanding."

[From the Lakeland (Fla.) Ledger, Oct. 19, 1967]

AN AMENDMENT TO GUN BILL

Faced with stiff legislative opposition some of it from Floridians, President Johnson has now agreed to weaken the administration's gun control bill.

Sen. Thomas Dodd, Connecticut Democrat, has introduced with the President's approval an amendment to permit individual states to exempt themselves from a restriction on mail order sales of rifles and shotguns.

The bill still would prohibit unconditionally the mail order sale of handguns. It would also ban over-the-counter sales of handguns to persons who do not live in the state where the sale is being made. And it would establish minimum age requirements.

Dodd's amendment was offered to overcome opposition in the Senate Judiciary Committee, as well as among Western and Southern congressmen and their constituents. We understand some Floridians joined Westerners who are urging that "long arms" be excluded from controls. They say many rural sportsmen, ranchers and farmers must order weapons by mail.

It's a rather naive contention. Surely most rural people have access to hardware stores in nearby county seats.

But let's assume that their argument is valid. The gun control legislation isn't aimed

at these rural people who are frontier-minded and suspicious of Washington.

Let them have their amendment. If Sen. Dodd holds to this single change, he still can have a strong bill that should accomplish the original intent of the legislation.

As a practical matter of Washington politics, it might also provide a face-saving way for some congressmen to support the bill!

[From the Tulsa (Okla.) World, Sept. 30, 1967]

A Milder Gun Bill

After four years of heated controversy in which it has not been able to put its point across in Congress, the Johnson Administration has conceded there will be no national gun control legislation without a fullblown retreat.

Indeed, a compromise solution has been agreed upon which will largely remove the Government from the gun control arena—and instead place the final authority on mail-order sales with the individual States.

Sen. Thomas Dodd of Connecticut, who has championed the Administration bill through the years, has introduced an amendment in both Houses which hopefully will tilt the balance in favor of the legislation. The Dodd amendment would permit the States to "exempt" themselves from a Federally-imposed ban on mail-order sales of rifles and shotguns.

Clearly the compromise does not end the battle. It merely transfers the battle to the States where, presumably, it will be fought all over again. Thus, the Administration has made its ultimate move to ameliorate opposition that has become a crusade in the rural and Western States, where gun ownership and gun use is a zealously guarded "right."

As originally conceived, the Federal law would have placed a flat ban on the mail-order sale of all firearms. No change is contemplated in the intended ban on the sale of hand guns.

It is said a half loaf is better than nothing. But we scarcely see how there will be marked improvement in a situation that makes guns of all types far too easy to obtain. By transferring responsibility for enforcement to the States, all that is accomplished is an escalation of the battle outward from Washington to the 50 State capitols. And if pressures against the wisely conceived Federal law were sufficient to halt its progress in Washington, how much expectation can there be that the climate for correction will be any better in local legislatures?

[From the Seattle (Wash.) Times, Oct. 2, 1967]

COMPROMISE ON FIREARMS ACT

The Johnson administration has admitted at least partial defeat in its drive to obtain a strong firearms-control law in this Congress.

A long-pending administration-sponsored bill would prohibit the mail-order sale of most types of weapons, put six fairly rigid restrictions on over-the-counter sales of pistols and revolvers and establish 21 as the minimum age for ownership of "concealable" arms and 18 for rifles and shotguns.

The legislation has met intense opposition from the firearms lobby, led by the influential National Rifle Association, which contends the measure would be unduly burdensome to hunters and hobbyists.

While this argument is nonsense, the power of the firearms lobby is such that congressional leaders passed the word to the White House last week that the administration's original bill stood very little chance of passage.

Accordingly, the administration has softened its stand, proposing now to let states

exempt themselves from federal rules governing the sale of rifles and shotguns.

This would be an enormous loophole, of course, but the proponents of firearms control are willing to make a substantial compromise on the theory that half a loaf is better than none.

It is so generous a concession, in fact, that the lobbyists who have stymied the original legislation should now back off, leaving Congress with no further excuse to put off a modest start on a sensible control law. The need for a broader attack on crime demands it.

The "half-a-loaf" bill at least would establish a reasonable climate in which more meaningful weapons-control proposals could flourish in a later session of Congress.

[From the Madison (Wis.) State Journal, Sept. 6, 1967]

CONGRESS SHOULD ACT NOW: UNITED STATES NEEDS FIREARMS CONTROL

The outlook for the passage of some form of gun control law during this session of Congress is better than it has been before.

Elsewhere on this page is reprinted an article from the Christian Science Monitor which points out that there is more support among lawmakers for gun control legislation since the summer riots.

But the reasons why firearms control is needed are more numerous. An increasing number of crimes involving guns are committed each year, including such wretched acts as mass slayings and assassinations.

In his Feb. 6 message to Congress on crime, President Johnson included a proposal for the prohibition of mail order sales of guns, regulation of guns other than for hunting, and licensing of the sale of handguns.

At that time the President said: "This legislation is no panacea for the danger of human irrationality and violence in our society. But it will help to keep lethal weapons out of the wrong hands."

Mr. Johnson's proposals, those offered by Sen. Thomas Dodd (D-Conn.), and milder versions will not curtail ownership of firearms for sporting purposes or self-protection, but they would restrain the random trade in handguns.

It has been demonstrated many times that any child old enough to write his name could purchase a surplus submachine gun or bazooka through the mail.

The mail order sale of lethal weapons is the biggest problem that firearms control bills are aimed at. It is only common sense that tells us lethal weapons should not be sold through the mails to a child or a mental incompetent.

A band of gun-bearing groups led by the National Rifle Assn. has taken great pains to plead that gun control will restrict the freedom of the sportsman and not the criminal.

Joining these people in opposition to the proposals are assorted right-wingers which see the legislation as an attempt to disarm the nation and hand it over to the Commies without even a fight.

In fact, there is nothing in the proposed legislation that would take away a gun from someone that now owns one, nothing that would stop a responsible adult from purchasing one.

The emotional opposition to firearms legislation is both selfish and silly. It is selfish to think that it should be as easy as a stroke of the pen to obtain a gun; it is silly to think that controls will bring an end to hunting and the right to bear arms.

It is important that Congress is impressed with the need for control of firearms sales, especially the mail order business. The survey in the accompanying article suggests that 60 per cent of the congressmen are convinced that some law is needed.

In the last session of Congress gun control proposals got nowhere. They deserve better, and they deserve attention now in both houses before the end of the year.

Hearings have already been held in the House and are being completed in the Senate. There is no reason the public shouldn't expect control.

[From the Christian Science Monitor]

MOST WANT SOME KIND OF BILL IN WAKE OF RIOTING

Rising congressional sentiment for passage of some kind of gun-control legislation is surfacing in the wake of this summer's riots.

A survey by The Christian Science Monitor, with some 60 per cent of the 435 members of the House responding, shows:

Congressmen overwhelmingly favor such legislation; only 14 per cent of those responding said they were "opposed."

Prospects for passage are improved—if the judiciary subcommittee can somehow agree on a bill. It is significant that eight of the 13 members of the subcommittee, including its chairman, Rep. Emanuel Celler (D-N.Y.), answered specifically that they (1) favor "some form of arms-control legislation" and (2) feel "it is now realistic to expect such legislation to be passed in this session of Congress."

Almost all House members are optimistic about the prospects for immediate passage; nearly 50 per cent of those replying to the questionnaire expressed confidence in this coming about.

If a bill can be reported out of the 35-man judiciary committee—and agreement on legislation by the subcommittee might well bring this about—it seems obvious that the House would pass it.

In his own handwriting speaker John W. McCormack wrote on the bottom of his questionnaire—adding confirmation to the above: "I not only favor some form of arms-control legislation but effective legislation... Every effort should be made to act favorably in this Congress. I have confidence that if a bill is reported out of committee, it would pass the House of Representatives."

Congressmen agree overwhelmingly that passage of such legislation surely will come "in a few years." Only 18 per cent said they do not see such action on the close horizon.

Public pressure for federal regulation on the domestic traffic in guns has increased markedly with the riots—and the sniping.

The Administration has asked for legislation that would prohibit the mail-order sale of all guns. Both Houses have before them bills that reflect this point of view.

Last year guns were used in 6,400 murders, 10,600 suicides, and 2,600 accidental deaths in the United States.

Two million guns were sold in the United States last year. More than half of them were sold through the mail.

Both the Senate and House are considering bills that would impose only mild restraints on the mail-order sale of pistols and revolvers.

Responses from the full Judiciary Committee show committee members appear friendly to some legislation.

But the survey does not pinpoint how far the committee may go.

Strong personal feelings on this subject were evident in a large number of answers which contained handwritten attachments from the congressmen themselves.

"It is ridiculous to think gun-control laws can deter a criminal," says Rep. Ray Roberts (D-Tex.). "How would a law with punishment as a misdemeanor deter a criminal or anyone else from committing a felony?" He wrote in that he was "doubtful" about favoring some form of legislation.

Rep. John J. Rhodes (R-Ariz.) makes this comment: "I doubt if any really strict con-

trol legislation would pass. Perhaps a bill to regulate interstate sales to individuals would succeed."

A number of congressmen cited the recent riots as an important factor in passage of legislation.

Rep. Daniel E. Button (R-N.Y.) put it this way: "Quite unintentionally on all sides, the widespread use of firearms in the riots (by rioters) may well be the added element necessary to bring about greater controls."

But others see the riots in quite a different manner. Rep. Joe Pool (D-Tex.) writes: "The city riots show the importance of the right to bear arms. Everyone certainly should be able to protect himself. I feel Congress will not abridge this right."

Some other comments:

Rep. Joseph E. Karth (D-Minn.): "Some form of arms control is the key. Certainly indiscriminate trafficking by mail order should be stringently controlled. On the other hand, sportsmen and collectors, if controlled, should be allowed every opportunity to purchase—even though it may require registration. Home protection and the right to buy arms to help insure that protection is also legitimate in my opinion."

Rep. Richard D. McCarthy (D-N.Y.): "Believe this legislation is even more needed now in light of civil disorders in the land."

Rep. H. Allen Smith (R-Calif.): "In supporting legislation it would in connection with mail-order and interstate shipments. I do not believe we should go as far as the Dodd bill. A criminal always can get a gun. Controlling law-abiding citizens isn't necessary. If the riots continue, we may have to provide law-abiding citizens with appropriate firearms rather than restricting their ownership."

(Sen. Thomas J. Dodd (D-Conn.) is chief sponsor of a bill to ban mail-order sale of firearms to individuals, regulate over-the-counter sales, curb the import of firearms not suitable for sporting purposes, and establish new licensing standards and fees for dealers.)

Rep. John B. Anderson (R-Ill.): "I believe the recently passed Illinois statute requiring registration of gun owners by the Illinois Department of Public Safety is the type of legislation which may be helpful in keeping guns out of the hands of undesirables and incompetents."

[From the Joliet (Ill.) Herald-News, Sept. 28, 1967]

TIME TO CURB FIREARMS

No one can say for certain what's in a man's mind when he commits murder, but there's not much doubt what's in his hand. It's a gun.

Guns account for 60 per cent of the murders in this country. This percentage coupled with the increasing number of murders in the United States of America has brought calls recently from President Johnson and FBI Director J. Edgar Hoover for greater control of firearms.

Speaking to the meeting of the International Association of Chiefs of Police, Mr. Johnson said that a bill now before Congress which would control the sale of guns "would plug up one more loophole to save your life, or mine, or the life of some innocent child down the street."

Hoover earlier called for immediate steps to strengthen control of firearms.

"While it is true a hardened criminal will obtain a gun regardless of statutes in force, most authorities agree that controls would make acquisitions more difficult," Hoover said.

Murder, generally, is not a crime of the hardened criminal for, as Hoover said, a large percentage of murders occur within families or among acquaintances.

In a national magazine's study on murder,

one police official was quoted as saying, "It's your friends who kill you. Eighty-three per cent of our murder victims knew their killer."

FBI figures put the killings within the family at 29 per cent of all murders.

In the magazine study, it was reported that when the United States had a murder rate of 5 per 100,000 the rate that year in Japan and France was only 1.5 per 100,000 and in Ireland only 4.

The number of murders in London climbed last year from 36 to 49, barely a month's total in some cities in this country.

Why do we have so many murders in the United States? The answer many times is the ready availability of guns.

With the President's crime commission estimate of 50 million guns owned by Americans, the magazine comments "It is inevitable that an argument that might end with a bloody nose in Ireland ends in murder in Cleveland."

Closer control of firearms will not end crime in the United States. Such control will not take out of a man's mind or heart whatever it is that makes him commit a crime. Such control could well take out of his hand the gun that turns petty crime, quarrels and family squabbles into murder.

"I think mail-order firearms purchases should be banned, interstate transportation of firearms controlled and local registration of weapons required and enforced," Hoover said earlier this month. Now new crime statistics are available and Hoover reported last week that there was a 24 per cent rise in the use of firearms in aggravated assaults. (This figure does not include the summer riots.)

As the FBI director said about firearms controls, "We have reached the point where the time for debate is past, the time for action is here."

[From the St. Paul (Minn.) Dispatch, Sept. 22, 1967]

GUN CONTROL PROGRESS

Prospects for federal regulation of mail order gun sales were slightly improved Wednesday, when a Senate subcommittee narrowly approved an arms control bill backed by the Administration.

By a five to four vote the juvenile delinquency subcommittee of the Judiciary Committee recommended passage.

This action sends the measure to the full committee which is said to be almost evenly split on the issue. The bill is opposed by the National Rifle Association, some sportsmen's groups and various rightwing organizations. President Johnson recently appealed for passage as part of his program against crime and violence.

Provisions of the bill are mild. It would prohibit interstate mail order sale of handguns, rifles and shotguns to individuals. It would bar over-the-counter sales of handguns to nonresidents of a state. A minimum age limit of 21 would be established for purchasers of handguns, and 18 for rifles and shotguns. Any firearms purchaser would have to give his name and address to the dealer making the sale.

Other provisions call for federal licensing of firearms dealers, importers and manufacturers, with stricter controls on imported weapons and on such military items as bazookas, mortars and anti-tank guns.

There is nothing in this bill which would impose undue hardship on hunters or other legitimate gun-users. It would not be a cure-all for crime. It would, however, stop the indiscriminate mail order sale of guns shipped across state lines with no questions asked.

The United States lags behind all other civilized nations in firearms regulation. It has one of the world's worst records in violent crime. The Senate bill would represent a small advance. It should be passed.

SENATOR MUSKIE'S CHRISTMAS NEWSLETTER AND JAPANESE BROADCASTING CO. INTERVIEW

Mr. MUSKIE, Mr. President, the Vietnam conflict deeply troubles each of us. We continue to review our Nation's policy and alternatives with each day's report on the war.

In my annual Christmas newsletter to Maine constituents I recorded some of my thoughts about the war at that time.

Earlier this week, I was interviewed on film about the war by the Japanese Broadcasting Co. I was told that my remarks would be broadcast via communications satellite to Japan immediately following President Johnson's state of the Union message, as part of the company's television coverage of his message.

With the hope that my Christmas newsletter and my remarks for the Japanese Broadcasting Co. may be of interest to Senators, I ask unanimous consent that both statements be printed in the RECORD.

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

U.S. SENATE,

Washington, D.C., December 20, 1967.

DEAR FRIENDS: Dag Hammarskjöld, the late Secretary-General of the United Nations, once said: "Without recognition of human rights we shall never have peace, and it is only within the framework of peace that human rights can be fully developed."

These words state the dilemma and the challenge we face as we approach the end of a difficult, frustrating and unhappy year for mankind.

As we look ahead to a new year, it is appropriate to consider something else Hammarskjöld said: "The greatest prayer of man is not for victory but for peace."

I join you in that prayer during this holy season when we traditionally raise our eyes toward that elusive goal of peace and good will among men.

We pray also that we may somehow find the patience to listen to each other, the understanding to grasp each other's point of view, the wisdom to identify the courses of action most likely to advance us toward our goal, and some sensitivity to our own fallibility.

On the last day of the American Constitutional Convention, in 1787, Benjamin Franklin, then 81 years old, had the following to say to his fellow delegates:

"I confess that there are several parts of this Constitution which I do not at present approve, but I am not sure I shall never approve them: for having lived long, I have experienced many instances of being obliged by better information, or fuller consideration, to change opinions even on important subjects, which I once thought right but found to be otherwise. It is therefore that the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others."

Franklin closed his statement by expressing the wish that every member of the Convention who still had doubts about the Constitution "would with me, on this occasion, doubt a little of his own infallibility."

It seems to me, as I have observed and listened to the debate on those problems which have a high emotional content, that Franklin's advice is most relevant today.

Franklin made the above statement at the end of a long, hot summer of deliberations by dedicated men who, by Franklin's description, had assembled with "all their prejudices,

their passions, their errors of opinion, their local interests, and their selfish views."

Franklin's point was that, with all their differences, they faced the responsibility finally of agreeing on a policy and a result, and of making that result viable and effective by supporting it.

Americans have lived with the problem of converting disagreement and differences of opinion into effective public policy ever since. And Franklin wisely suggested that one of the keys to success in that respect is the capacity to "doubt a little of (our) own infallibility."

VIETNAM REVIEW

It is with just such doubt that I constantly consider my own views on our Vietnam policy. It may be useful to review them briefly in this end-of-the-year letter.

1. For all of my lifetime, and before, we have considered that we have a national interest in what happens in Southeast Asia. Indeed, the Japanese attack on Pearl Harbor was provoked by our refusal to let her have her way in that area.

2. It was because of the persistence of that conviction, underlying our national policy, which led Presidents Truman, Eisenhower, Kennedy, and finally Johnson to gradually enlarge our involvement in Southeast Asia following World War II. We are undertaking to deny to aggressive communism what we fought a war to deny to an aggressive Japan.

3. Whether the decisions resulting in this enlarged involvement were right or wrong is a proper subject for debate and discussion. The fact of our long-standing interest in the area should not be overlooked, however. Moreover, "whether we should have been there in the first place" is a different question than "what do we do now?"

4. In answer to that question, unilateral withdrawal has no support in the U.S. Senate. Senators such as Fulbright, Morse, and McCarthy do not advocate that we just "walk out" of our commitments in South Vietnam. Nor does any Senator, to my knowledge, support the idea of such unlimited and unrestrained application of our military power as would risk war with Red China or the Soviet Union.

5. There is disagreement in the Senate as to whether we should (a) discontinue the bombing in the north, continue it at about the present level, or add additional targets; (b) destroy the port of Haiphong by bombing or mining; (c) continue the so-called "search and destroy" operations in South Vietnam; (d) discontinue the "search and destroy" operations, retreat into strongly held positions, presumably on the coast, and hold until the enemy decides to negotiate; (e) pursue the enemy when he retreats across the Cambodian or Laotian borders. There appears to be resistance to the idea of invading North Vietnam itself.

6. On one side of each of these issues are those who believe that a tougher policy will end the war more quickly and that the specific military measures described will not provoke intervention by Red China or the Soviet Union. On the other side are those who believe the measures described create unacceptable risks of such a wider war and that cessation of the bombing in the north, especially, could improve the prospects for a negotiated settlement.

7. There is basic agreement that the way to end this war is by negotiated settlement. There is disagreement as to the most effective way to get to negotiations. There is some concern as to whether we may be tempted to give away at the negotiating table what the enemy has not been able to win on the battlefield.

The last subject, I suspect, will be discussed, more and more, in the weeks and months ahead. Specific and detailed forms of an ultimate settlement may well be advanced as an inducement to the enemy to

negotiate. They will probably be criticized as giving away too much in advance, or reducing our bargaining power, or tempting the enemy to hold out for more advance concessions before he will talk.

PRESIDENT KENNEDY'S WARNING

President Kennedy once said something on the subject of negotiations which we would do well to ponder:

"No one should be under the illusion that negotiations for the sake of negotiations always advance the cause of peace. If for lack of preparation they break up in bitterness, the prospects of peace have been endangered. If they are made a forum for propaganda or a cover for aggression, the processes of peace have been abused."

"They may succeed; they may fail. They are likely to be successful only if both sides reach an agreement which both regard as preferable to the status quo, an agreement in which each side can consider its own situation can be improved."

As we consider the possibility of a negotiated settlement in Vietnam, realism dictates that we consider the following:

1. Neither side can expect to achieve at the conference table what it might have hoped to achieve with a military victory;

2. Each side will seek to incorporate in a negotiated settlement a non-violent formula for achieving the objectives it might have achieved with a military victory; and

3. Each party to the negotiated settlement will have to accept some risk, which it will seek to make minimal, that the non-violent formula may not work out as planned.

I do not believe we should walk away from our commitments in Vietnam.

I believe the objective of our efforts there is and must be a negotiated settlement.

I believe our military efforts there have been geared to that objective.

In Franklin's words, I make these statements with "doubt as to my infallibility."

Sincerely,

EDMUND S. MUSKIE.

REMARKS BY SENATOR EDMUND S. MUSKIE ON VIETNAM FOR JAPANESE BROADCASTING CO. INTERVIEW, JANUARY 16, 1968.

I would like to make two points at the outset which are not emphasized enough:

1. No Member of the U. S. Senate advocates a unilateral withdrawal from Vietnam.

2. No Member of the Senate supports the idea of such unlimited and unrestrained application of our military power as would risk war with Red China or the Soviet Union.

There is disagreement, of course, as to what military measures might carry such risks.

There is broad support in the Senate for the proposition that the war should be resolved by a negotiated settlement.

There is disagreement as to the most effective means for initiating negotiations—there is disagreement also as to whether there is any disposition on the part of Hanoi to move toward negotiations.

Central to this disagreement is the question of stopping our bombing in the north.

My own position on this question is as follows:

1. Cessation of the bombing is clearly a result strongly desired by Hanoi.

2. It is not clear whether, because of our bombing, or for other reasons, Hanoi considers negotiations or a negotiated settlement to be desirable in its own interests.

3. Meaningful negotiations—i.e., negotiations with a reasonable prospect of ending the military conflict—are not likely unless each side considers them to be in its own best interests.

4. If and when a good faith movement to such negotiations would follow cessation of our bombing of the north, we should be prepared to take such action.

We are now carefully exploring the possibility that Hanoi is prepared for such move-

ment. I believe we should be prepared to take appropriate initiatives, and reasonable risks, to encourage such a possibility.

Two clear-cut issues are involved in Vietnam:

1. The right of the South Vietnamese people to determine their own destiny.

2. The use of the so-called national war of liberation as a technique of Communist expansion.

To support the first and to resist the second, we are involved in a war of limited objectives—with a limited application of our military power. We do not seek territory, or bases, or the destruction of North Vietnam.

I think we recognize that, in a negotiated settlement, each side must take some risk that the other side may ultimately achieve its objective by non-violent means, although each will seek to protect itself against that possibility.

CHIEF HEADLEY DESERVES PRAISE, NOT CENSURE

Mr. BYRD of West Virginia. Mr. President, not too many weeks ago the police chief of the Miami, Fla., Police Department announced a so-called get tough campaign on criminals.

The essence of that campaign was simply that policemen were to cease surrendering the night-darkened streets to criminals.

Chief Headley's announcement stated that policemen would start using shotguns, police dogs, and a stop-and-frisk law in an effort to check Miami's rising crime rate.

As might be expected, the chief's announcement was met with groans of despair from various so-called civil rights organizations.

Now, after nearly a month of this new policy, the preliminary results are in. According to the New York Times, crimes of violence in Miami "have dropped off 60 to 65 percent."

The Times article goes on to say:

For the first time in two years many Negro citizens are not afraid to walk the streets after dark.

The Times quotes:

The Rev. Thedford Johnson of St. John's Baptist Church (in Miami who) is impatient with civil rights leaders who "condone the hoodlums" and cry that Mr. Headley's toughness brings a threat of racial riots.

"They holler about shotguns and the dogs," the Minister said. "They could justify machine guns and lions, if that's what it took to wipe out crime in our streets."

I think that Chief Headley deserves a note of commendation for his courageous stand. It is a stand that is apparently proving its worth.

I ask unanimous consent that the articles from the New York Times entitled "Miami Police Aide Backs New Policy"; "Policeman Under Fire" and "Crimes of Violence in Miami Slums Fall by 60 Percent" be inserted 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. 15, 1968]
CRIMES OF VIOLENCE IN MIAMI SLUMS FALL BY 60 PERCENT—RESULTS REPORTED IN 3-WEEK "GET-TOUGH" POLICE DRIVE—MANY CITIZENS LOSE FEAR OF WALKING STREETS AT NIGHT

MIAMI, January 14.—Since Police Chief Walter Headley declared a "get tough" war

on crime in Miami's Negro district last Christmas, crimes of violence have dropped off 60 to 65 per cent.

The 62-year-old chief, who has headed the force for 19 years, makes no claim to success, however.

"I don't know," he says, "if the criminals are leaving us or have just gone underground."

T. Willard Fair, director of Miami's branch of the Urban League, leans to the latter conclusion. The new peace in the slums, he said, "means only that the criminals are cooling it for a while, knowing they're being watched."

But for the first time in two years many Negro citizens are not afraid to walk the streets after dark.

And the Rev. Thedford Johnson of St. John's Baptist Church is impatient with civil rights leaders who "condone the hoodlums" and cry that Mr. Headley's toughness brings a threat of racial riots.

"They holler about the shotguns and the dogs," the minister said. "They could justify machine guns and lions, if that's what it took to wipe out crime in our streets."

Chief Headley's new policy gets a degree of endorsement in the Negro districts where Negro merchants are often the victims in the murders, rapes and robberies. But the words of support are sometimes qualified.

"The situation got out of hand because the police weren't doing a job," says Mrs. John Cakes, a white woman who operates the Southern Grocery Store with her husband in the heart of the central Negro district.

"My customers think that getting tough was long overdue. They have been living in a reign of terror, crying for police protection. More than half the people carry guns. I'm never without one."

Her husband fears that the crackdown may be only a bluff that so far has worked but may not last.

"The first two days after Headley's announcement," Mr. Cakes said, "there were more police in the streets. In the last few days, we haven't seen one."

The four police dogs on patrol in the Negro districts have scarcely been used, but they are a deterrent to fleet-footed young muggers and purse snatchers who often elude an officer working alone.

One officer, tipped that a burglar was in a warehouse, approached it with a German shepherd on a leash.

"You got a dog with you?" a man called from inside the darkened building.

"Yes," the policeman shouted.

"Don't send him in," the burglar yelled. "I'm coming out?"

Mr. Johnson, whose church and apartment home have been robbed many times, says the crackdown has given the community new confidence.

His church is wired with burglar alarms and the door heavily bolted. A store on the ground floor of a building he owns has been robbed 26 times in two years.

The minister lives above the store, and one night he stood on a balcony and watched three young hoodlums as they looted the store. He identified them to the police, and all were sent to prison.

Since then, bottles have been thrown at him, and he has received so many obscene and threatening calls that he takes his phone off the hook at night.

Almost nobody else is willing to identify the gang members, even the victims.

[From the New York Times, Dec. 30, 1967]
MIAMI POLICE AIDE BACKS NEW POLICY—DEFENDS "GET TOUGH" TACTIC IN NEGRO NEIGHBORHOOD

MIAMI, December 29.—Police Chief Walter E. Headley defended his new "get tough" policy in a Negro district at a meeting of the City Commission today.

Although a number of Negro speakers at the meeting objected to the plan to use police dogs, shotguns and a stop-and-frisk ordinance in the district, the five-member commission generally supported Chief Headley's tough enforcement policy.

However, Commissioner Maurice Ferre criticized Chief Headley for the "inflammatory" manner in which he announced the policy, and Mrs. Athalie Range, the commission's only Negro member, said she was concerned about the stop-and-frisk law.

THREE MURDERS IN 4 DAYS

The Negro area, called the Central District, has been the scene of three murders in four days. Chief Headley said 58 acts of violence were committed there over the Christmas weekend.

At the end of the 2½-hour meeting, Mayor Stephen P. Clark told Chief Headley, "You are charged with enforcing the law without discrimination and by all legal means."

There were no incidents among the 200 spectators, although when Mayor Clark attempted to adjourn the meeting, a Negro called out:

"You never listen to the working people." Mr. Clark replied, "We'll listen all day if necessary," and continued the meeting.

Under a battery of television lights, Chief Headley told the commission, "It is not our policy to get involved in any harassment."

"My job is to defend life and property," he said. "I am going to do everything I can to do that."

He said that, when he announced the new policy on Tuesday, he had not mentioned Negro criminals specifically. But when he had been asked about Negro crime and about where crime was greatest, he had replied bluntly, he said.

He had been quoted as saying when he made the announcement:

"We don't mind being accused of police brutality. They haven't seen anything yet."

The Rev. Theodore Gibson, a Negro Episcopal priest, said he did not think that Chief Headley, chief for 19 years, was a racist. He urged that the police concentrate on bootleg whiskey sales and drug peddling. He added:

"Let's close down the numbers shops. I'm sure we'll see a lot of squirming around then."

Father Gibson is a former president of the Miami chapter of the National Association for the Advancement of Colored People.

COMPLAINT ABOUT POLICE

One speaker at the meeting said a dozen policemen had entered a bar in the district, lined up the customers and searched them for weapons.

"The criminals aren't in the bars," he said, "they're out robbing people."

Mrs. Range said she knew of a young woman who had been threatened with jail or being shot for making an illegal turn in her car. Chief Headley said he would look into it.

Bernard Dyer, director of the Community Council of Liberty City, a Negro area in Miami's northwest section, told the commissioners:

"A meeting like this should be held at night when the younger people and working class could attend."

Mr. Ferre said that he hoped that "Town Hall" meetings could be held regularly in different sections of the city on the crime problem. The other commissioners said they agreed.

In a related development, the Miami office of the American Civil Liberties Union said it would seek an injunction in Federal court to force Chief Headley to "cease and desist" from his "get tough" policy. Mrs. Florence Diffenderfer, executive secretary, said the suits would be filed next week.

[From the New York Times, Dec. 30, 1967]

POLICEMAN UNDER FIRE: WALTER EVERETT HEADLEY

Police Chief Walter Everett Headley of Miami, who infuriated civil rights leaders this week when he proclaimed a "get tough" policy in a crime-ridden Negro district, is a mountain of a man who revels in controversy. Mr. Headley, who is 6 feet 3 inches tall and weighs 265 pounds, also has a personality as bristly as his graying mustache. He once called the late Mayor Robert King High, who had tried for years to have him dismissed, "a little publicity pipsqueak." And in 1960, when Mr. High and leaders of the National Association for the Advancement of Colored People said the police were mixed up in the numbers racket, he called Mr. High "a publicity seeker" and dismissed the N.A.A.C.P. as "just a bunch of people out to stir up trouble in the mistaken belief they'll have Negroes promoted on the police force."

"I'm so used to pressure I'm afraid if it stopped I'd get the bends," says Mr. Headley, who devotes virtually all his time to his job.

He has been in a series of running battles with City Hall since shortly after his appointment as chief on Aug. 11, 1948. Repeatedly, he or his department have been charged with corruption or laxity in enforcing the gambling laws, but he has always managed to survive.

FIRST CIVIL RIGHTS FIGHT

Most of the controversies in which he has been involved have centered around bolita, the local numbers rackets, and the presence of B-girls in bars. The furor following his announcement that the police would use shotguns, police dogs and a stop-and-frisk law in the Negro section was the first to involve civil rights.

Mr. Headley stoutly maintains that he has done much to aid civil rights, and many observers agree. One Miamian said yesterday, "He did help break down the barriers by urging in 1944 that Miami be the first Southern city to hire a Negro policeman."

Three years ago, Mr. Headley quietly eliminated the so-called "Negro precinct" in the Central district of the city. And by doing so completely integrated the Miami police force, which now consists of 650 men, 10 percent of whom are Negroes.

Chief Headley was born May 11, 1905, in Philadelphia—"but I left as soon as I found out where I was," he says.

When he was 15 years old, he says, "I purloined my father's draft card." He used it to join the Army, in which he served in the cavalry. In 1928 he worked briefly as a riding instructor at a Bernarr McFadden health farm in Dunkirk, N.Y., before moving to Florida, where his family had moved in 1923.

A SAUSAGE SALESMAN

In 1938, while he was working in Miami as a sausage salesman, Mr. Headley decided to join the police force. He rose steadily through the ranks, and in 1944 became assistant to the chief of detectives. During World War II he went on leave to work for the Federal Bureau of Investigation.

Mr. Headley, a graduate of the School of Police Administration at Northwestern University, served as president of the International Association of Chiefs of Police in 1955 and 1956.

Mr. Headley, who has been married and divorced twice, has three sons, two of whom, Joseph, 37, and Jack, 35, are lawyers. Thomas, 23, is in law school.

Despite his battles with city officials, Mr. Headley enjoys considerable popularity with the public. In 1965, more than 3,200 persons honored him at a testimonial dinner.

He is a familiar figure, on horseback, in Orange Bowl parades. The onetime cavalryman is a staunch defender for the use of

horses for police work. When his beloved mounted detail is criticized as outmoded, he angrily waves the criticism aside. And the public invariably rallies to his support.

INVOLVEMENT IN THE COMMUNITY

Mr. SPARKMAN. Mr. President, I would like to call attention to an article and an editorial which appeared in the January 17 issue of American Banker regarding Mr. Norbert Engles, president and chief executive officer of the Chicago City Bank & Trust Co. The article tells something about the contribution which Mr. Engles and the Chicago City Bank, under his leadership, have made to the community in which the bank is located. This story is exemplary of what can be done by imaginative and energetic business leaders in meeting the needs of urban America.

I have known Norbert Engles for many years. It was my privilege to work closely with him while he served as Deputy Administrator of the Small Business Administration over 10 years ago. Since that time, I have followed the work he has done with interest, and I was pleased to note that his leadership has been recognized by the American Banker.

I ask unanimous consent that the articles to which I have referred be printed with my remarks in the CONGRESSIONAL RECORD.

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

[An editorial from the American Banker, Jan. 17, 1968]

INVOLVEMENT IN THE COMMUNITY

Fresh reaffirmation of the importance of bank involvement in the progress of their communities comes in two different cities this week, in two different ways.

A solid record of achievement in community development is reported from Southside Chicago in the story of Chicago City Bank & Trust Co.; commitment to the future comes from all five commercial banks in New Haven, Conn., in their joint announcement of the establishment of a \$1 million fund for loans to small businesses, primarily Negro.

The prospects for Chicago City Bank looked pretty bleak just ten years ago. The neighborhood was on the skids, and it looked as if the bank was doomed to slide right along with it. But a hard-driving executive named W. Norbert Engles, president of the bank, took it upon himself to turn the trend around and save the bank by salvaging the community.

Rarely has the theme of banking's stake in its environment been more dramatically demonstrated. Mr. Engles took the lead in getting the people who lived there, and who stood to lose the most by letting the deterioration continue unchecked, to join together in investing in a community corporation, to which the bank then loaned money to put up a building to get the revival started. After that came investment in street lights, and housing, in a balanced campaign. One of these projects—a 16-story apartment house costing \$2.8 million—was the first building in the nation to be financed under a new clause in the National Housing Act. And this was followed by the conversion of a central shopping area into a \$12.5 million shopping mall, which is now partially completed.

"We have so many other things either in the planning stages or under way that I

think we are going to see a tremendous economic revival that will be better than the so-called 'good old days,' says Mr. Engles.

To accomplish such a revival is a tough job of work, Mr. Engles observes, but for its key element, which is the enlistment of broad community support, the banker probably is uniquely qualified to serve as the catalyst. "The bank is a logical vehicle to promote that sort of cooperation," he says. "With most merchants, they are competing among themselves, whereas a bank is sort of on neutral ground."

But there is nothing neutral about the impact of community revival upon the bank's own progress. Chicago City Bank has increased its net earnings from \$307 thousand in 1957 to \$1.5 million in 1967; deposits have risen from \$110 million to \$132 million during the same period. As Mr. Engles notes, the bank has "followed the fall and rise of this community."

Looking to the future, the five New Haven banks—ranging in size from First New Haven, with year-end deposits of \$222 million, to General Bank & Trust with \$8.6 million—have determined to come to grips with a major local problem by setting up a special fund for loans to small businessmen, mainly designed for Negroes who would not otherwise qualify, to pump life into what has become a moribund sector of the city's economy. A spokesman for the New Haven Chamber of Commerce notes that "a lot of people here have good commercial ideas, if they could only get some capital to begin operations." He is frank to admit that they have not gotten the loans they need because up to now they have been considered bad risks. The new program is designed to attack that problem head-on, through a plan of advice from local businessmen, administration by the Small Business Administration, and affirmative response by the banks, who will be working with funds specifically designated for just this purpose.

This is one more example of banks' determination to make bankable the heretofore unbankable, and represents the kind of constructive industry response which is starting to manifest itself in many places, in many different ways.

[From the American Banker, Jan. 17, 1968]

CHICAGO CITY B & T REVERSES URBAN SKID (By Charles Bartling)

CHICAGO.—The typical story of urban change in America since World War II has centered around the decline of old neighborhoods in the central city as people have fled to the suburbs.

This story fit the pattern of the Southside Chicago neighborhood of Englewood until vigorous action by a commercial bank turned the tide of that community from a feeling of despair to an atmosphere of confidence.

The bank is Chicago City Bank and Trust Co., which is celebrating its 75th anniversary this year. Ten years ago it was in the center of a declining neighborhood, with more than 100 vacant stores nearby and its own deposits and earnings slipping lower each year.

Today the bank is thriving as never before, with deposits and earnings setting records every day. The reason for its success was the turnaround of the surrounding community. And the success of that community has been due to the energetic hard work and determination of its businessmen—with the bank leading the way.

It is a classic story of a bank which refused to accept the fact that its community was on the way down and stood by its area when the situation was bleak.

The principal character in this story is W. Norbert Engles, Chicago City Bank's president and chief executive officer. Mr. Engles, who left his post as deputy administrator of the Small Business Administration after 24 years in government service, joined the bank

10 years ago after it was purchased by Diversa, Inc., a Dallas-based company.

Diversa last week sold its controlling interest in the bank to a new investment firm, Chicago City Bancorp., which retained Mr. Engles as head of the bank.

An optimist by nature, Mr. Engles took one look at the bank in 1958 and was convinced that the ingredients of a successful operation were there—but only if the community could be rebuilt.

"I was a little surprised to find so many property owners and merchants ready to pack up and leave," he recalls, "so what we needed was to start a rebuilding of confidence."

His first target was a vacant lot at the corner of 63d St. and Halsted. In its heyday of the 1920s, this corner was the focal point of the world's largest outlying shopping center.

In 1957 it was nothing but a hunk of land surrounded by a rotting wooden fence plastered with outdated circus and political posters.

"It's unsightly appearance," says Mr. Engles, "stood as a constant reminder that the prosperous Englewood shopping area was headed downhill. The demoralizing effect was sapping enthusiasm of local merchants. The symbol of failure was itself a cause of failure. Something had to be done about it."

He convinced citizens of the area—primarily property owners and merchants—to invest in a new corporation, Englewood Community Corp. With \$425,000 invested, the bank loaned the corporation an additional \$300,000 with which it purchased the vacant lot and built a one-story building leased to Walgreen's as a drug store.

"When that happened," declares Mr. Engles, "that was the beginning of the change." The group raised another \$500,000 for fluorescent street lights to improve the area's appearance and to encourage nighttime shopping.

Then the bank's attentions turned toward building up the area's residential community, which was also decaying. Non-profit corporations were formed by local businessmen under the bank's leadership to build more than 1,000 residential units on vacant land.

One such project—a 16-story, 193-unit apartment building costing \$2,825,000—was the first building in the nation to be financed under section 221-D3 of the National Housing Act.

"The Federal Housing Administration wasn't really sold on the idea at the time," says Mr. Engles, "so we had quite a bit of work to do to get that project. We had to get private investors to put up the so-called 'front money.'"

"Actually, one of our bank directors bought the land from the private owner long before we had the approval of FHA to go ahead with the project. But he had enough faith in the area and the project itself to feel he could take the risk."

The project, completed in 1964, was so successful, Mr. Engles declares, that 15,000 people turned out for its open house. It was rented immediately and stayed rented, and a waiting list grew.

Another integrated, middle-income high-rise is now on the drawing board to house 303 families in a 23-story structure with rents ranging from \$105 for a one-bedroom apartment to \$140 for a three-bedroom unit. Financing is also being arranged under section 221-D3.

The Chicago Housing Authority plans to construct a 198-unit building for the elderly, and more than \$8,300,000 has been poured into the area by the Chicago Board of Education for new schools and additions, accommodating more than 12,000 added pupils.

Meanwhile, the central shopping area at 63d and Halsted is being transformed into a

shopping mall costing \$12,500,000. Two-thirds of this will be paid for by the Federal government, with \$3,500,000 coming from local merchants and property owners through a 20-year special assessment, and the remaining \$2 million from the City of Chicago.

"We have so many other things either in the planning stages or under way that I think we are going to see a tremendous economic revival that will be better than the so-called good old days," says Mr. Engles.

The 62-year-old president feels that other declining neighborhoods in urban centers could be saved as was Englewood, "but it takes a lot of optimism and a lot of hard work."

A project of this dimension takes considerable cooperation from local businessmen, Mr. Engles asserts, "and I think the bank is a logical vehicle to promote that sort of cooperation. With most merchants they are competing among themselves, whereas a bank is sort of on neutral ground."

The banker, he added, is the ideal person to contribute the confidence around which property owners and merchants can rally.

The effect of Englewood's renaissance on the profits of Chicago City Bank has been dramatic.

Net earnings of the bank in 1957 amounted to \$307,381 compared with \$1,507,670 in 1967. Deposits, which stood at \$110 million 10 years ago, reached a low of \$107 million in 1959 and thereafter climbed to \$132 million by the end of 1967.

"If you take the chart of our deposits over a period of time," Mr. Engles asserts, "you will find it has followed the fall and rise of this community."

He warns bankers in similar situations to avoid waiting for a community to reach rock bottom before taking decisive action, for the earlier the problem is attacked, the easier the solution will become.

"I think the key word," he declares, "is having confidence in your area and what you can do, even though it's very difficult."

THE STATE OF THE UNION—RIGHT REMEDIES FOR AIR SAFETY

Mr. CANNON. Mr. President, President Johnson has presented Congress with his legislative priorities for 1968. I believe that the American people will agree with the President that crime, consumer protection, housing, child health, and education are the key problems confronting us all.

And I think most of us will agree that the President has devised challenging remedies to tackle these problems, and has placed the solution to these problems within reach.

Child health care and financial aid to college students also afford unique opportunities to provide assistance in areas long neglected. In the case of infant mortality, I think we all share the President's concern that the United States ranks 14th in the world.

There is simply no reason why we should not protect the health of our children. And the President's proposal in this field furnishes the means to accomplish this necessary purpose.

I was particularly pleased that President Johnson has proposed new initiatives in air safety. This is a problem of growing dimensions. The crowded skies above America have created unprecedented problems that demand prompt study and remedial action.

Our booming airline industry operates from overcrowded, often inadequate, air-

ports. Our air control techniques are absolutely inundated. If we are not to become the helpless victims of the airlines' success, then we must keep pace with the rapid acceleration of commercial aviation.

I hope this Congress will take prompt action on the President's proposals for a new program in air safety. President Johnson has provided the best remedy for one of our Nation's most stubborn problems.

COMMENDATION FOR THE POST OFFICE DEPARTMENT

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Moving the Mail," published in the News and Courier, of Charleston, S.C., of December 27, 1967.

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

MOVING THE MAIL

Now that Christmas presents have been unwrapped and cards opened, it is fitting to say a word for the people who sort and deliver the mail.

The Post Office Department doesn't get many commendations. Our feeling, however, is that the Post Office did a generally good job this year. The Christmas mail rush is an avalanche. Timely delivery is an annual miracle.

National Observer attributes improvement in postal service to increased mechanization ordered by Postmaster General Lawrence O'Brien. He also is moving more first class mail by air on a space available basis.

To be sure, the Post Office Department should be reorganized on a modern business basis. Post offices are located according to the dictates of politics and residential patterns of yesteryear. No other large business could succeed with branches located on such a plan.

Total overhaul should be undertaken in the light of scientific analysis rather than political expediency. For success, the public will have to support a non-political reform of an essential service.

JESSE UNRUH ON "THE STATE AND THE CITY: A PARTNERSHIP FOR THE FUTURE"

Mr. MUSKIE. Mr. President, for the past several years the Advisory Commission on Intergovernmental Relations, of which I am a member, has been examining a considerable number of controversial issues of Federal-State-local relations. Serving as one of the State legislative members on the Commission is the distinguished speaker of the California Assembly, Jesse M. Unruh. Because of his frank appraisals of public issues in his State and in the Nation, Speaker Unruh has been acquiring a national reputation.

In a recent address to the League of California Cities, Mr. Unruh examined the role of the State governments in relation to our increasingly critical urban problems. Although I do not agree with all of Mr. Unruh's views, I think it is important that we take note of what this expert and articulate practitioner of the art of State government has to say about the State's role in urban affairs.

Mr. President, I ask unanimous con-

sent that the text of Speaker Unruh's address be printed in the RECORD.

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

THE STATE AND THE CITY: A PARTNERSHIP FOR THE FUTURE

(By Jesse M. Unruh, speaker of the assembly, at the annual conference of the League of California Cities, San Francisco, Calif., October 17, 1967)

I certainly welcome the opportunity to speak to you today. Discussing the "urban crisis" has become the *sine qua non* in the modern political repertoire. So I appreciate your invitation to air my thoughts.

Of course, when there are so many public officials all interested in the same subject, it becomes sort of a competition to see who can come up with the most startling ideas. I think that, quite possibly, Senator Abraham Ribicoff may have stolen the march on all of us early this year. In January, the Senator described his action program for urban America, and it contains many provocative ideas. But easily the most provocative remark the Senator made was his estimate that rehabilitating America's cities would cost one trillion dollars.

Most of us consider ourselves fiscal sophisticates if we can grasp the fringes of an idea of what one billion is. Incidentally, I must observe here that our new State administration seems to have reached this level of sophistication with regard to taxes rather early.

Senator Ribicoff's cost estimate, though probably accurate, is nonetheless breathtaking. He has made it unnecessary for the rest of us to emphasize that our modern urban complexes need money and a lot of it. But recognition of the cost of solutions is only the beginning of an understanding of the problem.

With this awareness must come an increasing concern with the validity of ideas intended to solve urban problems. Money and manpower alone are not enough. Money and manpower must be invested in the right programs, or the result will be cynicism among those people whose taxes pay the bills and frustration among those people whose problems are not being solved.

My general criticism of our present approach is that the domestic programs of the central government over the last thirty years have become so pervasive and so dominant that other problem solving resources are discouraged and even prevented from creating and implementing solutions. Much recent federal legislation reveals a general lack of confidence that state and local governments can respond to the needs of their citizens.

The fact is, of course, that federal laws are passed by one group of politicians and state and local laws by other groups of politicians. I don't think any group has a corner on compassion or brains. The main difference is usually in their distances from the problems.

My reason for making these comments is that I believe a study of the federal role in urban affairs is desperately needed. Some of the recent federal programs dealing with health, education, welfare, housing and other urban problems have not been very effective, have often been contradictory, and—although I am sure they were well motivated—have at times even intensified the very problems they were purported to solve.

In discussing all these matters it should be clear that I have no desire to engage in the cynical game of shifting the blame. The power that we politicians enjoy is only deserved if we produce satisfactory answers to the problems we are employed to solve. We are not elected to provide excuses. In different ways we are all responsible for what happens in San Francisco, Los Angeles and the other cities of our State and Nation. The job facing

every level of government today is to find ways of executing our various responsibilities so that the laws we pass and the programs we enact will really work.

As Walter Lippmann observed, "While the great society can be authorized and, in part, financed in Washington, it will have to be worked out and paid for and administered and enforced in the great urban conglomeration where an increasing majority of our people live."

It is fundamental that we understand our own capacities at whatever level of government we serve. It is all very well to issue the ideological call for a return to "home rule" and local democracy, but if this is to be more than empty bombast, we must develop a clear system of priorities.

We not only need to know *what* services are needed to cope with our problems, but also *who* should provide the services. We need to know, not only *how* to raise revenue, but also *who* should raise it. And this effort to identify our proper governmental roles must be a continuing one in our constantly changing society.

I would like to illustrate this point by describing one of my pieces of legislation this year. You will forgive me, I hope, if I use this forum for personal aggrandizement. Inevitably when I discuss good government, I find that my own accomplishments come most readily to mind. I suppose I should make the extra effort to find other examples, but as one of my colleagues in the Assembly keeps telling me, "modesty in the face of ability is hypocrisy."

You are all familiar, I am sure, with the local matching requirement for receipt of Collier-Unruh Act gasoline tax funds. In the abstract, this matching provision seemed to make sense in that it geared State funds to local effort. But in practice, this system was not quite what we intended.

We found that the matching requirement created a definite hardship on the property taxpayer in many communities, and that it has generated unnecessary and excessive paperwork and street project delays in all cities and counties. Under the old law, State and local governments spent over four million dollars a year submitting budgets and detailed plans and specifications, and checking and rechecking work done by competent city and county engineers.

My bill eliminated the local matching requirements for Collier-Unruh funds. This will have the effect of lifting a burden of from thirty-five to seventy-five million dollars annually from property taxpayers. But just as important, I think, this bill redefines the State's role with regard to local streets and roads.

The bill places full responsibility for administering the expenditure of gasoline revenue for local use with local governments. The State finally and officially recognizes the fact that city and county engineers are as capable and well-trained as those employed by the Division of Highways, and that local engineers are in a better position to determine how funds should be spent within their own communities.

I think our attitude is a refreshing contrast to the federal approach to transportation problems. The federal program, with its insistence on its own system of priorities, actually intensifies some of our difficulties and diverts our resources to secondary uses.

The largest of the current federal highway projects is the 41,000 mile Interstate Highway System, estimated now to be completed in 1973 at a cost of something around fifty billion dollars. It will provide a defense highway system, connecting all of the major cities in the United States by high speed freeways. I am not challenging the need for the system.

But look at what it does to cities. These super highway routes come together in cities and even include routes within the cities to link the freeways for through traffic. They

will be of limited use in relieving intra-city traffic. They make it easier for many more automobiles to get to the city and then increase the burden on the urban streets.

In California we need all of the Interstate Highway System and then some, so that is not the issue. There is the issue, however, of priority. Because the Interstate System had to be completed originally by 1972, it has drained State resources. The more than 2,000 miles of the Interstate System in California have had priority even though there have been many instances where greater traffic deficiencies existed. Because ultimately California needs all of the proposed Interstate System, in order to get the federal funds, the State effort has been shaped to the federal priorities rather than to solving more critical problems.

There is probably no more damning example of arbitrary federal attitudes than the recent bill establishing federal smog control standards. As you no doubt know, that bill in its present form will prohibit California from establishing control standards that go beyond the federal standards. Our twenty years of leadership in this field will be rendered meaningless, and California will be condemned to suffer the effects of our uniquely high levels of automobile smog without the power to act.

Of course there are also examples of federal programs that are imaginative. But no matter how good the program may be, we must always bear in mind that we are dealing with a Congress which is extremely erratic if not downright whimsical. We have seen this year what such a Congress can do to the most promising urban programs.

Under the circumstances, it would appear to be unrealistic to expect any changes in federal fiscal policies with regard to State and local government in the near future. There will be no Heller-Pechman plan this year or next, in all probability. But what can change is our approach to both our problems and the federal government.

We must remember that state and local governments stand in the same waiting line for federal funds. When you stand as far back in that line as we do—behind the generals, the diplomats and the astronauts—there just isn't that much competitive advantage to be had. It makes little sense to jockey among ourselves for tenuous and temporary advantage.

Distant though it may be, it is obvious that there will have to be some system of revenue transferral across jurisdictional lines to meet urban needs. Our present methods will not meet the needs of the next decade.

Dr. Joseph Pechman has estimated that by 1970, general expenditures by state and local governments will rise to about one hundred and three billion dollars, while general revenues including federal grants will only amount to eighty-eight billion dollars—creating a deficit of some fifteen billion dollars. Revenue sharing is not so much a question for philosophical debate as it is a matter of fiscal necessity.

The question now becomes: who should control and direct this effort to meet urban needs?

When we speak of urban needs we are not, unfortunately, speaking of the needs of any one, clearly identifiable level of government. I am sure you need no explanation from me of our problems of municipal organization, overlapping jurisdiction, transportation, the organization of delivery systems for various services. Clearly we must go beyond the local level to solve problems of such scope, but we need not turn to a complete dependence on the federal government. In my opinion, the State is ideally suited to the task.

On the whole the State has a much better picture of urban problems and their cross-jurisdictional implications than the federal government does. And I cannot over-emphasize the importance of this point. An intimate knowledge of local conditions is

essential to the design and operation of successful programs.

The State is also in a much better position to operate programs effectively. Federal administrators tend to develop uniform regulations and guidelines on a national basis, whether or not they are best for a particular situation. California cities differ from eastern cities and a single set of rules designed to satisfy the varying conditions of both usually serves neither very well. But the State has the needed flexibility. Indeed, all local government in California is a creature of the State and is largely subject to State law.

In addition, the State is in a prime position to insure a more equitable redistribution of income which, as we all recognize, is at the heart of urban problems. Only the State—because of its control over both property taxes and the income tax—can insure that the surrounding suburban communities pay their share of the cost of rehabilitating urban slum areas. State property tax policy will have a substantial impact on the future of any rehabilitated area.

Finally, our State, because of its sophistication in handling diverse data and its pioneering efforts to adopt systems analysis to governmental use, would be in a much better position to determine and to assign priorities to various problem areas. The federal government on the other hand, seems to lack a statewide viewpoint from which to determine priorities. Many federal projects are authorized on the basis of which local agency got its application in first.

I know that history has given many of you reason to doubt the State's willingness and ability to respond to your needs and cooperate imaginatively in the solution to your problems. Nor am I above pointing out that some of the actions of the present administration may, from time to time, reinforce your misgivings. But on the whole, I think you will agree that a state-local partnership is a pretty good idea, considering the alternative.

And although we tend to describe our problems in terms of their cost, I think we should all understand that our real need is to make more and better thinking available in finding solutions. State and local governments now have a unique opportunity to fulfill their roles as "laboratories of the federal system." If the trend toward governmental centralization in this century has weakened state and local government, it has also freed us of responsibility for the past.

State and local governments have no need to justify the present financial and bureaucratic investment in existing programs which have, for the most part, been developed and sustained at the federal level. Indeed, the need for us to break with the past is urgent.

I detect a growing cynicism in this land—a lessening of confidence in our ability to solve our domestic problems. We cannot forever layer one ineffective program onto another and hope to maintain public support for our efforts.

We have promised much to the people of our cities. We have produced an atmosphere of rising expectations among the poor. We must deliver on those promises soon with a massive mobilization of the knowledge and resources of government at every level.

EDUCATION IN THE STATE OF THE UNION MESSAGE

Mr. MORSE. Mr. President, there has been much comment today, pro and con, on various aspects of the state of the Union message which we were privileged to hear from the President of the United States in the House Chamber last evening.

At another time today I have made known my reaction to certain parts of that message. Now I propose, however, to

discuss but one aspect—that which relates to education and training. In doing so, I speak not only as a Senator from Oregon but as chairman of the Education Subcommittee of the Senate Committee on Labor and Public Welfare, in which position I shall have the honor to hold the hearings to obtain the evidence upon which a successful floor defense can be made of the particulars of the proposals and upon such changes, additions, and deletions which in the judgment of the Congress ought to be made.

It is for this reason that I look forward with a great deal of anticipation to the later messages from the President which will accompany the draft legislation, which the President discussed in general terms last night. It was a most interesting address in this area because by its very brevity it underlined the point that this Congress and its predecessors has in large measure already lived up to the expectations of the President in its processing of the various components of educational assistance.

There will be some, I know, who will express disappointment that more was not said or asked for by the President. This, though understandable, is a short-sighted view. The truth is, I fear, that in many instances the record of this and previous Congresses has been that since 1964 the Congress has been more than willing to go down the path the President pointed out. Many times, I fear, he must have the feeling that we have wanted to go even further than his own sense of his responsibilities in other areas would permit him to advocate.

Nevertheless, this state of the Union address of 1968 will be historic since in this message he seeks to complete the round of governmental support for the education of our children and of our adult population. A society is often remembered by what it did and what it tried to do for the education of its sons and daughters. If it educates well it grows, it prospers. If it does not it falters and can fail to renew itself. I am very proud that as the representative of one of the most literate States in the Union I have had a part in making the record of the Johnson administration in the area of educational legislation. It is a record in my judgment, unequalled in our history as a nation, through the Elementary and Secondary Education Act of 1965, through the Higher Education Act of 1965, the International Education Act, and the legislation of 1966 and 1967, which though entitled amendments to the basic acts, nevertheless each incorporated broad new departures and authorities for the benefit of the willing student.

So, Mr. President, I look forward to reviewing the provisions of the Educational Opportunity Act in which the President has informed he seeks to unify all educational opportunity programs in Government to achieve a maximum benefit for our children and for our society. He proposes, for example, to make a college education attainable for every qualified student regardless of the income of his family. He seeks to remove once and for all the price tag from a college education. He hopes that its enactment will make

educational opportunity a concrete reality rather than an ideal or promise.

Mr. President, we all join with the Chief Executive in reaching toward these goals. Our routes may, and quite properly often should be different, but those routes which are the result of the consensus of experienced travelers frequently bring us to our destination in the shortest time.

So while I cannot and I should not pledge myself to every comma and every section in the bill I shall introduce, I can give not only on my own behalf but on behalf of my entire subcommittee a pledge that each comma and each section will be given careful and conscientious review and examination.

For we in the 90th Congress have a responsibility, in my judgment, to continue on this road to educational excellence and educational opportunity funded in part by the National Government.

It will not be an easy road. It will not be an inexpensive road. It will not be a short trip.

But much has been accomplished. Today a new college is founded every week. Today one in every two high school graduates goes on to college, as compared with only one in 10 of just a few years back.

But what we must do is to provide the citizens of this country with whatever educational programs are needed to complete the work that has been so well begun. For having pointed out to us in his years in office, as Moses into the Promised Land, the way we should go, President Johnson can be assured that his place in history in this area is secure. In this area the Executive and the Congress march shoulder to shoulder and it is to the benefit of the country that in this area and for this goal we are of one mind and that we differ only in the question of the pace of our progress.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

INTERFERENCE WITH CIVIL RIGHTS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which the clerk will state.

The BILL CLERK. A bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, before I suggest the absence of a quorum—and it may very well be a live quorum unless the Senate is otherwise informed—I make the following unanimous-consent request.

Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 noon tomorrow.

The PRESIDING OFFICER. Without objection it is so ordered.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 3 Leg.]

Aiken	Hatfield	Mundt
Allott	Hill	Muskie
Anderson	Holland	Nelson
Byrd, W. Va.	Hollings	Pearson
Carlson	Hruska	Percy
Church	Jackson	Prouty
Curtis	Javits	Proxmire
Ervin	Jordan, N.C.	Randolph
Fong	Jordan, Idaho	Russell
Fulbright	Kennedy, Mass.	Sparkman
Griffin	Long, La.	Spong
Gruening	Mansfield	Symington
Hansen	McGovern	Talmadge
Harris	Morse	Thurmond
Hart	Morton	Williams, Del.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from Pennsylvania [Mr. CLARK], the Senator from Tennessee [Mr. GORE], the Senator from Missouri [Mr. LONG], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Montana [Mr. METCALF], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTGOMERY], the Senator from Utah [Mr. MOSS], the Senator from Maryland [Mr. TYDINGS], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Mississippi [Mr. EASTLAND], the Senator from Hawaii [Mr. INOUE], the Senator from New York [Mr. KENNEDY], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. McCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from Oklahoma [Mr. MONROE], the Senator from Rhode Island [Mr. PELL], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Massachusetts [Mr. BROOKE] and the Senator from Iowa [Mr. MILLER] are absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from Delaware [Mr. BOGGS], the Senator from New Hampshire [Mr. COTTON], the Senator from Illinois [Mr. DIRKSEN], the Senator from Colorado [Mr. DOMINICK], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, the following Sen-

ators entered the Chamber and answered to their names:

Baker	Hartke	Scott
Byrd, Va.	Hayden	Smathers
Cannon	Hickenlooper	Smith
Case	Kuchel	Williams, N.J.
Cooper	Lausche	Yarborough
Dodd	McClellan	Young, N. Dak.
Ellender	Murphy	
Fannin	Pastore	

The PRESIDING OFFICER. A quorum is present.

VISIT TO THE SENATE BY SENATOR LE CANUET OF FRANCE

Mr. KENNEDY of Massachusetts. Mr. President, it is my very high honor and distinct pleasure to present to the Members of the Senate a distinguished Senator from France, a man who represents the Seine-Maritime Province.

Senator Le Canuet is the president of one of the most active political parties in France, the Democratic Center. He ran for the presidency of France against President de Gaulle in 1965.

In that distinguished Senate, he serves on the Senate Foreign Affairs Committee.

His positions have been extremely clear, forthright, and forceful, and were developed in that campaign and also during his many years in public service. He stands for a united Europe. In many ways, his views run along the lines about which President Kennedy felt deeply and spoke to in Frankfurt, Germany, in 1963.

Senator Le Canuet has also made clear statements about strong partnership with the United States.

So it is a pleasure for me to introduce a colleague in a distinguished legislative body, the distinguished Senator Le Canuet. [Applause, Senators rising.]

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess for 2 minutes so that Senators may greet our distinguished visitor.

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

RECESS

Thereupon, at 3:01 o'clock p.m., the Senate took a recess until 3:03 o'clock p.m.

During the recess, Senator Le Canuet was greeted by Members of the Senate.

On expiration of the recess, the Senate reassembled and was called to order by the Presiding Officer.

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. MANSFIELD. Mr. President, H.R. 2516, the so-called worker protection bill, is the pending order of business of the Senate. It was made the unfinished business last December 15, the final day of the first session. The leadership then called up the bill for the express purpose of making H.R. 2516 the first order of business at this session. No objection was heard to that motion; none was anticipated. No conversations that took place with the various interested parties on this measure revealed any desire to dis-

pute the leadership's motion to proceed to the consideration of H.R. 2516. Therefore, the lack of an objection was not considered at all eventful.

Let me say, first of all, that when the bill came over from the House last August—on August 25 to be precise—the leadership moved to have it referred to the Committee on the Judiciary with instructions to report it back on a day certain. That motion was adopted by a voice vote in the Senate.

Pursuant to those instructions, the bill was reported to the Senate on November 2 last, and since that day has remained on the calendar, eligible for consideration by the entire Senate.

From time to time following the bill's appearance on the calendar and up until the adjournment last session, I spoke to those Members who had taken and were responsible for the leading interest in this measure, including Senator HART, Senator TYDINGS, and Senator ERVIN. These discussions concerned mainly when to schedule H.R. 2516 for Senate consideration. I recall specifically that Senator HART was of the view that the bill should be called up in time for its disposition last session. Senator ERVIN expressed only a concern for sufficient time to prepare his case, since he did have several significant amendments. Senator ERVIN desired to offer these amendments; and the leadership, as in any such case when it is given notice, scheduled the legislation to accommodate as best as possible those members whose participation was critical for the orderly consideration of the bill.

Let me make it clear at this point that, to my knowledge, from the time this bill came over from the House until it was called up on December 15, no Senator approached me or raised any question with the policy committee that any effort would be made to debate the leadership's motion to lay down H.R. 2516 as the pending business.

Moreover, at the time it was made the pending business, I knew of only one Senator who made reference to H.R. 2516 in terms of a possible lengthy discussion. I must admit that even that forecast was interpreted—and I believe made—in the context of extended debate on the merits of the bill.

Last Monday, I stated that I did not recall whether Senator ERVIN—who had taken the leading role on this legislation—was present when this bill was made the pending business. During that discussion I was advised that Senator ERVIN was present on the floor at that time. I have since found out, without question that Senator ERVIN was not on the floor when the motion was made, and I apologize to him for the error made earlier this week. I did not feel that his absence was significant because his interest in this bill goes to its substance, and he has offered some very significant, and to a great degree appealing, amendments that I am sure will receive the thoughtful and open-minded consideration of this body.

I must add, however, that Senator ERVIN, in each conversation that I had with him, expressed the interest in preparing his amendments to the bill. My

conversations with Senator ERVIN, as always, were candid. I must admit that it never crossed my mind that a bill of this nature would require a debate on the motion to take up, in view of the substantive consideration of this bill in the Committee on the Judiciary, which had the opportunity to work its will. I feel that the action of the leadership in scheduling the measure for this session, instead of last, not only was not inconsistent with our conversations, but also, was done in apparent concern for affording Senator ERVIN the added time he had suggested he might need.

Let me only add—as I mentioned last Monday—that the calendar used by the leadership in scheduling all legislative measures revealed, on December 15—and for weeks prior to that—no impediment to calling this measure up to make it the pending business. Thus, the leadership was totally ignorant of objections by any Senator to its being called up.

My own thoughts on this matter at the time, based on my conversations with all the interested parties, were that, though somewhat controversial, the bill would not face a prolonged filibuster; that there were objections to certain provisions, but that, on balance, the measure met with much greater approval and fewer objections than any other measure that has come before this body with a similar label.

I sincerely hope that I have clarified this matter. Certainly, no parliamentary advantage was intended—nor in my opinion obtained—but in any event no underhanded or clandestine tactic was employed. I regret very much that this confusion has occurred. I hope the Senate will get on with the consideration of this bill on its merits.

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

Mr. MANSFIELD. I yield.

Mr. RUSSELL. Mr. President, I am sure the Senator from Montana knows the profound respect and admiration I have for him. I would not have anything I said on Monday or anything I may say here today taken in a spirit of personal criticism or in anywise questioning in the slightest degree his impeccable character as it exists in this Senate among the entire membership.

I may say in passing, as the Senator from Montana evidently has forgotten, that I myself talked to him on two or three occasions briefly about the possibility of this bill being called up and when it would likely be called up. At that time the Senator did not have any very direct plans for the consideration of the bill. I do think on one occasion he told me it possibly would go over until after the Christmas holidays and be taken up then. I think I read in the press that the Senator from Montana made a statement of the same import.

It is true that the bill has been on the calendar. It could have been motioned up, not only by the Senator from Montana in the ordinary course of procedure of the Senate, but by any other Senator, as has been done on rare occasions in the Senate.

I may say that I cannot escape the fact that there is a parallel between this

legislation and the social security conference report. This bill was on the calendar. The conference report that brought so much criticism was a matter of the highest priority under the rules—a matter of the highest privilege, I might say. It was pending and it had been considered on the day before it was passed rather precipitately through this body.

There is no question about the Senator's rights. There is a question of the same comity being shown all Senators in the question of legislation. That is the point I wish to make.

I do not have before me now the record of the statements that the Senator from Montana and others made after the adoption of the social security conference report, but the Senator was quite critical, in a way, of the procedure that had been followed. As I recall, he stated that every Senator who has a bill pending on the floor has a right to notice in advance if the question of procedures is involved; and that as long as he is majority leader that would be done.

There is very genuine interest in this bill. There are some amendments to it that are worthy of the consideration of the Senate and I think if they could be considered in an atmosphere that is not colored and flavored by the magic words "civil rights" they would unquestionably be adopted.

My statement of the other day was made to indicate that it seems that there is some difference in the comity that exists between some groups of Senators and other groups of Senators, who are both Democrats and the Senate leadership. I realize that so-called southern Democrats have not regularly supported the leadership in all instances here as members of the party from other sections have, but I think when it comes to matters of procedure, our record of support for the leadership is as perfect as Senators from any other group.

I realize nothing can be done about this matter now and I shall not undertake to do it. But I would be less than frank if I did not say I would have felt better if someone opposed to the bill or someone who had amendments to the bill had been notified before the bill was motioned up at about 6:20 in the afternoon on the last day of the last session of the Congress.

I say that with all respect for the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I appreciate the lucidity with which the distinguished senior Senator from Georgia has expressed his views. I appreciate them and understand them in the spirit in which they were meant.

I believe I did mention last Monday I had discussed this matter with the distinguished minority leader who is opposed to the bill in the present form. He offered no objection.

I must apologize to the distinguished Senator for leaving him out of the enumeration I made because now that he has mentioned it, I recall speaking with him on at least one occasion, if not on two occasions, for a very brief period in connection with this bill.

As far as comparing this bill and the social security conference report is con-

cerned, I would point out that the social security conference report passed like a flash of lightning, whereas this bill is still in the process of being considered. The difference lies in the fact that in this instance a bill was merely motioned up and made the pending business. The Senate has retained the opportunity to consider its merits.

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

Mr. MANSFIELD. I yield.

Mr. RUSSELL. The Senator is, of course, correct, but we felt that the parliamentary step of making the bill the unfinished business was more like a flash of lightning than the passage of the social security conference report, because there were not over two or three Senators on the floor when the Senator made it the unfinished business by unanimous consent, according to the best information I have. Whereas it took three parliamentary steps for the approval of the conference report on the social security bill.

Mr. MANSFIELD. There were more than three Senators on the floor; there were at least 10 Senators on the floor, and possibly more.

I assure the Senator that the matter was not brought up with any ulterior motive in mind. If I had any idea it was being thus considered, I would, of course, have exercised the comity toward any Senator, which is the right of all Senators, and his views would have been given most serious consideration; and that is as it should be.

I was not critical of the social security bill as such, although there were some things I did not like about it, but I do think there are times when a little more consideration should be given, and I am glad to note that because of the magnanimous attitude of the distinguished Senator from Louisiana, the deputy leader, he was willing to reconsider his motion and give the membership a chance to debate the bill.

All in all, may I say to my distinguished friend and colleague, the distinguished Senator from Georgia, for whom I have the greatest respect, that I am indeed sorry this occurred but I assure him there was nothing ulterior in calling up this bill.

Mr. RUSSELL. I did not charge any design.

Mr. MANSFIELD. I know.

Mr. RUSSELL. I thought there was a difference in the handling.

Mr. MANSFIELD. I understand, but I wanted to clarify the record.

Mr. ERVIN. Mr. President, I thank the distinguished majority leader for his statement. According to my recollection, when this bill came from the House it was held on the calendar for a few days, and I discussed with the distinguished majority leader the question of the bill being referred to the Committee on the Judiciary, where it properly belonged under the rules governing the jurisdiction of the committee. The distinguished majority leader moved and the motion was adopted to send the bill to the Committee on the Judiciary with instructions to report back in a certain period of time. As I recall the time was 60 days.

After the bill was reported to the Senate by the Committee on the Judiciary I had at least two conversations with the distinguished majority leader. The first conversation was provoked by a rumor which I had heard to the effect that the bill would not be considered until the second session of Congress.

At that time, as I recall, the distinguished majority leader informed me that that matter was under consideration. A few days later, he informed me that the bill would not be considered at the first session of the 90th Congress but, on the contrary, would go over to its second session. In none of these discussions was any mention made of the fact that there was any motion to be made at any particular time to call up the bill or, rather, to make the bill the pending business—and, I might add, nothing to the contrary was said.

I was not present when the motion was made to make the bill the pending business. I am satisfied that if I had been, I would have objected and would have required a motion rather than unanimous consent. The first time I had any notice of the fact that the bill had been made the pending business was on the 16th day of December when I read in the newspapers that it had been called up and made the pending business the previous day, which was the last day of the session.

Mr. President, no one knows better than I that the distinguished majority leader under no circumstances would ever be actuated by ulterior motives of any kind, or that he would have any desire, at any time, to take advantage in any way of any Member. I have never known a man more fair or a man more just than the distinguished majority leader. I wish to thank him for making the statement which makes it clear that I was not on the floor of the Senate at the time the bill was made the pending business.

Mr. MANSFIELD. I want to thank the Senator from North Carolina and express my deep appreciation to him for his remarks. I am very happy to have had an opportunity to straighten out the record and to make absolutely certain what I know to be a fact; that when the bill was motioned up, the Senator from North Carolina [Mr. Ervin] was not on the floor.

Mr. ERVIN. I thank the Senator.

Mr. HART. Mr. President, I want to thank the majority leader, the able Senator from Georgia [Mr. Russell], and the able Senator from North Carolina [Mr. Ervin] for their comments and for striking the tone they did as we open this debate.

Traditionally, nerves jangle a little and tensions seem appreciably to increase any time and every time the Senate turns to the consideration of a bill which bears the label "civil rights."

Given that apparently inescapable circumstance, I, for one, am very grateful that the exchanges which have just occurred did occur, because they remove a measure of the tension.

Mr. President, as has now become clear, the pending business before this body is H.R. 2516, a bill to prescribe

penalties for certain acts of violence or intimidation, and for other purposes.

It would be difficult to overemphasize the importance of H.R. 2516. This bill represents a most significant piece of Federal criminal legislation dealing with civil rights. It will do much to eliminate the inadequacies of existing Federal laws protecting citizens' rights—inadequacies which in the recent past have allowed assassins and hoodlums to escape punishment. That is a harsh statement but, unhappily, it is a fact.

Congress has waited nearly a century to make the necessary improvements upon 18 United States Code 241 and 242, the major existing Federal criminal laws dealing with civil rights-connected crimes. It has been evident for many years now that the gaps in existing Federal criminal law make the prompt passage of H.R. 2516 desirable and necessary.

Specifically, H.R. 2516 would punish interference or attempts to interfere, by force or threat of force, with any person because of his race, color, religion or national origin and because such person had been seeking to engage in specifically enumerated activities.

Also punishable would be violence directed against persons not involved in civil rights activity, where such persons are selected as victims in order to intimidate others.

The bill would also protect persons who urge or aid others to participate in the protected activities.

Persons who have duties to perform with respect to the protected activities—school officials, restaurant owners, employers or voter registration officials—would also be protected.

Forcible interference with any of the activities set out in the bill would be prohibited whether committed by persons acting under color of law or by private individuals. Persons acting alone, as well as conspirators, would be reached by the bill's prohibitions.

Additionally, H.R. 2516 increases the maximum penalties for violation of 18 United States Code 241 and 242. Currently the maximum penalties under these two sections are too lenient where a death has occurred. Presently section 241 provides for a maximum of \$5,000 fine or a 10-year prison sentence, or both, and section 242 sets a maximum penalty of a \$1,000 fine or 1-year imprisonment, or both.

Under the provisions of H.R. 2516, the maximum fine for a violation of section 241 is raised to \$10,000, and in both sections 241 and 242, provision is made for imprisonment for "any term of years or for life" where the prohibited activity has resulted in death.

Existing civil rights laws—18 United States Code 241 and 242—while applicable to some racial violence, do not spell out clearly the kind of conduct that is prohibited. Worded in general terms, they apply to a whole range of Federal rights, including—without specification—rights under the 14th amendment. As a result, prosecutions under both 18 United States Code 241 and 242 have been plagued by serious "vagueness" problems, often requiring protracted litigation.

Such delays have undermined enforcement efforts. The deterrent effect that would result from plainly-worded prohibitions on conduct has not been present, and it should be.

Commenting on the vague language of section 241, Justice Brennan said in *United States v. Guest* (383 U.S. 745, 786):

... since the limitation on the statute's effectiveness derives from Congress' failure to define—with any measure of specificity—the rights encompassed, the remedy is for Congress to write a law without this defect.

H.R. 2516 is such a law. It does respond to the comment of Justice Brennan. Its clear language will avoid unnecessary litigation concerning coverage and will provide an unmistakable warning to lawless elements not to interfere with the activities protected by the bill.

Other significant defects in the present laws will be eliminated by this legislation. Section 241, the existing felony statute, is applicable only to conspiracies. Thus, even with respect to conduct held to be within the scope of the statute, a prosecution may not be brought for action by a single individual.

I doubt if any Senator has forgotten Johnathan Daniels, the Episcopal seminary student, who died in Hayneville, Ala., a little more than 2 years ago. Mr. Daniels was engaged in an activity protected from State interference by the 14th amendment. What was he doing? He was peacefully urging and aiding others to assert their rights and to seek equality. But because the slayer of Mr. Daniels was not a public official, section 242 did not apply; and because no conspiracy was involved, section 241 was inapplicable, also. The man who ended the life of Johnathan Daniels, and seriously wounded another civil rights worker, was never punished for his actions. The same considerations precluded Federal action in the case of the killing of Medgar Evers, formerly field secretary of the NAACP in Mississippi.

Even if a conspiracy to interfere with 14th amendment rights could have been proven in these cases, applicability of section 241 would have been doubtful unless the Government could have shown involvement of a public official. The assaults upon Johnathan Daniels and Medgar Evers would have been covered by section 245(b) of H.R. 2516, had this bill been law at the time of their deaths 2 years ago.

We must strengthen the capability of the Federal Government to meet the problem of violent interference, for racial or other discriminatory reasons, with the free exercise of civil rights. It is our belief that there is need for this law.

HISTORY OF THE BILL

I think, as we open the discussion, a little history of the bill would be helpful. This bill, H.R. 2516, as reported by the Judiciary Committee, closely resembles title V of the 1966 bill that was proposed by the Attorney General. The House of Representatives passed title V on August 9, 1966. That is as far as it got in the 89th Congress.

Now, as to action in the 90th Congress, H.R. 2516 was overwhelmingly approved by the House of Representatives on Au-

gust 16, 1967. It was referred to the Senate on August 25. Thus, for almost a year and a half, one could suggest that the U.S. Senate has constituted the chief stumbling block for this much-needed legislation. I hope we shall promptly remove that stumbling block.

It is necessary to discuss, briefly, the recent history of this bill in the Senate Judiciary Committee, because I anticipate the Senate will be called upon to choose between the bill as reported and a substitute measure which, although not without merit, falls short of the aims of this legislation.

The Subcommittee on Constitutional Rights held hearings on H.R. 2516 in September 1967. On October 12, the subcommittee approved a bill in the nature of a substitute. The substitute bill had a structural resemblance to the House-passed bill, but the list of activities protected had been somewhat abbreviated—in substance, if not in verbiage.

The subcommittee bill enumerated only rights based on the relationship between the individual and the Federal Government. All provisions of the House bill protecting rights secured by the 14th amendment were stricken. These included protection against interference with persons seeking to participate in State elections, protection for those enrolling or seeking to enroll in public schools or public colleges, and protection for those seeking to participate in State-administered benefits or services, to enjoy State employment, or to serve on State juries.

The basis for the original inclusion of these activities were twofold: First, numerous incursions on the exercise of these basic rights have occurred in recent years. Many have been the result of private lawless action designed to prevent Negroes and others from participating equally in the benefits of State citizenship. Second, Congress has constitutional authority to determine what legislative action is necessary to afford equal protection to persons under its jurisdiction. The punishment of racially based crimes of violence designed to interfere with the exercise of constitutional rights is clearly a matter upon which Congress has the power to legislate.

Mr. President, I made reference to the case of the United States against Guest, and because it will be discussed, I am sure, I ask unanimous consent that it be made a part of the Record at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HART. Mr. President, six Supreme Court Justices in *United States v. Guest* (383 U.S. 745 (1966)), agreed that Congress has power, under section 5 of the 14th amendment, to enact legislation implementing the equal protection clause or any other provision of the 14th amendment. Congress has similar authority under section 2 of the 15th amendment. That was settled in the voting rights case of *South Carolina v. Katzenbach* (383 U.S. 301, 326-27).

In Justice Brennan's separate opinion in the Guest case, supra, he rejected the idea that Congress' power to punish in-

terference with the exercise of 14th amendment rights was limited to punishing officers or others acting under color of State law. Here is what he said:

Although the Fourteenth Amendment itself, according to established doctrine, speaks to the State or to those acting under the color of its authority, legislation protecting rights created by that Amendment, such as the right to equal use of state facilities, need not be confined to punishing conspiracies in which state officers participate. Rather, Sec. 5 authorizes Congress to make laws that it concludes are reasonably necessary to protect a right created by and arising under that Amendment; and Congress is thus fully empowered to determine that punishment of private conspiracies interfering with the exercise of such a right is necessary to its full protection (383 U.S. at 782).

In our judgment, the right to be free from intimidation as one seeks to enroll in a State school or seeks State employment or to participate in State programs or to serve on State juries is a right that should be protected. The bill before us does protect that right, but not the substitute that came out of the subcommittee.

Justice Brennan further pointed out in his opinion that a majority of the members of the Court concurred in his view that Congress could provide for the punishment of private acts constituting interference with 14th amendment rights. This is the basis for H.R. 2516, and it is this class of constitutional rights that the substitute bill sought to place outside the reach of Federal law.

Since Congress has the power to enact legislation to protect 14th amendment rights, there can be no valid reason for limiting H.R. 2516 in the way the substitute bill proposed. The coverage provisions of the original bill not included in the substitute are among the most important of the activities that should be protected. Without the prohibitions against interference with State-connected activities, the bill would leave a large gap in Federal jurisdiction to punish civil rights crimes.

Recognizing these facts, a majority of the Judiciary Committee accepted and reported the bill now before the Senate as a substitute for the subcommittee's bill. The committee's bill restores the basic approach of the House measure and closely resembles that bill, although the committee's version deletes several floor amendments approved in the House.

I know that in the course of this debate, reference will be made, as it was made in committee, to the suggestion that the committee's bill is designed solely to protect Negroes, and that the subcommittee's alternative bill would make the law applicable equally to all men regardless of their race, regardless of their religion, regardless of their national origin.

That description of the alternative proposal has, it must be admitted, a most attractive sound. Certainly I, too, would advocate the enactment of legislation that applies equally to all men.

But it is the most gross oversimplification to imply that the committee's bill would somehow bring an end to equality before the law. It is true that our bill requires that the criminal conduct de-

scribed in section 245(a) must, in order to be punishable as a Federal crime, be committed "because of the victim's race, color, religion, or national origin" and because the victim sought to engage in a protected activity. The reason for this limitation, I think, is not difficult to understand.

We are supposed to legislate against clearly defined evils. We seek to identify an evil, and, to the extent that legislation enables us to make correction, to correct it. We seek in this legislation to respond to a specific, identified need in the area of violence and intimidation. Our experience has shown that there exists a particular problem of racially motivated violence and threats intended to deny a citizen rights which would otherwise be available to him under the Constitution and laws of the United States.

It is true, of course, that there is much crime that is not racially motivated. But we have State and local police agencies which are willing and, for the most part, able to deal with this parallel problem.

To beef up those agencies and support their efforts, we have other programs, such as the administration's safe streets legislation, which are directed at the problem of inadequate local law enforcement resources.

The separate issue to which the Judiciary Committee's bill directs its attention is the problem of inadequacy of local handling of racially motivated crime. H.R. 2516 is an attempt to assure the presence and deterrent effect of law enforcement in situations where, too often, local law enforcement has been unwilling or unable to protect a portion of the population it is sworn to protect.

In a very real sense, this legislation is more limited than that proposed by the substitute proposal. It represents a minimal, but necessary, Federal presence in the field of law enforcement. The bill which had been recommended by the Constitutional Rights Subcommittee covers a more limited list of activities, to be sure, but it would cover those activities in an excessively broad fashion because that bill leaves out the element requiring race, religion, or national origin to be a factor in the criminal conduct.

In sum, Mr. President, the subcommittee's bill, which the Senate Judiciary Committee rejected, represents maximum Federal encroachment in areas where local law enforcement has been both willing and able to handle the job.

Thus, contrary to the criticism heretofore directed at the bill before the Senate, H.R. 2516 does not "violate the spirit of equal protection." On the contrary, the bill seeks to direct the carefully limited presence of Federal law enforcement to that part of the criminal law which in fact too often is not being "equally protected."

Nor would our bill preempt local law enforcement agencies from subjecting criminals to the ordinary State processes when—as will be true in most cases, and we hope the day will come when it is true in virtually every case—the contemplated criminal acts constitute violations of State law. Instead, the bill would allow the Federal Government to assure

that where those State processes do not function as they are intended to function, the criminal would not be permitted totally to avoid the sanctions of law.

The supporters of the substitute proposed by the subcommittee differ with the committee majority in their view of what this bill seeks to accomplish. This difference is cogently illustrated by a statement in the committee report, which is found in the conclusion of the minority views. This observation could as easily have been stated as the majority's reason for supporting H.R. 2516:

Equality is not achieved when we protect only citizens of one religion, or one political affiliation, or one race, or one nationality. Unless all citizens are protected to the same degree, we violate the spirit of equal protection.

In my view, the letter as well as the spirit of equal protection is violated when State law enforcement fails to do its job. If we are interested in insuring that equality before the law is a reality, then passing this bill as reported will be a solid step in that direction—a step which I hope the Senate soon will take.

EXHIBIT 1

[In the Supreme Court of the United States, No. 65.—October term, 1965]

UNITED STATES, APPELLANT V. HERBERT GUEST ET AL.—ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA

[March 28, 1966]

MR. JUSTICE STEWART delivered the opinion of the Court.

The six defendants in this case were indicted by a United States grand jury in the Middle District of Georgia for criminal conspiracy in violation of 18 U.S.C. § 241. That section provides in relevant part:

"If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same;

"They shall be fined not more than \$5000 or imprisoned not more than ten years, or both."

In five numbered paragraphs, the indictment alleged a single conspiracy by the defendants to deprive Negro citizens of the free exercise and enjoyment of several specified rights secured by the Constitution and laws of the United States.¹ The defendants

¹ The indictment, filed on October 16, 1964, was as follows:

"The Grand Jury Charges:

"Commencing on or about January 1, 1964, and continuing to the date of this indictment, Herbert Guest, James Spergeon Lackey, Cecil William Myers, Denver Willis Phillips, Joseph Howard Sims, and George Hampton Turner, did, within the Middle District of Georgia, Athens Division, conspire together, with each other, and with other persons to the Grand Jury unknown, to injure, oppress, threaten, and intimidate Negro citizens of the United States in the vicinity of Athens, Georgia, in the free exercise and enjoyment by said Negro citizens of the following rights and privileges secured to them by the Constitution and the laws of the United States:

"1. The right to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of motion picture theaters, restaurants, and other places of public accommodation;

moved to dismiss the indictment on the ground that it did not charge an offense under the laws of the United States. The District Court sustained the motion and dismissed the indictment as to all defendants and all numbered paragraphs of the indictment. 246 F. Supp. 475.

The United States appealed directly to this Court under the Criminal Appeals Act, 18 U.S.C. § 3731.² We postponed decision of the question of our jurisdiction to the hearing on the merits. 381 U.S. 932. It is now apparent that this Court does not have jurisdiction to decide one of the issues sought to be raised on this direct appeal. As to the other issues, however, our appellate jurisdiction is clear, and for the reasons that follow, we reverse the judgment of the District Court. As in *United States v. Price*,—U.S. —, decided today, we deal here with issues of statutory construction, not with issues of constitutional power.

I

The first numbered paragraph of the indictment, reflecting a portion of the language of § 201(a) of the Civil Rights Act of 1964, 42 U.S.C. § 2000a(a) (1964 ed.), alleged that the petitioners conspired to injure, oppress, threaten, and intimidate Negro citizens in the free exercise and enjoyment of:

"The right to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of motion

"2. The right to the equal utilization, without discrimination upon the basis of race, of public facilities in the vicinity of Athens, Georgia, owned, operated or managed by or on behalf of the State of Georgia or any subdivision thereof;

"3. The right to the full and equal use on the same terms as white citizens of the public streets and highways in the vicinity of Athens, Georgia;

"4. The right to travel freely to and from the State of Georgia and to use highway facilities and other instrumentalities of interstate commerce within the State of Georgia.

"5. Other rights exercised and enjoyed by white citizens in the vicinity of Athens, Georgia.

"It was a part of the plan and purpose of the conspiracy that its objects be achieved by various means, including the following:

"1. By shooting Negroes;
"2. By beating Negroes;
"3. By killing Negroes;
"4. By damaging and destroying property of Negroes;

"5. By pursuing Negroes in automobiles and threatening them with guns;

"6. By making telephone calls to Negroes to threaten their lives, property, and persons, and by making such threats in person;

"7. By going in disguise on the highway and on the premises of other persons;

"8. By causing the arrest of Negroes by means of false reports that such Negroes had committed criminal acts; and

"9. By burning crosses at night in public view.

"All in violation of Section 241, Title 18, United States Code."

The only additional indication in the record concerning the factual details of the conduct with which the defendants were charged is the statement of the District Court that: "It is common knowledge that two of the defendants, Sims and Myers, have already been prosecuted in the Superior Court of Madison County, Georgia for the murder of Lemuel A. Penn and by a jury found not guilty." 246 F. Supp. 475, 487.

² This appeal concerns only the first four numbered paragraphs of the indictment. The Government conceded in the District Court that the fifth paragraph added nothing to the indictment, and no question is raised here as to the dismissal of that paragraph.

picture theaters, restaurants, and other places of public accommodation."²

The District Court held that this paragraph of the indictment failed to state an offense against rights secured by the Constitution or laws of the United States. The court found a fatal flaw in the failure of the paragraph to include an allegation that the acts of the defendants were motivated by racial discrimination, an allegation the court thought essential to charge an interference with rights secured by Title II of the Civil Rights Act of 1964.³ The court went on to say that, in any event, 18 U.S.C. § 241 is not an available sanction to protect rights secured by that title because § 207(b) of the 1964 Act, 42 U.S.C. § 2000a-6(b) (1964 ed.), specifies that the remedies provided in Title II itself are to be the exclusive means of enforcing the rights the title secures.⁴

² Section 201(a) of the Civil Rights Act of 1964, 42 U.S.C. § 2000a(a) (1964 ed.), provides:

"All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin."

The criteria for coverage of motion picture theaters by the Act are stated in §§ 201(b) (3) and 201(c) (3), 42 U.S.C. §§ 2000a(b) (3) and 2000a(c) (3) (1964 ed.); the criteria for coverage of restaurants are stated in §§ 201(b) (2) and 201(c) (2), 42 U.S.C. §§ 2000a(b) (2) and 2000a(c) (2) (1964 ed.). No issue is raised here as to the failure of the indictment to allege specifically that the Act is applicable to the places of public accommodation described in this paragraph of the indictment.

³ The District Court said: "The Government contends that the rights enumerated in paragraph 1 stem from Title 2 of the Civil Rights Act of 1964, and thus automatically come within the purview of § 241. The Government conceded on oral argument that paragraph one would add nothing to the indictment absent the Act. It is not clear how the rights mentioned in paragraph one can be said to come from the Act because § 201(a), upon which the draftsman doubtless relied, lists the essential element 'without discrimination or segregation on the ground of race, color, religion, or national origin.' This element is omitted from paragraph one of the indictment, and does not appear in the charging part of the indictment. The Supreme Court said in *Cruikshank*, supra, 92 U.S. at page 556, where deprivation of right to vote was involved.

"We may suspect that 'race' was the cause of the hostility; but it is not so averred. This is material to a description of the substance of the offense and cannot be supplied by implication. Everything essential must be charged positively, not inferentially. The defect here is not in form, but in substance." 246 F. Supp. 475, 484.

⁴ Section 207(b) of the Civil Rights Act of 1964, 42 U.S.C. § 2000a-6(b) (1964 ed.), states:

"The remedies provided in this title shall be the exclusive means of enforcing the rights based on this title, but nothing in this title shall preclude any individual or any State or local agency from asserting any right based on any other Federal or State law not inconsistent with this title, including any statute or ordinance requiring nondiscrimination in public establishments or accommodations, or from pursuing any remedy civil or criminal, which may be available for the vindication or enforcement of such right."

Relying on this provision and its legislative history, the District Court said: "It seems crystal clear that the Congress in

A direct appeal to this Court is available to the United States under the Criminal Appeals Act, 18 U.S.C. § 3731, from "a decision or judgment . . . dismissing any indictment . . . or any count thereof, where such decision or judgment is based upon the . . . construction of the statute upon which the indictment . . . is founded." In the present case, however, the District Court's judgment as to the first paragraph of the indictment was based, at least alternatively, upon its determination that this paragraph was defective as a matter of pleading. Settled principles of review under the Criminal Appeals Act therefore preclude our review of the District Court's judgment on this branch of the indictment. In *United States v. Borden Co.*, 308 U.S. 188, Chief Justice Hughes, speaking for a unanimous Court, set out these principles with characteristic clarity:

"The established principles governing our review are these: (1) Appeal does not lie from a judgment which rests on the mere deficiencies of the indictment as a pleading, as distinguished from a construction of the statute which underlies the indictment. (2) Nor will an appeal lie in a case where the District Court has considered the construction of the statute but has also rested its decision upon the independent ground of a defect in pleading which is not subject to our examination. In that case we cannot disturb the judgment and the question of construction becomes abstract. (3) This Court must accept the construction given to the indictment by the District Court as that is a matter we are not authorized to review. . . ." 308 U.S., at 193.

See also *United States v. Swift & Co.*, 318 U.S. 442, 444.

The result is not changed by the circumstance that we have jurisdiction over this appeal as to the other paragraphs of the indictment. *United States v. Borden*, supra, involved an indictment comparable to the present one for the purposes of jurisdiction under the Criminal Appeals Act. In *Borden*, the District Court had held all four counts of the indictment invalid as a matter of construction of the Sherman Act, but had also held the third count defective as a matter of pleading. The Court accepted jurisdiction on direct appeal as to the first, second, and fourth counts of the indictment, but it dismissed the appeal as to the third count for want of jurisdiction. "The Government's appeal does not open the whole case." 308 U.S. 188, 193.

It is hardly necessary to add that our ruling as to the Court's lack of jurisdiction now to review this aspect of the case implies no opinion whatsoever as to the correctness either of the District Court's appraisal of this paragraph of the indictment as a matter of pleading or of the court's view of the preclusive effect of § 207 (b) of the Civil Rights Act of 1964.

II

The second numbered paragraph of the indictment alleged that the defendants conspired to injure, oppress, threaten, and intimidate Negro citizens of the United States in the free exercise and enjoyment of:

"The right to the equal utilization, without discrimination upon the basis of race, of public facilities in the vicinity of Athens, Georgia, owned, operated, or managed by or on behalf of the State of Georgia or any subdivision thereof."

Correctly characterizing this paragraph as embracing rights protected by the Equal Protection Clause of the Fourteenth Amendment, the District Court held as a matter of statutory construction that 18 U.S.C. § 241 does not encompass any Fourteenth Amend-

enacting the Civil Rights Act of 1964 did not intend to subject anyone to any possible criminal penalties except those specifically provided for in the Act itself." 246 F. Supp., at 485.

ment rights, and further held as a matter of constitutional law that "any broader construction of § 241 . . . would render it void for indefiniteness." 246 F. Supp., at 486. In so holding, the District Court was in error, as our opinion in *United States v. Price*, — U.S. —, decided today, makes abundantly clear.

To be sure, *Price* involves rights under the Due Process Clause, whereas the present case involves rights under the Equal Protection Clause. But no possible reason suggests itself for concluding that § 241—if it protects Fourteenth Amendment rights—protects rights secured by the one Clause but not those secured by the other. We have made clear in *Price* that when § 241 speaks of "any right or privilege secured . . . by the Constitution or laws of the United States," it means precisely that.

Moreover, inclusion of Fourteenth Amendment rights within the compass of 18 U.S.C. § 241 does not render the statute unconstitutionally vague. Since the gravamen of the offense is conspiracy, the requirement that the offender must act with a specific intent to interfere with the federal rights in question is satisfied. *Screws v. United States*, 325 U.S. 91; *Williams v. United States*, 341 U.S. 70, 93-95 (dissenting opinion). And the rights under the Equal Protection Clause described by this paragraph of the indictment have been so firmly and precisely established by a consistent line of decisions in this Court,⁵ that the lack of specification of these rights in the language of § 241 itself can raise no serious constitutional question on the ground of vagueness or indefiniteness.

Unlike the indictment in *Price*, however, the indictment in the present case names no person alleged to have acted in any way under the color of state law. The argument is therefore made that, since there exist no Equal Protection Clause rights against wholly private action, the judgment of the District Court on this branch of the case must be affirmed. On its face, the argument is unexceptionable. The Equal Protection Clause speaks to the State or to those acting under the color of its authority.

In this connection, we emphasize that § 241 by its clear language incorporates no more than the Equal Protection Clause itself; the statute does not purport to give substantive, as opposed to remedial, implementation to any rights secured by that Clause.⁶ Since we therefore deal here only with the bare terms of the Equal Protection Clause itself, nothing said in this opinion goes to the question of what kinds of other and broader legislation Congress might constitutionally enact under § 5 of the Fourteenth Amendment to implement that Clause or any other provision of the Amendment.⁷

⁵ See, e.g., *Brown v. Board of Education*, 347 U.S. 483 (schools); *New Orleans City Park Improvement Assn. v. Detiege*, 358 U.S. 54, *Wright v. Georgia*, 373 U.S. 284, *Watson v. Memphis*, 373 U.S. 526, *City of New Orleans v. Barthe*, 376 U.S. 189 (parks and playgrounds); *Holmes v. City of Atlanta*, 350 U.S. 879 (golf course); *Mayor and City Council of Baltimore City v. Dawson*, 350 U.S. 877 (beach); *Muir v. Louisville Park Theatrical Assn.*, 347 U.S. 971 (auditorium); *Johnson v. Virginia*, 373 U.S. 61 (courthouse); *Burton v. Wilmington Parking Authority*, 365 U.S. 715 (parking garage); *Turner v. City of Memphis*, 369 U.S. 350 (airport).

⁶ "No State shall . . . deny to any person within its jurisdiction the equal protection of the laws."

⁷ See p. 1, supra.

⁸ Thus, contrary to the suggestion in Mr. Justice BRENNAN's separate opinion, nothing said in this opinion has the slightest bearing on the validity or construction of Title III or Title IV of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000b, 2000c (1964 ed.).

It is a commonplace that rights under the Equal Protection Clause itself arise only where there has been involvement of the State or of one acting under the color of its authority. The Equal Protection Clause "does not . . . add any thing to the rights which one citizen has under the Constitution against another." *United States v. Cruikshank*, 92 U.S. 542, 554-555. As Mr. Justice Douglas more recently put it, "The Fourteenth Amendment protects the individual against state action, not against wrongs done by individuals." *United States v. Williams*, 341 U.S. 70, 92 (dissenting opinion). This has been the view of the Court from the beginning. *United States v. Cruikshank*, *supra*; *United States v. Harris*, 106 U.S. 629; *Civil Rights Cases*, 109 U.S. 3; *Hodges v. United States*, 203 U.S. 1; *United States v. Powell*, 212 U.S. 564. It remains the Court's view today. See, e.g., *Evans v. Newton*, — U.S. —; *United States v. Price*, — U.S. —.

This is not to say, however, that the involvement of the State need be either exclusive or direct. In a variety of situations the Court has found state action of a nature sufficient to create rights under the Equal Protection Clause even though the participation of the State was peripheral, or its action was only one of several co-operative forces leading to the constitutional violation. See, e.g., *Shelly v. Kraemer*, 334 U.S. 1; *Pennsylvania v. Board of Trustees*, 353 U.S. 230; *Burton v. Wilmington Parking Authority*, 365 U.S. 715; *Peterson v. City of Greenville*, 373 U.S. 244; *Lombard v. Louisiana*, 373 U.S. 267; *Griffin v. Maryland*, 378 U.S. 130; *Robinson v. Florida*, 378 U.S. 153; *Evans v. Newton*, *supra*.

This case, however, requires no determination of the threshold level that state action must attain in order to create rights under the Equal Protection Clause. This is so because, contrary to the argument of the litigants, the indictment in fact contains an express allegation of state involvement sufficient at least to require the denial of a motion to dismiss. One of the means of accomplishing the object of the conspiracy, according to the indictment, was "By causing the arrest of Negroes by means of false reports that such Negroes had committed criminal acts."¹⁰ In *Bell v. Maryland*, 378 U.S. 226, three members of the Court expressed the view that a private businessman's invocation of state police and judicial action to carry out his own policy of racial discrimination was sufficient to create Equal Protection Clause rights in those against whom the racial discrimination was directed.¹¹ Three other members of the Court strongly disagreed with that view,¹² and three expressed no opinion on the question. The allegation of the extent of official involvement in the present case is not clear. It may charge no more than co-operative private and state action similar to that involved in *Bell*, but it may go considerably further. For example, the allegation is broad enough to cover a charge of active connivance by agents of the State in the making of the "false reports," or other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause. Although it is possible that a bill of particulars, or the proofs if the case goes to trial, would disclose no co-operative action of that kind by officials of the State, the allegation is enough to prevent dismissal of this branch of the indictment.

III

The fourth numbered paragraph of the indictment alleged that the defendants con-

spired to injure, oppress, threaten, and intimidate Negro citizens of the United States in the free exercise and enjoyment of:

"The right to travel freely to and from the State of Georgia and to use highway facilities and other instrumentalities of interstate commerce within the State of Georgia."¹³

The District Court was in error in dismissing the indictment as to this paragraph. The constitutional right to travel from one State to another, and necessarily to use the highways and other instrumentalities of interstate commerce in doing so, occupies a position fundamental to the concept of our Federal Union. It is a right that has been firmly established and repeatedly recognized. In *Crandall v. Nevada*, 6 Wall. 35, invalidating a Nevada tax on every person leaving the State by common carrier, the Court took as its guide the statement of Chief Justice Taney in the *Passenger Cases*, 7 How. 283, 492:

"For all the great purposes for which the Federal government was formed, we are one people, with one common country. We are all citizens of the United States; and, as members of the same community, must have the right to pass and repass through every part of it without interruption, as freely as in our own States." See 6 Wall., at 48-49.

Although the Articles of Confederation provided that "the people of each State shall have free ingress and regress to and from any other State,"¹⁴ that right finds no explicit mention in the Constitution. The reason, it has been suggested, is that a right so elementary was conceived from the beginning to be a necessary concomitant of the stronger Union the Constitution created.¹⁵ In any event, freedom to travel throughout the United States has long been recognized as a basic right under the Constitution. See *Williams v. Fears*, 179 U.S. 270, 274; *Twining v. New Jersey*, 211 U.S. 78, 97; *Edwards v. California*, 314 U.S. 160, 177 (concurring opinion), 181 (concurring opinion); *New York v. O'Neill*, 359 U.S. 1, 6-8; 12-16 (dissenting opinion).

In *Edwards v. California*, 314 U.S. 160, invalidating a California law which impeded the free interstate passage of the indigent, the Court based its reaffirmation of the federal right of interstate travel upon the Commerce Clause. This ground of decision was consistent with precedents firmly establishing that the federal commerce power surely encompasses the movement in interstate commerce of persons as well as commodities. *Gloucester Ferry Co. v. Pennsylvania*, 114 U.S. 196, 203; *Covington & Cincinnati Bridge Co. v. Kentucky*, 154 U.S. 204, 218-219; *Hoke v. United States*, 227 U.S. 308, 320; *United States v. Hill*, 248 U.S. 420, 423. It is also well settled in our decisions that the federal commerce power authorizes Congress to legislate for the protection of individuals from violations of civil rights that impinge on their free movement in interstate commerce.

¹³ The third numbered paragraph alleged that the defendants conspired to injure, oppress, threaten, and intimidate Negro citizens of the United States in the free exercise and enjoyment of:

"The right to the full and equal use on the same terms as white citizens of the public streets and highways in the vicinity of Athens, Georgia."

Insofar as the third paragraph refers to the use of local public facilities, it is covered by the discussion of the second numbered paragraph of the indictment in Part II of this opinion. Insofar as the third paragraph refers to the use of streets or highways in interstate commerce, it is covered by the present discussion of the fourth numbered paragraph of the indictment.

¹⁴ Art. IV, Articles of Confederation.

¹⁵ See Chafee, *Three Human Rights in the Constitution* 185 (1956).

Mitchell v. United States, 313 U.S. 80; *Henderson v. United States*, 339 U.S. 816; *Boynston v. Virginia*, 364 U.S. 454; *Atlanta Motel v. United States*, 379 U.S. 241; *Katzbach v. McClung*, 379 U.S. 294.

Although there have been recurring differences in emphasis within the Court as to the source of the constitutional right of interstate travel, there is no need here to canvass those differences further.¹⁶ All have agreed that the right exists. Its explicit recognition as one of the federal rights protected by what is now 18 U.S.C. § 241 goes back at least as far as 1904. *United States v. Moore*, 129 F. 630, 633. We reaffirm it now.¹⁷

This does not mean, of course, that every criminal conspiracy affecting an individual's right of free interstate passage is within the sanction of 18 U.S.C. § 241. A specific intent to interfere with the federal right must be proved, and at a trial the defendants are entitled to a jury instruction phrased in those terms. *Screws v. United States*, 325 U.S. 91, 106-107. Thus, for example, a conspiracy to rob an interstate traveler would not, of itself, violate § 241. But if the predominant purpose of the conspiracy is to impede or prevent the exercise of the right of interstate travel, or to oppress a person because of his exercise of that right, then, whether or not motivated by racial discrimination, the conspiracy becomes a proper object of the federal law under which the indictment in this case was brought. Accordingly, it was error to grant the motion to dismiss on this branch of the indictment.

For these reasons, the judgment of the District Court is reversed and the case is remanded to that court for further proceedings consistent with this opinion.

It is so ordered.

¹⁶ The District Court relied heavily on *United States v. Wheeler*, 254 U.S. 281, in dismissing this branch of the indictment. That case involved an alleged conspiracy to compel residents of Arizona to move out of that State. The right of interstate travel was, therefore, not directly involved. Whatever continuing validity *Wheeler* may have as restricted to its own facts, the dicta in the *Wheeler* opinion relied on by the District Court in the present case have been discredited in subsequent decisions. Cf. *Edwards v. California*, 314 U.S. 160, 177, 180 (Douglas, J., concurring); *Williams v. United States*, 341 U.S. 70, 80.

¹⁷ As emphasized in Mr. Justice Harlan's separate opinion, § 241 protects only against rights secured by other federal laws or by the Constitution itself. The right to interstate travel is a right that the Constitution itself guarantees, as the cases cited in the text make clear. Although these cases in fact involved governmental interference with the right of free interstate travel, their reasoning fully supports the conclusion that the constitutional right of interstate travel is a right secured against interference from any source whatever, whether governmental or private. In this connection, it is important to reiterate that the right to travel freely from State to State finds constitutional protection that is quite independent of the Fourteenth Amendment.

We are not concerned here with the extent to which interstate travel may be regulated or controlled by the exercise of a State's police power acting within the confines of the Fourteenth Amendment. See *Edwards v. California*, 314 U.S. 160, 184 (concurring opinion); *New York v. O'Neill*, 359 U.S. 1, 6-8. Nor is there any issue here as to the permissible extent of federal interference with the right within the confines of the Due Process Clause of the Fifth Amendment. Cf. *Zemel v. Rusk*, 381 U.S. 1; *Aptheker v. Secretary of State*, 378 U.S. 500; *Kent v. Dulles*, 357 U.S. 116.

¹⁰ See note 1, *supra*.

¹¹ 378 U.S. 226, at 242 (separate opinion of Mr. Justice Douglas); *id.*, 286 (separate opinion of Mr. Justice Goldberg).

¹² *Id.*, at 318 (dissenting opinion of Mr. Justice Black).

[In the Supreme Court of the United States, No. 65.—October Term, 1965]

UNITED STATES, APPELLANT v. HERBERT GUEST, ET AL.—ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA

[March 28, 1966]

MR. JUSTICE CLARK, with whom MR. JUSTICE BLACK and MR. JUSTICE FORTAS join, concurring.

I join the opinion of the Court in this case but believe it worthwhile to comment on its Part II in which the Court discusses that portion of the indictment charging the appellees with conspiring to injure, oppress, threaten and intimidate Negro citizens of the United States in the free exercise and enjoyment of:

"The right to equal utilization, without discrimination upon the basis of race, of public facilities in the vicinity of Athens, Georgia, owned, operated, or managed by or on behalf of the State of Georgia or any subdivision thereof."

The appellees contend that the indictment is invalid since 18 U.S.C. § 241, under which it was returned, protects only against interference with the exercise of the right to equal utilization of State facilities, which is not a right "secured" by the Fourteenth Amendment in the absence of state action. With respect to this contention the Court upholds the indictment on the ground that it alleges the conspiracy was accomplished, in part, "by causing the arrest of Negroes by means of false reports that such Negroes had committed criminal acts." The Court reasons that this allegation of the indictment might well cover active connivance by agents of the State in the making of these false reports or in carrying on other conduct amounting to official discrimination. By so construing the indictment, it finds the language sufficient to cover a denial of rights protected by the Equal Protection Clause. The Court thus removes from the case any necessity for a "determination of the threshold level that State action must attain in order to create rights under the Equal Protection Clause." A study of the language in the indictment clearly shows that the Court's construction is not a capricious one, and I therefore agree with that construction, as well as the conclusion that follows.

The Court carves out of its opinion the question of the power of Congress, under § 5 of the Fourteenth Amendment, to enact legislation implementing the Equal Protection Clause or any other provision of the Fourteenth Amendment. The Court's interpretation of the indictment clearly avoids the question whether Congress, by appropriate legislation, has the power to punish private conspiracies that interfere with Fourteenth Amendment rights, such as the right to utilize public facilities. My Brother BRENNAN, however, says that the Court's disposition constitutes an acceptance of appellees' aforesaid contention as to § 241. Some of his language further suggests that the Court indicates *sub silentio* that Congress does not have the power to outlaw such conspiracies. Although the Court specifically rejects any such connotation, *ante*, p. —, it is, I believe, both appropriate and necessary under the circumstances here to say that there now can be no doubt that the specific language of § 5 empowers the Congress to enact laws punishing all conspiracies—with or without state action—that interfere with Fourteenth Amendment rights.

[In the Supreme Court of the United States, No. 65.—October term, 1965]

UNITED STATES, APPELLANT v. HERBERT GUEST ET AL.—ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA

[March 28, 1966]

MR. JUSTICE HARLAN, concurring in part and dissenting in part.

I join Parts I and II¹ of the Court's opinion, but I cannot subscribe to Part III in its full sweep. To the extent that it is there held that 18 U.S.C. § 241 (1964 ed.) reaches conspiracies, embracing only the action of private persons, to obstruct or otherwise interfere with the right of citizens freely to engage in interstate travel, I am constrained to dissent. On the other hand, I agree that § 241 does embrace state interference with such interstate travel, and I therefore consider that this aspect of the indictment is sustainable on the reasoning of Part II of the Court's opinion.

This right to travel must be found in the Constitution itself. This is so because § 241 covers only conspiracies to interfere with any citizen in the "free exercise or enjoyment" of a right or privilege "secured to him by the Constitution or laws of the United States," and no "right to travel" can be found in § 241 or in any other law of the United States. My disagreement with this phase of the Court's opinion lies in this: While past cases do indeed establish that there is a constitutional "right to travel" between States free from unreasonable governmental interference, today's decision is the first to hold that such movement is also protected against private interference, and, depending on the constitutional source of the right, I think it either unwise or impermissible so to read the Constitution.

Preliminarily, nothing in the Constitution expressly secures the right to travel. In contrast the Articles of Confederation provided in Art. IV:

"The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States . . . shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively . . ."

This right to "free ingress and regress" was eliminated from the draft of the Constitution without discussion even though the main objective of the Convention was to create a stronger union. It has been assumed that the clause was dropped because it was so obviously an essential part of our federal structure that it was necessarily subsumed under more general clauses of the Constitution. See *United States v. Wheeler*, 254 U.S. 281, 294. I propose to examine the several asserted constitutional bases for the right to travel, and the scope of its protection in relation to each source.

I

Because of the close proximity of the right of ingress and regress to the Privileges and Immunities Clause of the Articles of Confederation it has long been declared that the right is a privilege and immunity of national citizenship under the Constitution. In the influential opinion of Mr. Justice Washington on circuit, *Corfield v. Coryell*, 4 Wash. C. C. 371 (1825), the court addressed itself to the question—"what are the privileges and immunities of citizens in the several states?" *Id.*, at 380. *Corfield* was concerned with a New Jersey statute restricting to state citizens the right to rake for oysters, a statute which the court upheld. In analyzing the Privileges and Immunities Clause of the Constitution, Art. IV, § 2, the court stated that it confined "these expressions to

those privileges and immunities which are, in their nature, *fundamental*," and listed among them "The right of a citizen of one state to pass through, or to reside in any other state, for purposes of trade, agriculture, professional pursuits, or otherwise. . . ." *Id.*, at 380-381.

The dictum in *Corfield* was cited with approval in the first opinion of this Court to deal directly with the right of free movement, *Crandall v. Nevada*, 6 Wall. 35, which struck down a Nevada statute taxing persons leaving the State. It is first noteworthy that in his concurring opinion Mr. Justice Clifford asserted that he would hold the statute void exclusively on commerce grounds for he was clear "that the State legislature cannot impose any such burden upon commerce among the several States." 6 Wall., at 49. The majority opinion of Mr. Justice Miller, however, eschewed reliance on the Commerce Clause and the Import-Export Clause and looked rather to the nature of the federal union:

"The people of these United States constitute one nation. . . . This government has necessarily a capital established by law. . . . That government has a right to call to this point any or all of its citizens to aid in its service. . . . The government, also, has its offices of secondary importance in all other parts of the country. On the sea-coasts and on the rivers it has its ports of entry. In the interior it has its land offices, its revenue offices, and its sub-treasuries. In all these it demands the services of its citizens, and is entitled to bring them to those points from all quarters of the nation, and no power can exist in a State to obstruct this right that would not enable it to defeat the purposes for which the government was established." 6 Wall., at 43-44.

Accompanying this need of the Federal Government, the Court found a correlative right of the citizen to move unimpeded throughout the land:

"He has the right to come to the seat of government to assert any claim he may have upon that government, or to transact any business he may have with it. To seek its protection, to share its offices, to engage in administering its functions. He has a right to free access to its sea-ports, through which all the operations of foreign trade and commerce are conducted, to the sub-treasuries, the land offices, the revenue offices, and the courts of justice in the several States, and this right is in its nature independent of the will of any State over whose soil he must pass in the exercise of it." 6 Wall., at 44.

The focus of that opinion, very clearly, was thus on impediments by the States on free movement by citizens. This is emphasized subsequently when Mr. Justice Miller asserts that this approach is "neither novel nor unsupported by authority," because it is, fundamentally, a question of the exercise of a State's taxing power to obstruct the functions of the Federal Government: "[T]he right of the States in this mode to impede or embarrass the constitutional operations of that government, or the rights which its citizens hold under it, has been uniformly denied." 6 Wall., at 44-45.

Later cases, alluding to privileges and immunities, have in dicta included the right to free movement. See *Paul v. Virginia*, 8 Wall. 168, 180; *Williams v. Fears*, 179 U.S. 270, 274; *Twining v. New Jersey*, 211 U.S. 78.

Although the right to travel thus has respectable precedent to support its status as a privilege and immunity of national citizenship, it is important to note that those cases all dealt with the right of travel simply as affected by oppressive state action. Only one prior case in this Court, *United States v. Wheeler*, 254 U.S. 281, was argued precisely in terms of a right to free movement as against interference by private individuals. There the Government alleged a conspiracy under the predecessor of § 241 against the perpetrators of the notorious Bisbee De-

¹ The action of three of the Justices who join the Court's opinion in nonetheless cursorily pronouncing themselves on the far-reaching constitutional questions deliberately not reached in Part II seems to me, to say the very least, extraordinary.

portations.² The case was argued straightforwardly in terms of whether the right to free ingress and egress, admitted by both parties to be a right of national citizenship, was constitutionally guaranteed against private conspiracies. The Brief for the Defendants in Error, whose counsel was Charles Evans Hughes, later Chief Justice of the United States, gives as one of its main points: "So far as there is a right pertaining to Federal citizenship to have free ingress or egress with respect to the several States, the right is essentially one of protection against the action of the States themselves and of those acting under their authority." Brief, at p. 1. The Court, with one dissent, accepted this interpretation of the right of unrestricted interstate movement, observing that *Crandall v. Nevada*, *supra*, was inapplicable because, *inter alia*, it dealt with state action. 254 U.S., at 299. More recent cases discussing or applying the right to interstate travel have always been in the context of oppressive state action. See, e.g., *Edwards v. California*, 314 U.S. 160, and other cases discussed, *infra*.³

It is accordingly apparent that the right to unimpeded interstate travel, regarded as a privilege and immunity of national citizenship, was historically seen as a method of breaking down state provincialism, and facilitating the creation of a true federal union. In the one case in which a private conspiracy to obstruct such movement was heretofore presented to this Court, the predecessor of the very statute we apply today was held not to encompass such a right.

II

A second possible constitutional basis for the right to move among the States without interference is the Commerce Clause. When Mr. Justice Washington articulated the right in *Corfield*, it was in the context of a state statute impeding economic activity by outsiders, and he cast his statement in economic terms. 4 Wash. C.C., at 380-381. The two concurring Justices in *Crandall v. Nevada*, *supra*, rested solely on the commerce argument, indicating again the close connection between freedom of commerce and travel as principles of our federal union. In *Edwards v. California*, 314 U.S. 160, the Court held squarely that the right to unimpeded movement of persons is guaranteed against oppressive state legislation by the Commerce Clause, and declared unconstitutional a California statute restricting the entry of indigents into that State.

Application of the Commerce Clause to this area has the advantage of supplying a longer tradition of case-law and more refined principles of adjudication. States do have rights of taxation and quarantine, see *Edwards v. California*, 314 U.S. 184 (concurring opinion), which must be weighed against the general right of free movement, and Commerce Clause adjudication has traditionally been the means of reconciling these interests. Yet this approach to the right to travel, like that found in the privileges and immunities cases, is concerned with the interrelation of state and federal power, not—with an exception to be dealt with in a moment—with private interference.

The case of *In re Debs*, 158 U.S. 564, may be thought to raise some doubts as to this proposition. There the United States sought to enjoin Debs and members of his union from continuing to obstruct—by means of a

strike—interstate commerce and the passage of the mails. The Court held that Congress and the Executive could certainly act to keep the channels of interstate commerce open, and that a court of equity had no less power to enjoin what amounted to a public nuisance. It might be argued that to the extent *Debs* permits the Federal Government to obtain an injunction against the private conspiracy alleged in the present indictment,⁴ the criminal statute should be applicable as well on the ground that the governmental interest in both cases is the same, namely to vindicate the underlying policy of the Commerce Clause. However, § 241 is not directed toward the vindication of governmental interests; it requires a private right under federal law. No such right can be found in *Debs*, which stands simply for the proposition that the Commerce Clause gives the Federal Government standing to sue on a basis similar to that of private individuals under nuisance law. The substantive rights of private persons to enjoin such impediments, of course, devolve from state not federal law; any seemingly inconsistent discussion in *Debs* would appear substantially vitiated by *Erie R. Co. v. Tompkins*, 304 U.S. 64.

I cannot find in any of this past case law any solid support for a conclusion that the Commerce Clause embraces a right to be free from private interference. And the Court's opinion here makes no such suggestion.

III

One other possible source for the right to travel should be mentioned. Professor Chafee, in his thoughtful study, "Freedom of Movement,"⁵ finds both the privileges and immunities approach and the Commerce Clause approach unsatisfactory. After a thorough review of the history and cases dealing with the question he concludes that this "valuable human right," *id.*, at 209, is best seen in due process terms:

"Already in several decisions the Court has used the Due Process Clause to safeguard the right of the members of any race to reside where they please inside a state, regardless of ordinances and injunctions. Why is not this clause equally available to assure the right to live in any state one desires? And unreasonable restraints by the national government on mobility can be upset by the Due Process Clause in the Fifth Amendment. . . . Thus the 'liberty' of all human beings which cannot be taken away without due process of law includes liberty of speech, press, assembly, religion, and also liberty of movement." *Id.*, at 192-193.

This due process approach to the right to unimpeded movement has been endorsed by this Court. In *Kent v. Dulles*, 357 U.S. 116, the Court asserted that "The right to travel is a part of the 'liberty' of which the citizen cannot be deprived without due process of law under the Fifth Amendment," *id.*, at 125, citing *Crandall v. Nevada*, *supra*, and *Edwards v. California*, *supra*. It is true that the holding in that case turned essentially on statutory grounds. However, in *Aptheker v. Secretary of State*, 378 U.S. 500, the Court, applying this constitutional doctrine, struck down a federal statute forbidding members of Communist organizations to obtain passports. Both the majority and dissenting opinions affirmed the principle that the right to travel is an aspect of the liberty guaranteed by the Due Process Clause.

⁴ It is not even clear that an equity court would enjoin a conspiracy of the kind alleged here, for traditionally equity will not enjoin a crime. See Developments in the Law—Injunctions, 78 Harv. L. Rev. 994, 1013-1018 (1965).

⁵ In *Three Human Rights in the Constitution of 1787*, at 162 (1956).

Viewing the right to travel in due process terms, of course, would clearly make it inapplicable to the present case, for due process speaks only to governmental action.

IV

This survey of the various bases for grounding the "right to travel" is conclusive only to the extent of showing that there has never been an acknowledged constitutional right to be free from private interference, and that the right in question has traditionally been seen and applied, whatever the constitutional underpinning asserted, only against governmental impediments. The right involved being as nebulous as it is, however, it is necessary to consider it in terms of policy as well as precedent.

As a general proposition it seems to me very dubious that the Constitution was intended to create certain rights of private individuals as against other private individuals. The Constitutional Convention was called to establish a nation, not to reform the common law. Even the Bill of Rights, designed to protect personal liberties, was directed at rights against governmental authority, not other individuals. It is true that there are a very narrow range of rights against individuals which have been read into the Constitution. In *Ex parte Yarbrough*, 110 U.S. 651, the Court held that implicit in the Constitution is the right of citizens to be free of private interference in federal elections. *United States v. Classic*, 313 U.S. 299, extended this coverage to primaries. *Logan v. United States*, 144 U.S. 263, applied the predecessor of § 241 to a conspiracy to injure someone in the custody of a United States marshal; the case has been read as dealing with a privilege and immunity of citizenship, but it would seem to have depended as well on extrapolations from statutory provisions providing for supervision of prisoners. The Court in *In re Quarles*, 158 U.S. 532, extending *Logan*, *supra*, declared that there was a right of federal citizenship to inform federal officials of violations of federal law. See also *United States v. Cruikshank*, 92 U.S. 542, 552, which announced in dicta a federal right to assemble to petition the Congress for a redress of grievances.

Whatever the validity of these cases on their own terms, they have hardly persuasive authorities for adding to the collection of privileges and immunities the right to be free of private impediments to travel. The cases just discussed are narrow, and are essentially concerned with the vindication of important relationships with the Federal Government—voting in federal elections, involvement in federal law enforcement, communicating with the Federal Government. The present case stands on a considerably different footing.

It is arguable that the same considerations which led the Court on numerous occasions to find a right of free movement against oppressive state action now justifies a similar result with respect to private impediments. *Crandall v. Nevada*, *supra*, spoke of the need to travel to the capital, to serve and consult with the offices of government. A basic reason for the formation of this Nation was to facilitate commercial intercourse; intellectual, cultural, scientific, social, and political interests are likewise served by free movement. Surely these interests can be impeded by private vigilantes as well as by state action. Although this argument is not without force, I do not think it is particularly persuasive. There is a difference in power between States and private groups so great that analogies between the two tend to be misleading. If the State obstructs free intercourse of goods, people, or ideas, the bonds of the union are threatened; if a private group effectively stops such communication, there is at most a temporary breakdown of law and order, to be remedied by the exercise

² For a discussion of the deportations, see The President's Mediation Comm'n, Report on the Blsbee Deportations (November 6, 1917).

³ The Court's reliance on *United States v. Moore*, 129 F. 630, is misplaced. That case held only that it was not a privilege or immunity to organize labor unions. The reference to "the right to pass from one state to any other" was purely incidental dictum.

of state authority or by appropriate federal legislation.

To decline to find a constitutional right of the nature asserted here does not render the Federal Government helpless. As to interstate commerce by railroads, federal law already provides remedies for "undue or unreasonable prejudice," 24 Stat. 380, as amended, 49 U.S.C. § 3(1) (1964 ed.), which has been held to apply to racial discrimination. *Henderson v. United States*, 339 U.S. 816. A similar statute applies to motor carriers, 49 Stat. 558, as amended, 49 U.S.C. § 316(d) (1964 ed.), and to air carriers, 72 Stat. 760, 49 U.S.C. § 1374(b) (1964 ed.). See *Boydton v. Virginia*, 364 U.S. 454; *Fitzgerald v. Pan American World Airways*, 229 F.2d 499. The Civil Rights Act of 1964, 78 Stat. 243, deals with other types of obstructions on interstate commerce. Indeed, under the Court's present holding, it is arguable that any conspiracy to discriminate in public accommodations having the effect of impeding interstate commerce could be reached under § 241, unaided by Title II of the Civil Rights Act of 1964. Because Congress has wide authority to legislate in this area, it seems unnecessary—if prudential grounds are of any relevance, see *Baker v. Carr*, 369 U.S. 186, 258-259 (CLARK, J., concurring)—to strain to find a dubious constitutional right.

v

If I have succeeded in showing anything in this constitutional exercise, it is that until today there was no federal right to be free from private interference with interstate transit, and very little reason for creating one. Although the Court has ostensibly only "discovered" this private right in the Constitution and then applied § 241 mechanically to punish those who conspire to threaten it, it should be recognized that what the Court has in effect done is to use this all-encompassing criminal statute to fashion federal common-law crimes, forbidden to the federal judiciary since the 1812 decision in *United States v. Hudson*, 7 Cranch 32. My Brother DOUGLAS, dissenting in *United States v. Classic*, *supra*, noted well the dangers of the indiscriminate application of the predecessor of § 241: "It is not enough for us to find in the vague penumbra of a statute some offense about which Congress could have legislated, and then to particularize it as a crime because it is highly offensive." 313 U.S., at 331-332.

I do not gainsay that the immunities and commerce provisions of the Constitution leave the way open for the finding of this "private" constitutional right, since they do not speak solely in terms of governmental action. Nevertheless, I think it wrong to sustain a criminal indictment on such an uncertain ground. To do so subjects § 241 to serious challenge on the score of vagueness and serves in effect to place this Court in the position of making criminal law under the name of constitutional interpretation. It is difficult to subdue misgivings about the potentialities of this decision.

I would sustain this aspect of the indictment only on the premise that it sufficiently alleges state interference with interstate travel, and on no other ground.

[In the Supreme Court of the United States, No. 65.—October term, 1965]

UNITED STATES, APPELLATE V. HERBERT GUEST ET AL.—ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA

MR. JUSTICE BRENNAN, with whom THE CHIEF JUSTICE and MR. JUSTICE DOUGLAS join, concurring in part and dissenting in part.

I join Part I of the Court's opinion. I reach the same result as the Court on that branch of the indictment discussed in Part III of its opinion but for other reasons. See

footnote 3, *infra*. And I agree with so much of Part II (page 6 to the top of page 8) as construes 18 U.S.C. § 241 to encompass conspiracies to injure, oppress, threaten or intimidate citizens in the free exercise or enjoyment of Fourteenth Amendment rights and holds that, as so construed, § 241 is not void for indefiniteness. I do not agree, however, with the remainder of Part II (page 8 to the top of page 11), which holds, as I read the opinion, that a conspiracy to interfere with the exercise of the right to equal utilization of state facilities is not, within the meaning of § 241, a conspiracy to interfere with the exercise of a "right . . . secured . . . by the Constitution" unless discriminatory conduct by state officers is involved in the alleged conspiracy.

i

The second numbered paragraph of the indictment charges that the defendants conspired to injure, oppress, threaten, and intimidate Negro citizens in the free exercise and enjoyment of "[t]he right to equal utilization, without discrimination upon the basis of race, of public facilities . . . owned, operated or managed by or on behalf of the State of Georgia or any subdivision thereof." Appellees contend that as a matter of statutory construction § 241 does not reach such a conspiracy. They argue that a private conspiracy to interfere with the exercise of the right to equal utilization of the state facilities described in that paragraph is not, within the meaning of § 241, a conspiracy to interfere with the exercise of a right "secured" by the Fourteenth Amendment because "there exist no Equal Protection Clause rights against wholly private action."

The Court deals with this contention by seizing upon an allegation in the indictment concerning one of the means employed by the defendants to achieve the object of the conspiracy. The indictment alleges that the object of the conspiracy was to be achieved, in part, "[b]y causing the arrest of Negroes by means of false reports that such Negroes had committed criminal acts. . . ." The Court reads this allegation as "broad enough to cover a charge of active connivance by agents of the State in the making of the 'false reports,' or other conduct amounting to official discrimination clearly sufficiently to constitute a denial of rights protected by the Equal Protection Clause," and the Court holds that this allegation, so construed, is sufficient to "prevent dismissal of this branch of the indictment." I understand this to mean that, no matter how compelling the

¹ As I read the indictment, the allegation regarding the false arrests relates to all the other paragraphs and not merely, as the Court suggests, to the second numbered paragraph of the indictment. See n. 1 in the Court's opinion. Hence, assuming that, as maintained by the Court, the allegation could be construed to encompass discriminatory conduct by state law enforcement officers, it would be a sufficient basis for preventing the dismissal of each of the other paragraphs of the indictment. The right to be free from discriminatory conduct by law enforcement officers while using privately owned places of public accommodation (paragraph one) or while traveling from State to State (paragraphs three and four), or while doing anything else, is unquestionably secured by the Equal Protection Clause. It would therefore be unnecessary to decide whether the right to travel from State to State is itself a right secured by the Constitution or whether paragraph one is defective either because of the absence of an allegation of a racial discriminatory motive or because of the exclusive remedy provision of Civil Rights Act of 1964, § 207(b), 78 Stat. 245, 42 U.S.C. § 2000a-6(b) (1964 ed.).

proofs that private conspirators murdered, assaulted, or intimidated Negroes in order to prevent their use of state facilities, the prosecution under the second numbered paragraph must fall in the absence of proofs of active connivance of law enforcement officers with the private conspirators in causing the false arrests.

Hence, while the order dismissing the second numbered paragraph of the indictment is reversed, severe limitations on the prosecution of that branch of the indictment are implicitly imposed. These limitations could only stem from an acceptance of appellees' contention that, because there exist no Equal Protection Clause rights against wholly private action, a conspiracy of private persons to interfere with the right to equal utilization of state facilities described in the second numbered paragraph is not a conspiracy to interfere with a "right . . . secured . . . by the Constitution" within the meaning of § 241. In other words, in the Court's view the only right referred to in the second numbered paragraph that is, for purposes of § 241, "secured . . . by the Constitution" is a right to be free—when seeking access to state facilities—from discriminatory conduct by state officers or by persons acting in concert with state officers.²

I can not agree with that construction of § 241. I am of the opinion that a conspiracy to interfere with the right to equal utilization of state facilities described in the second numbered paragraph of the indictment is a conspiracy to interfere with a "right . . . secured . . . by the Constitution" within the meaning of § 241—without regard to whether state officers participated in the alleged conspiracy. I believe that § 241 reaches such a private conspiracy, not because the Fourteenth Amendment of its own force prohibits such a conspiracy, but because § 241, as an exercise of congressional power under § 5 of that Amendment, prohibits all conspiracies to interfere with the exercise of a "right . . . secured . . . by the Constitution" and because the right to equal utilization of state facilities is a "right . . . secured . . . by the Constitution" within the meaning of that phrase as used in § 241.³

My difference with the Court stems from its construction of the term "secured" as used in § 241 in the phrase "a right . . . secured . . . by the Constitution or laws of the United States." The Court tacitly construes the term "secured" so as to restrict the coverage of § 241 to those rights that are "fully protected" by the Constitution or another federal law. Unless private interferences with the exercise of the right in question are prohibited by the Constitution itself or another federal law, the right cannot, in the Court's view, be deemed "secured . . . by the Constitution or laws of the United States" so as to make § 241 applicable to a private conspiracy to interfere with the exercise of that right. The Court then premises that neither the Fourteenth Amend-

² I see no basis for a reading more consistent with my own view in the isolated statement in the Court's opinion that "the rights under the Equal Protection Clause described by this paragraph [two] of the indictment have been . . . firmly and precisely established by a consistent line of decisions in this Court. . . ."

³ Similarly, I believe that § 241 reaches a private conspiracy to interfere with the right to travel from State to State. I therefore need not reach the question whether the Constitution of its own force prohibits private interferences with that right; for I construe § 241 to prohibit such interferences, and as so construed I am of the opinion that § 241 is a valid exercise of congressional power.

ment nor any other federal law⁴ prohibits private interferences with the exercise of the right to equal utilization of state facilities.

In my view, however, a right can be deemed "secured . . . by the Constitution or laws of the United States," within the meaning of § 241, even though only governmental interferences with the exercise of the right are prohibited by the Constitution itself (or another federal law). The term "secured" means "created by, arising under or dependent upon," *Logan v. United States*, 144 U. S. 263, 293, rather than "fully protected." A right is "secured . . . by the Constitution" within the meaning of § 241 if it emanates from the Constitution, if it finds its source in the Constitution. Section 241 must thus be viewed, in this context, as an exercise of congressional power to amplify prohibitions of the Constitution addressed, as is invariably the case, to government officers; contrary to the view of the Court, I think we are dealing here with a statute that seeks to implement the Constitution, not with the "bare terms" of the Constitution. Section 241 is not confined to protecting rights against private conspiracies that the Constitution or another federal law also protects against private interferences. No such duplicative function was envisioned in its enactment. See Appendix in *United States v. Price*, ante. Nor has this Court construed § 241 in such a restrictive manner in other contexts. Many of the rights that have been held to be encompassed within § 241 are not additionally the subject of protection of specific federal legislation or of any provision of the Constitution addressed to private individuals. For example, the prohibitions and remedies of § 241 have been declared to apply, without regard to whether the alleged violator was a government officer, to interferences with the right to vote in a federal election, *Ex parte Yarbrough*, 110 U. S. 651, or primary, *United States v. Classic*, 313 U. S. 299; the right to discuss public affairs or petition for redress of grievances, *United States v. Cruikshank*, 92 U. S. 542, 552, cf. *Hague v. CIO*, 307 U. S. 496, 512-513 (opinion of Roberts, J.); *Collins v. Hardyman*, 341 U. S. 651, 663 (dissenting opinion); the right to be protected against violence while in the lawful custody of a federal officer, *Logan v. United States*, 144 U. S. 263; and the right to inform of violations of federal law, *In re Quarles and Butler*, 158 U. S. 532. The full import of our decision in *United States v. Price*, ante, is to treat the rights purportedly arising from the Fourteenth Amendment in parity with those rights just enumerated, arising from other constitutional provisions. The reach of § 241 should not vary with the

particular constitutional provision that is the source of the right. For purposes of applying § 241 to a private conspiracy, the standard used to determine whether, for example, the right to discuss public affairs or the right to vote in a federal election is a "right . . . secured . . . by the Constitution" is the very same standard to be used to determine whether the right to equal utilization of state facilities is a "right . . . secured . . . by the Constitution."

For me, the right to use state facilities without discrimination on the basis of race is, within the meaning of § 241, a right created by, arising under and dependent upon the Fourteenth Amendment and hence is a right "secured" by that Amendment. It finds its source in that Amendment. As recognized in *Strauder v. West Virginia*, 100 U. S. 303, 310, "The Fourteenth Amendment makes no attempt to enumerate the rights it designed to protect. It speaks in general terms, and those are as comprehensive as possible. Its language is prohibitory; but every prohibition implies the existence of rights. . . ." The Fourteenth Amendment commands the State to provide the members of all races with equal access to the public facilities it owns or manages, and the right of a citizen to use those facilities without discrimination on the basis of race is a basic corollary of this command. Cf. *Brewer v. Hoxie School District No. 46*, 238 F. 2d 91 (C. A. 8th Cir. 1956). Whatever may be the status of the right to equal utilization of privately owned facilities, see generally *Bell v. Maryland*, 378 U. S. 226, it must be emphasized that we are here concerned with the right to equal utilization of public facilities owned or operated by or on behalf of the State. To deny the existence of this right or its constitutional stature is to deny the history of the last decade, or to ignore the role of federal power, predicated on the Fourteenth Amendment, in obtaining non-discriminatory access to such facilities. It is to do violence to the common understanding, an understanding that found expression in Titles III and IV of the Civil Rights Act of 1964, 78 Stat. 246, 42 U.S.C. §§ 2000b, 2000c (1964 ed.), dealing with state facilities. Those provisions reflect the view that the Fourteenth Amendment creates the right to equal utilization of state facilities. Congress did not preface those titles with a provision comparable to that in Title II⁵ explicitly creating the right to equal utilization of certain privately owned facilities; Congress rightly assumed that a specific legislative declaration of the right was unnecessary, that the right arose from the Fourteenth Amendment itself.

In reversing the District Court's dismissal of the second numbered paragraph, I would therefore hold that proof at the trial of the conspiracy charged to the defendants in that paragraph will establish a violation of § 241 without regard to whether there are also proofs that state law enforcement officers actively connived in causing the arrests of Negroes by means of false reports.

II

My view as to the scope of § 241 requires that I reach the question of constitutional power—whether § 241 or legislation indubitably designed to punish entirely private conspiracies to interfere with the exercise of Fourteenth Amendment rights constitutes a permissible exercise of the power granted to Congress by § 5 of the Fourteenth Amendment "to enforce, by appropriate legislation, the provisions of" the Amendment.

⁶ "All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin." 42 U.S.C. § 2000a (a) (1964 ed.).

A majority of the members of the Court⁷ express the view today that § 5 empowers Congress to enact laws punishing all conspiracies to interfere with the exercise of Fourteenth Amendment rights, whether or not state officers or others acting under the color of state law are implicated in the conspiracy. Although the Fourteenth Amendment itself, according to established doctrine, "speaks to the State or to those acting under the color of its authority," legislation protecting rights created by that Amendment, such as the right to equal utilization of state facilities, need not be confined to punishing conspiracies in which state officers participate. Rather, § 5 authorizes Congress to make laws that it concludes are reasonably necessary to protect a right created by and arising under that Amendment; and Congress is thus fully empowered to determine that punishment of private conspiracies interfering with the exercise of such a right is necessary to its full protection. It made that determination in enacting § 241, see the Appendix in *United States v. Price*, ante, and, therefore § 241 is constitutional legislation as applied to reach the private conspiracy alleged in the second numbered paragraph of the indictment.

I acknowledge that some of the decisions of this Court, most notably an aspect of the *Civil Rights Cases*, 109 U. S. 3, 11, have declared that Congress' power under § 5 is confined to the adoption of "appropriate legislation for correcting the effects of . . . prohibited State laws, and State acts, and thus to render them effectually null, void, and innocuous." I do not accept—and a majority of the Court today rejects—this interpretation of § 5. It reduces the legislative power to enforce the provisions of the Amendment to that of the judiciary;⁸ and it attributes a far too limited objective to the Amendment's sponsors.⁹ Moreover, the language of § 5 of the Fourteenth Amendment and § 2 of the Fifteenth Amendment are virtually the same, and we recently held in *South Carolina v. Katzenbach*, 383 U. S. —, —, that "[t]he basic test to be applied in a case involving § 2 of the Fifteenth Amendment is the same as in all cases concerning the express powers of Congress with relation to the reserved powers of the States." The classic formulation of that test by Chief Justice Marshall in *McCulloch v. Maryland*, 4 Wheat. 316, 421, was there adopted:

"Let the end be legitimate, let it be within

⁷ The majority consists of the Justices joining my Brother CLARK's opinion and the Justices joining this opinion. The opinion of Mr. JUSTICE STEWART construes § 241 as applied to the second numbered paragraph to require proof of active participation by state officers in the alleged conspiracy and that opinion does not purport to deal with this question.

⁸ Congress, not the judiciary, was viewed as the more likely agency to implement fully the guarantees of equality, and thus it could be presumed the primary purpose of the Amendments was to augment the power of Congress, not the judiciary. See James, *The Framing of the Fourteenth Amendment*, 184 (1956); Harris, *The Quest for Equality*, 53-54 (1960); Frantz, *Congressional Power to Enforce the Fourteenth Amendment Against Private Acts*, 73 Yale L. J. 1353, 1356 (1964).

⁹ As the first Mr. Justice Harlan said in dissent in the *Civil Rights Cases*, 109 U. S., at 54: "It was perfectly well known that the great danger to equal enjoyment by citizens of the rights, as citizens, was to be apprehended not altogether from unfriendly State legislation, but from the hostile action of corporations and individuals in the States. And it is to be presumed that it was intended, by that section [§ 5], to clothe Congress with power and authority to meet that danger." See *United States v. Price*, ante, p. —, and Appendix.

⁴ This premise is questionable. Title III of the Civil Rights Act of 1964, 78 Stat. 246, 42 U.S.C. § 2000b (1964 ed.) authorizes the Attorney General on complaint from an individual that he is "being denied equal utilization of any public facility which is owned, operated, or managed by or on behalf of any State or subdivision," to commence a civil action "for such relief as may be appropriate" and against such parties as are "necessary to the grant of effective relief." Arguably this would authorize relief against private parties not acting in concert with state officers. (This title of the Act does not have an exclusive remedy similar to § 207 (b) of Title II, 42 U.S.C. § 2000a-6(b).)

The Court affirmatively disclaims any intention to deal with Title III of the Civil Rights Act of 1964 in connection with the second numbered paragraph of the indictment. But, as the District Judge observed in his opinion, the Government maintained that the right described in that paragraph was "secured" by the Fourteenth Amendment and, "additionally," by Title III of the Civil Rights Act of 1964. 246 F. Supp., at 484. That position was not effectively abandoned in this Court.

the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the constitution, are constitutional."

It seems to me that this is also the standard that defines the scope of congressional authority under § 5 of the Fourteenth Amendment. Indeed, *South Carolina v. Katzenbach* approvingly refers to *Ex parte Virginia*, 100 U.S. 339, 345-346, a case involving the exercise of the congressional power under § 5 of the Fourteenth Amendment, as adopting the *McCulloch v. Maryland* formulation for "each of the Civil War Amendments."

Viewed in its proper perspective, § 5 appears as a positive grant of legislative power, authorizing Congress to exercise its discretion in fashioning remedies to achieve civil and political equality for all citizens. No one would deny that Congress could enact legislation directing state officials to provide Negroes with equal access to state schools, parks and other facilities owned or operated by the State. Nor could it be denied that Congress has the power to punish state officers who, in excess of their authority and in violation of state law, conspire to threaten, harass and murder Negroes for attempting to use these facilities.⁹ And I can find no principle of federalism nor word of the Constitution that denies Congress power to determine that in order adequately to protect the right to equal utilization of state facilities, it is also appropriate to punish other individuals—neither state officers nor acting in concert with state officers—who engage in the same brutal conduct for the same misguided purpose.¹⁰

III

Section 241 is certainly not model legislation for punishing private conspiracies to interfere with the exercise of the right of equal utilization of state facilities. It deals in only general language "with Federal rights and with all Federal rights" and protects them "in the lump," *United States v. Mosely*, 238 U.S. 383, 387; it protects in most general terms "any right or privilege secured . . . by the Constitution or laws of the United States." Congress has left it to the courts to mark the bounds of those words, to determine on a case-by-case basis whether the right purportedly threatened is a federal right. That determination may occur after the conduct charged has taken place or it may not have been anticipated in prior decisions; "a penumbra of rights may be involved, which none can know until decision has been made and infraction may occur before it is had." Reliance on such wording plainly brings § 241 close to the danger line of being void for vagueness.

But, as the Court holds, a stringent scienter requirement saves § 241 from condemnation as a criminal statute failing to provide adequate notice of the proscribed conduct.¹¹

⁹ *United States v. Price*, ante. See *Screws v. United States*, 325 U.S. 91; *Williams v. United States*, 341 U.S. 97; *Monroe v. Pape*, 365 U.S. 167.

¹⁰ Cf. *Atlanta Motel v. United States*, 379 U.S. 241, 258, applying the settled principle expressed in *United States v. Darby*, 312 U.S. 100, 118 that the power of Congress over interstate commerce "extends to those activities intrastate which so affect interstate commerce or the exercise of the power of Congress over it as to make regulation of them appropriate means to the attainment of a legitimate end . . ."

¹¹ Mr. Justice Rutledge in *Screws v. United States*, 325 U.S. at 130.

¹² Ante, pp. 7-8. See generally, *Boyce Motor Lines, Inc. v. United States*, 342 U.S. 337, 342; *American Communications Assn. v. Douds*, 339 U.S. 382, 412-413; *United States v. Ragen*, 314 U.S. 513, 524; *Gorin v. United States*, 312 U.S. 19, 27-28; *Hygrade Provision Co. v.*

The gravamen of the offense is conspiracy, and therefore, like a statute making certain conduct criminal only if it is done "willfully," § 241 requires proof of a specific intent for conviction. We have construed § 241 to require proof that the persons charged conspired to act in defiance, or in reckless disregard, of an announced rule making the federal right specific and definite. *United States v. Williams*, 341 U.S. 70, 93-95 (opinion of DOUGLAS, J.); *Screws v. United States*, 325 U.S. 91, 101-107 (opinion of DOUGLAS, J.) (involving the predecessor to 18 U.S.C. § 242). Since this case reaches us on the pleadings, there is no occasion to decide now whether the Government will be able on trial to sustain the burden of proving the requisite specific intent *vis-à-vis* the right to travel freely from State to State or the right to equal utilization of state facilities. Compare *James v. United States*, 366 U.S. 213, 221-222 (opinion of WARREN, C. J.). In any event, we may well agree that the necessity to discharge that burden can imperil the effectiveness of § 241 where, as is often the case, the pertinent constitutional right must be implied from a grant of congressional power or a prohibition upon the exercise of governmental power. But since the limitation on the statute's effectiveness derives from Congress' failure to define—with any measure of specificity—the rights encompassed, the remedy is for Congress to write a law without this defect. To paraphrase my Brother DOUGLAS' observation in *Screws v. United States*, 325 U.S. at 105, addressed to a companion statute with the same shortcoming, if Congress desires to give the statute more definite scope, it may find ways of doing so.

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

Mr. HART. I yield.

Mr. JAVITS. First, though it is not the subject upon which I intend to address the Senate, I congratulate the Senator from Michigan upon his very able and very dedicated leadership in this field, as a member of the Committee on the Judiciary and of the subcommittee concerned with the pending legislation.

I have contended for several years, since former Senator Douglas laid down very much the same role, which he carried out for a long time on that side of the aisle, that efforts such as this must be bipartisan. I am always heartened and deeply gratified to see the objectivity and the levelheadedness, generally, displayed by the Senator from Michigan in managing bills of this character.

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

Mr. JAVITS. I yield.

Mr. HART. If the Senator is about to proceed to another subject, I ask that he permit me to thank him, and, for my part, to say that even before I served in the Senate, the Senator from New York was playing, on his side of the aisle, the role he has continued to play in this field, and that, in these efforts over the years, those who have sought to obtain enactment of civil rights measures have done so in a bipartisan fashion, which is the only way it can be accomplished.

Mr. JAVITS. I thank the Senator.

Mr. President, I say to the Senator from North Carolina [Mr. ERVIN], who was the leading exponent of the opinion expressed in the substitute, that I

Sherman, 266 U.S. 497 501-503; *Omaechevarria v. Idaho*, 246 U.S. 343, 348.

shall within the next day or two express myself as to this bill also.

ECONOMIC ASPECTS OF THE STATE OF THE UNION MESSAGE

Mr. JAVITS. Mr. President, within a day or two I shall address remarks to the foreign policy aspect of the President's state of the Union message.

There is much in the President's state of the Union message that deserves the support of Congress and the American people. Among these proposals are the new proposals to help the consumer, the expanded manpower program, the President's call for a new civil rights bill, and the new measures to deal with crime and lawlessness.

These proposals fall far short, however, with respect to our balance of payments and our domestic fiscal and monetary situation.

The emergency balance-of-payments program announced on January 1 results from pressing the panic button over a weekend.

Critical as it may be for the moment, important elements of the program are shortsighted and counterproductive and do not go to the heart of the problem.

The new controls on direct investment, lending, and travel abroad may well show results in the near future but, more importantly, over the long run they undercut the desirability of the dollar and strike at the positive elements in our balance of payments. From investments and loans abroad come new U.S. exports, income in the form of repatriated earnings. From U.S. travel abroad come foreign purchases of U.S. jet aircraft. Restrictions will tend to diminish income from these sources and thereby worsen our international financial position, not improve it. It does not call for any special insight to see that nations hurt by these restrictions will impose restrictions of their own to protect themselves. The end result could be a return to the economic isolationism of the thirties and the collapse of the existing economic order in the free world.

Protectionists, who have not been having a very easy time recently in this country, are now given comfort by these restrictions. Such action is very inimical to the interests of the Nation and the world.

These restrictions, in my judgment, are playing right into the hands of those whose motives in demanding balance-of-payments equilibrium from the United States are as much if not more political than economic—more concerned with reducing the dollar's international role than with preserving and improving the international monetary system.

None can deny that today the U.S. dollar is the main source of new international liquidity, with the steady decline in the role played by the pound sterling and gold. This is more true than ever. The only alternative is the establishment of a system which depends on systematically created international reserves, and I see little inclination on the part of Europe, in this respect led by France, or the administration for that matter, to go ahead and bring such sys-

tem into being. Eliminating the U.S. balance-of-payments deficit—which is not in structural imbalance but due to Vietnam, our global military commitments and foreign economic and military aid—without putting into effect an improved reserve creating mechanism, is the surest way to bringing about a world depression.

In my judgment the dollar and not gold is and should be the basis of the international monetary system until a new system as good as the dollar can take its place. It is interesting to note that preference for dollars remains strong as the world's supply of gold has diminished, dollar reserves held by central banks have increased. From December 1949 to the first quarter of 1967, foreign exchange reserves, mostly dollars, of all countries increased by about \$13.22 billion while their gold reserves increased by only \$6.95 billion. With the growth in world reserve practically at an end, drastic reductions in or elimination of the U.S. balance-of-payments deficit could lead to a grave economic crisis in the world.

I am, therefore, opposed to controls on U.S. investment or travel abroad on any long-term basis. It is only credible because the administration had to press the panic button and do something immediately. However, we can now take a deep breath and a second look and do something much more intelligent about this matter.

I favor as interim measures greater fiscal and monetary restraint at home—cuts in unessential spending, tax reforms, then a tax increase—to cut inflation and to strengthen foreign confidence in the management of the American economy.

Lest any American thinks this is very esoteric, let me point out that this directly involves wage and price controls.

Any effort at voluntary wage and price restraints, which is a major concern for the American people, is bound to fail unless the budget deficit and inflation are brought under control first, via restraints on spending and on the expansion of the money supply, via tax reform and higher temporary taxes.

Indeed, it is very likely that mandatory wage and price controls may have to be considered if we fail in the efforts I have outlined.

The cost of our military commitments in Europe and elsewhere must be reduced, without undermining their military effectiveness. The American people should also be told that a good portion of last year's balance-of-payments deficit is due to "leaks" from our spending on Vietnam. According to one reliable estimate, as much as \$1.5 billion of the 1967 deficit can be attributed to Vietnam. Measures should be taken to plug these "leaks." I would have also retained the "voluntary" program on direct investment abroad which has worked well and cut the deficit by \$1 billion in 1967.

The President is right in calling for the elimination of the 25 percent gold reserve requirement behind Federal Reserve notes. I introduced a bill to this effect on December 14. Also, the agreement on "special drawing rights"—a limited form of international credit under

the International Monetary Fund—should be immediately ratified by the Congress and other IMF nations and activated thereafter. Cooperation of European nations in this will be a test of their sincerity of concern for the health of the international monetary system. The President should not impose his new controls until he received firm commitments from European countries that they will immediately ratify the agreement on SDR's.

On the travel side, I favor positive steps instead of controls. We have starved the U.S. Travel Service. For years, we did not even have one until I teamed up with the Senator from Washington [Mr. Magnuson] to bring such a service into being. We gave that agency \$3 million a year. That is far less than many individual States in the United States spend on tourism within the United States. Then we complain about a \$2 billion travel gap.

I, along with 10 sponsors from both sides of the aisle, have introduced a bill that would make a major advance in making this a first-class travel nation. It would increase the budget of the much neglected U.S. Travel Service from \$3 million to \$15 million and broaden its responsibilities in the promotion of foreign travel to the United States and in encouraging U.S. travel at home. The Travel Task Force appointed by the President has a grave responsibility in coming up with a major national program to reduce our travel gap with positive measures. I hope it will. The price of failure here is extremely high for the Nation.

I am delighted to see the Senator from Florida [Mr. Holland] on the floor. He and I fought and bled, but were not successful in an effort to try to get an additional \$1 million for the U.S. Travel Service. We almost sensed what was afoot in that respect. And it came along very promptly in the course of the President's message.

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

Mr. JAVITS. I yield.

Mr. HOLLAND. Mr. President, I am glad to agree that I stood strongly with the Senator from New York in seeking to enlarge the budget for the purpose of attracting others to travel in our country.

I think the experience of the Senator's State and my State, and his city and various cities in my State, shows that such advertising is productive of bringing a greater number of tourists and travelers there. It seems to me that as a Nation we are very delinquent in not making a greater effort in this field.

I am glad he is calling attention to the manifest fact that one of the ways to come to a better balance, in the matter of travel, between the money that our people spend abroad and the money that others visiting us may spend here, is to increase our efforts to get them to come here. And I thoroughly agree with him that we should do just that.

I thank the Senator for yielding.

Mr. JAVITS. I thank the Senator.

The President is right in exhorting the American people against unnecessary travel abroad as a temporary sacrifice; but I do not believe we should prohibit

it through statute or prohibit it in an indiscriminate fashion, with the bookkeepers, the teachers, and the college students, who cannot afford it, being submitted to a tax which will keep them at home, but with wealthy people, to whom it will mean nothing, paying a tax and going abroad.

With all the exceptions we will have to this policy, I doubt that the President needs more than the voluntary restraint of patriotic Americans, provided we get on the ball about bringing tourists to this country, the greatest tourist attraction in the world.

For the long term, the administration must come to grips with the necessity of taking drastic steps on the question of gold, by starting talks in the international monetary fund going even beyond the special drawing rights, and seeking the creation of an international central bank with the right to create reserves as needed by the international economy. The international role of gold should be carefully reexamined, particularly the unique U.S. commitment to guarantee the price of gold at \$35 an ounce—which, I emphasize, is a unilateral U.S. commitment, not rooted in law at all, not with the International Monetary Fund or anybody else. That is just our idea of how best to run the world's monetary affairs insofar as we can affect them. With the diminishing world supply of gold, its usefulness as a reserve has declined and should therefore be gradually eliminated.

So, I deeply regret that the President made no mention of his proposed trade bill or called for the reaffirmation of this country's continued adherence to trade liberalization. Coupled with the favorable atmosphere created by the January 1 balance-of-payments message, protectionist forces have received more encouragement than they deserve, or that the country can afford.

In short, while the measures taken overnight on a completely emergency basis must be permitted to stand momentarily—because that is the only thing the administration can do—it is far from any solution; and I hope very much that both Congress and the President will now show the long sight and the patriotism demanded of a nation which has 50 percent of all the industrial production in the world and which can very readily depend upon the dollar as the fortress of the whole world financially.

Mr. President, I hope that we will not allow a \$4 billion deficit in international payments, the tail—and a very small one—to wag an \$800 billion productive economy. Yet, that is precisely what these emergency measures do. We may have to take it momentarily, but this is no policy for the United States. I hope very much that as we go along now, especially as we show ourselves ready to increase taxes, it will put us in a much stronger position than we are at this minute to deal with this matter with the greatest benefit not only to the country, but also, what is equally important, to the peace and economic stability of the world.

Mr. President, I again express to Senator Ervin my great appreciation for his allowing me to proceed.

ORDER FOR RECOGNITION OF
SENATOR AIKEN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the prayer and the disposition of the reading of the Journal on tomorrow, the distinguished senior Senator from Vermont [Mr. AIKEN] be recognized for 12 minutes, at the beginning of the transaction of morning business.

The PRESIDING OFFICER. 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. ERVIN. Mr. President, my good friend the Senator from Michigan says we need this law because in some areas of the country crimes are not solved by local law-enforcement officials. When hearings were conducted on the bill before the Subcommittee on Constitutional Rights, the Attorney General of the United States did my State of North Carolina the high honor of saying that this bill is needed because of a few cross burnings in North Carolina and a few alleged bombing incidents in North Carolina.

I dislike to mention other States, but I am going to tell just a little bit of truth about where crimes are unsolved in this Nation. To illustrate the point, I will pick out the most serious of all crimes—murder.

I first take my State of North Carolina: According to the 1966 FBI reports and supplemental information, there were 183 murders in North Carolina during the period covered. All of them except six were solved by State law-enforcement officers and prosecuted in the courts of North Carolina. Stating the fact another way, all the murders committed in North Carolina in 1966 were solved except 3.3 percent of them.

I now take the State of New York. The Attorney General says we do not need this law for New York. The Senator from New York is on the floor, and he is a great advocate of this law. According to the same FBI reports, New York in 1966 had 780 murders—180, or 23.1 percent, have never been solved.

During the same year, the State of Illinois had 610 murders—78 of them were unsolved. In other words, 12.8 percent of the murders in Illinois during that year were not solved.

The State of California had 606 murders—92 of them were unsolved. In other words, 15.2 percent of the murders committed in that year in the State of California were not solved, as against only 3.3 percent in North Carolina, the State which the Attorney General of the United States stated—because I happened to be chairman of the committee and was cross-examining him—requires the passage of this bill.

According to the same FBI reports, Ohio, one of the great States which needs no Federal law to solve its crimes—according to the Attorney General—had 383 murders; 59 of them were unsolved. In other words, 15.4 percent of the mur-

ders in Ohio during 1966 were unsolved, as against only 3.3 percent in North Carolina.

In the State of my good friend, the floor manager of the bill, the great State of Michigan, according to the same FBI reports and supplemental information, 312 murders were committed in 1966, and 38 of them were not solved—meaning that 12.2 percent of the murders committed in the great State of Michigan during that year were not solved.

So it appears, Mr. President, that we have the very peculiar situation in which the highest law enforcement officer in the United States testified before the committee that North Carolina, in which only 3.3 percent of murders remained unsolved during the year 1966, requires the passage of this law, whereas New York, with 23.1 percent unsolved; Illinois, with 12.8 percent unsolved; California, with 15.2 percent unsolved; Ohio, 15.4 percent unsolved, and Michigan 12.2 percent unsolved did not require the passage of this law.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ERVIN. I am glad to yield to the distinguished Senator from Louisiana.

(At this point, Mr. FANNIN assumed the chair as Presiding Officer.)

Mr. LONG of Louisiana. Although I am a little rusty on the Holy Scriptures, I seem to recall a passage in which the Master referred to he who finds a mote, a mere speck of dust, in his neighbor's eye, and find fault with it, overlooking the fact that he has a beam—and He did not mean a splinter; He meant a big piece of wood—in his own eye. The advice was that such a person should remove the beam from his own eye and then see how to take care of the speck of dust in the other fellow's eye.

I suggest it might be appropriate for those who have a high rate of unsolved murders in their States to do something about their communities before working on those which have much lower rates of unsolved crimes.

Mr. ERVIN. That is the point. I am not casting any rocks. I do resent the statement of the Attorney General of the United States when he came before the committee, and I asked him what conditions required the passage of the bill and he said conditions in North Carolina.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. ERVIN. I yield.

Mr. LONG of Louisiana. The Senator is well aware of the fact that a great disaster occurred in the State of Michigan during the last year. Is there anything in this bill that would keep Rap Brown and Stokely Carmichael from engaging in the kind of activities that their ilk engaged in in Detroit last year, and which would protect the rights of all of the victims in their personal rights as well as their property rights?

Mr. ERVIN. In the great majority of cases it would not. This is a curious bill. It makes jurisdiction of the Federal courts in Federal cases depend on diversity of color. Most of these people who rioted and the victims were of the same color in most instances. Under this bill the Federal courts would have no juris-

diction whatever. There would have to be diversity of color for the Federal courts to have jurisdiction.

I agreed with my good friend, the floor manager of the bill, that it is wrong to deprive any man of the right to exercise his constitutional rights or rights under the Federal law. However, why should the Federal courts have jurisdiction over a murder committed to deprive a man of his constitutional rights only in cases where the man who was murdered belonged to a different race from the accused? Why is it not just as wrong for a white man to kill a white man because he is exercising his Federal constitutional rights, as it is for a white man to kill a black man or a black man to kill a white man because he is exercising his constitutional rights?

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. LONG of Louisiana. Is the Senator aware of the fact that H. Rap Brown, who hails from my hometown of Baton Rouge, I regret to say, is reputed to be the man who burned down Cambridge, Md.?

Mr. ERVIN. Yes. I asked the Attorney General about that matter. Rap Brown was charged in the Maryland court with arson of a school building, or inciting to commit arson, which was a felony under the law. He fled from Maryland, apparently to avoid prosecution, and thereby became guilty of a violation of the Federal Fugitive Felony Law by fleeing across State lines to avoid prosecution for a felony in a Federal crime.

Instead of prosecuting Rap Brown, after Rap Brown had been arrested over here in Virginia by the FBI for violating the Federal law, the Department of Justice turned him over to the Virginia State authorities. They could have carried him back to the State of Maryland without any hullabaloo about extradition and tried him in the Federal court for violation of a Federal statute. But instead they turned him over to the Virginia authorities, I think very much to reluctance of those authorities, so that he could fight extradition from that time until the last lingering note of Gabriel's horn trembles into utter silence.

The Attorney General is a man charged with enforcing Federal statutes in this case. He comes here and he says that North Carolina, which solved all of its murders except 3.3 percent, which is much fewer than most States of the United States, requires passage of a law like this.

Mr. LONG of Louisiana. Is it possible that this bill could be used to help Rap Brown conduct his activities and protect him while he goes around making incendiary speeches?

Mr. ERVIN. If he goes around stirring up incidents in which members of his own race are injured, he would not come under this law, because there would not be diversity of color between the accused and the victim. This is a bad bill because it fragmentizes the American people on the basis of race and it makes jurisdiction of the Federal court depend on whether the accused and the victim are men of different races.

Mr. LONG of Louisiana. Is it not pos-

sible that this bill could be helpful to him on the basis that if he went somewhere and his conduct might lead to burning down Cambridge, Detroit, or Baton Rouge, La., and if someone should act precipitously before he got around to setting the place on fire and before he consummated his evil conduct, and acted against him before that time, that this could be a bill for the protection of Rap Brown; in other words, prior to the time he had gone overboard with his conduct?

Mr. ERVIN. Unless he used force or the threat of force against a person of another race. He could use it against his own race until kingdom come, and this bill would never reach him.

Another matter that brought my attention to this bill, among other things, was in connection with the event that occurred in Detroit. They called in police officers to suppress a riot. According to the allegations, one of the police officers, who was a white man, shot a black man in a motel. Every external element of the crime created by this bill exists in that case. The men were of different races. The deceased was in a motel, and was exercising a right under the public accommodations provision of the Civil Rights Act of 1964, which is covered by this bill. Every external element of the crime under this bill exists against the officer who allegedly shot the colored man in the motel.

I brought that to the attention of the Attorney General and I pointed out that under these bills in similar instances not only could law enforcement officers be prosecuted in Federal courts under this bill, but also members of the National Guard and members of the Regular Army. The Attorney General said, "Oh, no. There will be no prosecutions like that under this bill."

I said, "Then, will the Department of Justice accept this little amendment I offer and make sure that it cannot apply to them?" He said, "Oh, no; not unless you put in something about using an unreasonable amount of force."

Mr. LONG of Louisiana. Is the Senator aware how many people were injured and killed in the riots in Detroit, Newark, and Cambridge last year?

Mr. ERVIN. I pointed out to the Attorney General that 83 people were killed in the riots, and I asked if they did not need something to protect them. He said no, but that the law was needed in North Carolina because they had cross burnings in North Carolina and a couple of bombing incidents—in which nobody had gotten hurt, incidentally. I asked what that showed. He said that it shows law enforcement officers in North Carolina will not detect the guilty parties if the case has some racial overtones.

Well, I happen to know that those same cases were investigated by the FBI. I therefore asked the Attorney General if the FBI had apprehended the guilty parties in those incidents in North Carolina. He said no, that they had not done so. I said, "Well, everyone knows that the FBI is made up of men whose characters are above reproach, who will investigate and apprehend the guilty parties, in any case, regardless of

whether they do or do not have racial overtones."

I said further to the Attorney General, "Am I to infer from these facts that the North Carolina State law enforcement officers did not apprehend the guilty parties in these incidents because they have no character, and the FBI has not apprehended them because it has no intelligence?"

He said, "That is not my testimony."

I said, "That is the inference that I draw from it."

Later I found out that the guilty parties in some of the incidents had been discovered by State law enforcement officers, who refrained from making arrests at the request of the FBI, because the FBI wanted to investigate the cases further to see if any Federal crime had been committed.

I found in at least one of the incidents that it had never been reported by the law enforcement officers in the county in which the incident was alleged to have occurred. They said, to this day, that they never heard of it. I also found that the FBI said North Carolina law enforcement officers had cooperated with them in the finest manner.

Mr. LONG of Louisiana. The Senator's experience is somewhat the same as mine in the State which I have the honor to represent. What this bill seeks to strike at, really, does not give us much of a problem one way or another. So far as I know, we have not had any violations of this proposed law. There is nothing in Louisiana that the law proposes to strike at. I know of no one denied his rights to advocate anything he wants to advocate in Louisiana.

We have some very good law-enforcement officers who have kept down riots. They have managed to control H. Rap Brown and James Farmer in their efforts to destroy the place. Our local officials have been successful in keeping down riots and have managed to control Stokely Carmichael when he came down there; but we have been concerned about some of the mischief resulting from the seeds they left behind them. Someone traveling in a car down an interstate highway comes to an overpass, and someone on the overpass drops a brick onto the windshield of his car and smashes it, endangering the man's health and his life; or in one part of town where, apparently, the advocates of H. Rap Brown and Carmichael had some success, a sniper fires at someone moving down an interstate highway into an automobile, it would seem to me it might be better to make it apply to people traveling in interstate commerce, whether white or Negro, rather than simply to key a bill to some case where a white person intimidated a member of another race.

Mr. ERVIN. I might state that in the substitute I have prepared, which was approved by the subcommittee by an overwhelming vote, but which was rejected by the full committee by a vote of 8 to 7, and only after the administration had fawned the distinguished Senator from Pennsylvania [Mr. SCOTT] from that great institution of learning, Oxford University in England, across the Atlantic and straight to Washington, D.C., so that he could vote, there is a

provision in that substitute which would make it a criminal offense to use violence or the threat of violence sufficient to constitute an assault to prevent any man, white, black, yellow, or red, from traveling in interstate commerce. But the proponents of the bill objected to that provision.

Mr. LONG of Louisiana. Might I ask, why should a Negro be denied protection merely because he is a Negro being fired upon by another Negro, if he is a law-abiding citizen? Why should he not be protected?

Mr. ERVIN. If the substitute I propose had been the law at the time that occurred and the man was fired on, they would have had a Federal case. Somehow or other, the advocates of the bill do not favor that provision in my substitute.

I believe that all laws should apply to all men under like circumstances, regardless of what the color of their skin may be. That is exactly what my substitute would do. My substitute would protect all Americans, irrespective of racial matters, who were violently interfered with they attempted to exercise their constitutional and legal rights. What is wrong with that? Why protect one man because of his color and refuse to protect another man because of the color of his assailant? That is what this bill now before us does. The bill is absolutely inconsistent with the fundamental principle of justice that laws should apply alike to all people in like circumstances. This bill would not do that.

Mr. LONG of Louisiana. I thank the Senator for the fine presentation he is making on this matter. I must say that the bill is not understood. I believe that people will be surprised to find it does not protect against real, widespread violence in the streets, and the destruction of property—

Mr. ERVIN. It offers no protection whatever.

Mr. LONG of Louisiana. That it would be only in some isolated situation where one could see that one was attacked by someone of a different race.

Mr. ERVIN. Because he is exercising particular constitutional rights. My substitute would drop that requirement about proof of racial motivation. It would protect every man of any color who was engaged in exercising his constitutional rights. Why should that not be? It would be much easier to get a conviction under my substitute than under this bill because the element of race does not enter into it.

Mr. LONG of Louisiana. After all the events which occurred last year in the wake of the violence, murder, manslaughter, destruction of property, the burning of Detroit, the burning of Cambridge, and the burning of Newark, I would certainly say that this bill is a supreme disappointment to me.

Mr. ERVIN. I would say to the Senator from Louisiana that I was shocked by the vote on my substitute. There is one group of people in the United States who have no constitutional rights whatever, and that is the reservation Indian who is called the red man. The proponents of this bill voted against giving those same constitutional rights to the red man.

They said that only the black man is entitled to constitutional rights, not the red man.

Mr. LONG of Louisiana. Is it not a fact that those red Indians, those red American Indians, were the original Americans?

Mr. ERVIN. They were the first Americans; yes indeed.

Mr. LONG of Louisiana. And long before Columbus discovered America.

Mr. ERVIN. They were the first Americans. I made an effort to get them their constitutional rights, but they voted it down, in effect by that vote declaring that they were for the constitutional rights of the black man but not for the red man. That is this bill.

Mr. LONG of Louisiana. Has not the Senator seen some of the beautiful shows on television emphasizing that it is evil to discriminate against the original Americans, the American Indians, and implying it was not proper to discriminate against such citizens, just as it is to discriminate against any other ethnic group? Would not the argument apply at least as much with respect to the original Americans, against whom great injustices have been done.

Mr. ERVIN. I would agree. It seems to me if there are any constitutional rights to be granted, they should be granted to them. I think they ought to be granted to all men. Yet when I made an effort in the committee, which reported the bill by an 8-to-7 vote, to get constitutional rights for the Indians included, they voted it down.

Mr. President, I would like to make it clear that I am opposed to all crimes of violence. I am opposed to crimes of violence which are knowingly and purposely committed, regardless of the motive which inspires them, and regardless of the race of the accused and regardless of the race of the victim.

Historically, the prosecution of crimes of violence has been reserved to the States. I think the States have done a pretty good job in enforcing the State laws prohibiting and punishing crimes of violence. I took the case of murder to illustrate that my State of North Carolina has done an exceedingly good job. I am reluctant to see the Federal Government enter into the field of the enforcement of the law against crimes of violence. But if we are going to enter into that field, as this bill proposes, let us enter into that field in a sensible manner and in a manner in harmony with the fundamental principle of justice that all criminal laws should apply to all men alike in like circumstances. Let us not pass a bill which fragmentizes the American people into groups on the basis of their racial color or national origin, and say, "We do this because we want to abolish discrimination on the basis of race." How can we abolish discrimination on the basis of race by passing a law which only applies where race is concerned and which does discriminate against certain victims of crime simply upon the basis of either the race of the victim of the crime or the race of the person who commits the crime upon him?

Frankly, I was surprised that the Attorney General, representing the ad-

ministration, did not accept my substitute. I have opposed civil rights laws in the past because they selected one segment of our society and gave the people in that segment special rights and special privileges never sought by or granted any other Americans in the history of this Nation. They were bad laws in that they offended the fundamental principle of justice that all laws should apply to all men alike in like circumstances. So I proceeded to draft a substitute, and I came up with a civil rights bill of my own that I could support with enthusiasm because it applied to all men in like manner under like circumstances. But, for some strange reason, the Department of Justice does not think we ought to have laws like that. So the Department insisted on a law which not only offends that fundamental principle of justice, but under which it is much harder to get a conviction than it would be under the substitute which I devised and which I am going to propose as a substitute for this bill now pending.

I realize that many Members of the Senate have not had an opportunity to study the committee bill in detail, but I would like to point out the essential elements of this bill and show why it is going to be exceedingly difficult to obtain convictions under it. If the Department of Justice is interested in a law which is enforceable, it would take my substitute, because under it virtually the same things could be accomplished, with much less difficulty of proof.

When one studies this committee bill, he finds that it requires proof of certain essential elements, as all criminal statutes do. Mind you, Mr. President, whenever the Government seeks a conviction of a person upon a criminal charge, it must prove every necessary element of the crime beyond a reasonable doubt. That means those elements must be proved by such evidence as to fully satisfy the jury of the truth and existence of every essential element.

To establish the first essential element of the crime created by the administration bill, the Government would have to prove beyond a reasonable doubt, by testimony, either one of two things. The first is that at the time alleged in the information or indictment, the prosecuting witness was engaged or seeking to engage in one of the activities specified in subdivisions (1) through (8) in a lawful manner. Or, in the alternative, the Government would have to prove beyond a reasonable doubt, by testimony, that prior to the time alleged in the information or indictment, the prosecuting witness had been lawfully engaging or seeking to engage in one of the activities specified in subdivisions (1) through (8).

The second essential element of the crime created by the administration bill would require the Government to prove beyond a reasonable doubt that, in addition to the victim of the crime being lawfully engaged in one of these specified activities, the accused, either by force or by threat of force, knowingly injured, intimidated, or interfered with, or attempted to injure, intimidate, or interfere with, the prosecuting witness.

The use of the word "knowingly,"

means that not only would they have to prove the first element of this crime as well as the second element, but they would have to show that the second element of the crime—that is, the force or the threat of force, the injury, the intimidation, or the interference—was done by the accused with knowledge that the victim was seeking to engage in one of these specified activities. If there were a reasonable doubt on any one of these points, the accused would be entitled to an acquittal.

So that element of knowledge that the man was engaging or seeking to engage in one of these activities would be the third essential element of this crime that would have to be proved beyond a reasonable doubt.

Then there is a fourth element that has to be proved beyond a reasonable doubt: That the accused took the action constituting these other essential elements of the newly created crime because of the race, the color, the religion, or the national origin of the prosecuting witness; and that element, the element of motivation on one of those accounts, would have to be proved beyond a reasonable doubt.

So if a man beat another up because he was engaging or attempting to engage in one of these specified activities, he would not be guilty unless he did it because of the motive of race, color, religion, or national origin. And to show how absurd the bill was when it came over here from the House of Representatives, it also contained a provision that you could make a man answer for a crime if it was motivated by the political affiliation of the victim.

In other words, two Democrats could have got in a fight on election day, and there would have been no crime committed; but if a Democrat or a Republican, or an Independent, or a Mugwump, got in a fight on election day because a man was trying to vote, that would be a crime.

That is the kind of legislation we get when we try to appease pressure groups rather than pass fair and just criminal laws.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. LONG of Louisiana. I am reading from the individual views of Senators EASTLAND and THURMOND which appear in the committee report. I read from the statement on page 16, where they say:

We reiterate, that under the terms and provisions of this bill as ordered reported to the Senate, if a white person had been present during the inflammatory speech of H. Rap Brown which led to the Cambridge riots on July 24, 1967, and, becoming enraged at the inflammatory statements made by Brown, had shouted a threat to him from the audience, that person could be tried under this act and fined up to \$1,000 and imprisoned for 1 year.

I ask the Senator whether that is, in his opinion, correct.

Mr. ERVIN. Well, there is a section of the bill protecting a person advocating a certain thing, and I would not be surprised at that interpretation. I had not thought about it in that light, but I

would not be surprised if that were determined to be correct.

Mr. LONG of Louisiana. Further on, on page 17, it discusses why, in the judgment of the authors of this particular section of the report, that would be true. The statement continues:

If such person had jumped up on the platform and struck Brown, giving him a bloody nose, he could be punished by 10 years in prison and fined up to \$10,000. *No punishment could be imposed on H. Rap Brown under these circumstances. This would have been cured by attaching the antiriot bill as an amendment.*

Of course, the antiriot bill was not attached as an amendment, as the Senator knows.

I ask the Senator from North Carolina whether, so far as he knows, that would be correct, that a person hearing Rap Brown inciting these people to burn Cambridge, if he had, anticipating what that could lead to, become excited and punched Rap Brown on the nose, could actually have been punished by 10 years in prison and a \$10,000 fine for punching Rap Brown, while Rap Brown was in the process of stirring people up to burn Cambridge down.

Mr. ERVIN. Well, at least those facts would make out a prima facie case—because Rap Brown would undoubtedly contend that he was engaged in his federally protected right of freedom of speech. If this man were a white man, and hit Rap Brown because he was a colored man, I think the case would be made out, at least a prima facie case.

Mr. LONG of Louisiana. Senators THURMOND and EASTLAND say this:

First, during the course of his speech Brown complained about inadequate schools afforded the Negro community. He also complained about the police protection given the Negro community by the city of Cambridge. The bill would make it a crime to knowingly, by force or threat of force, injure, intimidate, or interfere with any person because he has engaged in speech or peaceful assembly opposing any denial of the opportunity to participate in eight (8) specified categories of activities without discrimination on account of race, color, religion, political affiliation, or national origin. The third of the eight specified categories of rights is "participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States or by any State or subdivision thereof." Obviously, the public schools are a benefit, privilege, facility, or activity provided or administered by the State of Maryland and/or the city of Cambridge. Also, police protection falls in the same category.

It is important to understand that the bill speaks of "speech or peaceful assembly." The word "peaceful" modifies "assembly" but it does not modify "speech."

Any interference with even the most violent and inflammatory speech, such as the one made by Brown, which opposed the denial of the opportunity to participate in any activity or benefit mentioned in the eight categories, which embrace practically all human activities and actions, on account of race, et cetera, would be punished under this bill, and at the same time deter the police from keeping the peace.

So it can well be contended that this bill could properly be entitled "A bill to aid and abet H. Rap Brown and Stokely Carmichael."

Mr. ERVIN. Well, I would not go quite

as far as to say that that would be a proper title, but I would say that a proper title of this bill would be "To give jurisdiction to the Federal courts in cases of violence where there is a diversity of color, and deny it in cases where there is no diversity of color."

Mr. LONG of Louisiana. In my judgment, the last thing the people of this country want—and I think this is true of our Negro citizens, generally speaking, as well as our white citizens—is to give aid and support to Mr. Rap Brown and Mr. Stokely Carmichael. I think they would like to see us pass a bill in the other direction.

Mr. ERVIN. I believe the last thing the people of this country want is a law which makes it a crime for a person of one race to commit murder or other crimes, but excuses murder, as far as the Federal courts are concerned, where racial motivation does not exist.

I think the people of this country want laws which apply to all men in like manner when those men are in like circumstances, regardless of national origin, regardless of race, regardless of religion.

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

Mr. ERVIN. I yield.

Mr. HOLLAND. Mr. President, I am somewhat disturbed by the question of racial difference, the question of color difference.

Is there any definition, in the pending measure or in the Federal law otherwise, that fixes the differential between races and between colors?

Mr. ERVIN. No. The word "color" is not brought up. If there is any difference of color, it is one man's suntan and another's red face, as far as this bill is concerned.

Mr. HOLLAND. I doubt if that is what was intended.

Mr. ERVIN. I do not think so, either.

Mr. HOLLAND. I wonder if there is any definition, as there is under State law in my State and in other States that I know about, as to, for instance, what degree of Negro blood is necessary to designate an individual possessing it as a Negro, and similarly with reference to Indians and Orientals.

Mr. ERVIN. No, this bill leaves that to the judges, whom it assumes to be able to unscrew the inscrutable.

Mr. HOLLAND. I ask the Senator this question:

Would a mulatto—who, under our law, is a halfbreed, half white and half colored—be considered as white or colored for the purpose of this law?

Mr. ERVIN. I am not an expert in that regard. I leave the matter of color entirely out of my proposal.

Mr. HOLLAND. I am disturbed, because I know it is not physical color that always applies.

I remember a Congressman from an area in New York City who served a little while ago in the House of Representatives. He was whiter than is the senior Senator from Florida so far as the pigmentation of his skin is concerned. Yet, he described himself as a Negro, and still does.

The question is, What is the description that would differentiate white from

colored and fix the race of the person, whether an accuser or a victim under this law?

I wonder if there is any information that would help us in coming to an answer to that question?

Mr. ERVIN. I am one who believes that if we are going to punish crimes and violence and not try to keep a man from exercising his Federal rights, we ought to leave out all of those things. I left out all matters relating to color, race, religion, or national origin. I think that if the Federal Government is going to protect one man of one color, it ought to protect another man of another color.

Mr. HOLLAND. I agree with the Senator.

Mr. HART. Mr. President, will the distinguished Senator yield, not that I think I can be very helpful on the matter the Senator raised.

Mr. ERVIN. I yield first to the distinguished Senator from Florida.

Mr. HOLLAND. Mr. President, I at one time served as judge in a minor court. I know that it sometimes became very difficult to fix the question of color, at least in the Southland, and I am sure that would be true everywhere in the Nation. Certainly it would be true under a criminal statute that differentiates between citizens or individuals according to their color or race.

Mr. HART. Mr. President, Congress, generally over the bitter objection of some who are present on the floor, has consistently passed a series of laws that establish certain rights based upon color and provide against the deprivation of rights because of color. I am aware of no difficulty that has been created over the years because of the adoption of those laws.

Let me get this matter a little further into focus if I may. I know that the Senator from North Carolina has the floor, and I will be very brief.

The suggestion has been made that the people of this country do not want to see the Federal Government protect one group but not another.

I suggest that if the people of this country think a little harder about the matter, they will want to join us in assuring that the presence of Federal police authority at the local levels is restricted only to those situations where, tragically, history and experience have indicated that color is a factor in how vigorously the law is enforced and how well an individual is protected.

That is what this is all about. I know this is harsh and sounds unpleasant. However, if I were to have a wrestling match in Detroit, the local law enforcement rules would apply whether I am wrestling a white man or a Negro. There are some places where this is less true. I think the situation is being corrected, but there are some rather dramatic examples of situations in which the matter is not being corrected.

Let us see if we cannot restrain the exercise of Federal power to those situations where, absent Federal power, there would be unequal treatment under the law.

With respect to the Representative who was unnamed, it might be that if such

an individual were to have a wrestling match in Detroit, he would pretty soon find out what they judged him to be.

That is a roundabout way of answering the matter, but nonetheless it is a rather blunt suggestion as to why we approached this problem in this manner in the majority views.

Mr. ERVIN. Mr. President, I am very much intrigued, but despite my great respect for the Senator from Michigan, I am unable to comprehend why the Government should not be equally concerned when a white man kills a white man or when a colored man kills a colored man as it is when a white man kills a colored man or when a colored man kills a white man.

Mr. HART. We are concerned with the action that follows the murder. That is the problem. That is why we propose the legislation we do.

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

Mr. ERVIN. I yield.

Mr. HOLLAND. Mr. President, it seems to me that the statement of my distinguished friend, the Senator from Michigan, has not helped to clear up the record with respect to how it is proposed to distinguish between persons with respect to their color or race.

I am further disturbed in this matter by the complete discrimination that would exist under this law because of this fact. I note that throughout this law, this clause applies: "whether or not acting under color of law."

That means that police and National Guardsmen, and, despite the statement of the Attorney General, members of the Regular Army, if it is being called in to seek to protect property and life and enforce order, although proceeding under color of law, might be treated in different ways because of their own color in the event of the doing of violence to individuals who are demonstrating.

It is very clear to me that when people demonstrate under subsection (3) or (7) of section A, they are certainly to be brought under this law. Under section B, whenever they are participating in a demonstration "by the use of speech or peaceful assembly," because of deprivation of certain civil rights, they are brought under this law.

It seems to me that, in the event violence is done by the National Guard, consisting of both white and colored citizens, however the definition be determined, or by the police force, consisting of both white and colored citizens—and all Senators know that the urban police personnel has been deliberately and helpfully stepping up the proportion of their law enforcement officers who are colored—that violence, if done by a white officer to a Negro citizen would come under this law and the case would be brought in the Federal court.

However, if the violence were done by a Negro law enforcement officer to a Negro citizen, the case would remain in the State court. If it were a joint activity, in the course of which both white and colored officers were charged with the offense, some of them would have to be proceeded against under the Federal law in the Federal court, and some would

have to be proceeded against under the State law in the State court.

It seems to me that such action is discrimination and that it is not only unwise but is also terribly confusing. It would also result in different kinds of justice. It would only accentuate the troubles we are involved in rather than to settle them.

I wonder if my distinguished friend has a comment to make that will alleviate my trouble in this particular matter.

Mr. ERVIN. Mr. President, I think I would increase the troubles of the Senator. The statement of the Senator shows the absurdity of this law. If the National Guard were called out to suppress a riot, some of them probably would be white and some of them would be colored. They wear the same uniform. They obey the same orders.

If a white National Guardsman were to shoot or assault a Negro exercising a Federal right or a State right—and the sidewalks and streets are facilities of the local government—merely because he shoots on a street, we would have a prima facie case against a white National Guardsman, but not against a colored National Guardsman.

If the colored National Guardsman did it on account of racial matters, he would be immune from prosecution under this act. That shows how absurd you get when you try to make a criminal offense dependent in part upon the race of the accused or the race of the victim.

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

Mr. ERVIN. I yield.

Mr. HOLLAND. I certainly agree with the last statement of the distinguished Senator.

I suppose all of us watched with great concern the various incidents that were shown on television during the rioting at Newark and during the rioting at Detroit, and perhaps in other places. I did. And the incidents were played and replayed, not just at the time they occurred, but over and over again, as the Senator knows. My wife and I watched them with great concern, and we saw numerous instances in which police officers, several police officers acting at the same time—and I am sure they were acting as carefully as men could act—were shown seeking to suppress the riots.

In those instances, repeatedly we saw white policemen and Negro policemen working together, and I assumed that it was part of the policy of the municipal officials to use some Negro officers in that connection, and I suspect it was good policy. I certainly do not disapprove it.

The question is, How in the world are we going to support a law which would throw into different courts, under different laws and under different standards of punishment, officers according to their color, if perchance they had done violence in the course of their efforts?

Mr. ERVIN. That is exactly this bill. Here are, say, a white law enforcement officer and a colored law enforcement officer, or a white soldier and a colored soldier, or a white National Guardsman and a colored National Guardsman. They do exactly the same act. One of them violates this law and the other does not.

Mr. HOLLAND. Mr. President, I hope very strongly that the Senator's substitute law, which I have not had the opportunity to examine in detail, will get away from any such confusing and discriminating situation as that which exists under the proposed measure.

I know of no law in any State which makes a difference between murder or assault with attempt to commit murder or any other act of violence committed upon a person of a different race, as contrasted with such an act committed upon a person of the same race as the one committing it. I cannot think it appropriate, under the American ideal of justice, to make any such false basis of discrimination, which, under this law, would put certain offenses committed by the same people, acting in concert at the same time, in the Federal court, and by other people, acting at the same time, shoulder to shoulder with them, in the commission of the same offense, in the State court. If that is equal justice under the law, or if that is reasonable justice under the law, then I do not know the meaning of the words.

I certainly approve the opposition which the Senator is uttering to the proposed law.

Mr. ERVIN. The distinguished Senator from Florida has put his finger squarely on what I consider to be the fatal defect of the bill.

I said I was reluctant to see the Federal Government enter into the field of making laws and enforcing laws against crimes of violence. But if we are going into that field, we ought to go into it with a law that applies alike to all men, under like circumstances, not have one murder punished as a Federal crime because of the race of the accused or the race of the victim and another exempt from punishment because in that case the race of the accused and of the victim is the same.

The Senator from Michigan said that there are just a few crimes of this character, of resort to violence to prevent the exercise of constitutional rights. If that is so, there would not be many cases in the Federal courts. If white men do not assault white men because they are exercising their constitutional rights, they would not be in court. And if black men do not assault black men because they are exercising their constitutional rights, those cases would not be in court. So there is no danger of the dockets of the Federal courts being flooded with decisions of this nature.

In 1966 there were more unsolved and unpunished murders in New York State alone than occurred in all the Southern States against which this bill is directed. I say that murder is bad, regardless of whether the accused is a white man or a colored man or a member of some other race, and regardless of whether the victim is a white man or a colored man or a member of some other race.

It is murder in every case. If the Federal Government is going to go in on one case because the exercise of a Federal constitutional right is involved, it should go into all cases, because one is just as dead as the other and the crime is just as reprehensible in one case as in the other.

Mr. BYRD of West Virginia. Mr. President, will the Senator from North Carolina yield to me on another matter, without losing his right to the floor?

Mr. ERVIN. I yield.

THE PRESIDENT'S STATE OF THE UNION MESSAGE

Mr. BYRD of West Virginia. Mr. President, a UPI story which came on the ticker this afternoon reads as follows:

WASHINGTON.—Seven Republican Governors let loose a barrage of complaints against President Johnson's 1968 program today and said it offered little promise to deal with national problems.

Six of them were linked by telephone to a Washington news conference at which Gov. John Chafee of R.I., chairman of the GOP governors association, presided over a many faceted response to the President's state of the Union message.

Most of the governors wanted cuts in the President's budget but there was less agreement on the need for the administration's proposed tax increase.

Gov. George Romney of Michigan opened the news conference with a call from his home state in which he referred to Johnson's "piddling proposals" that would only aggravate a domestic crisis.

"When the captain does not know he is in a typhoon, it is time for a change in command," Romney said.

Mr. President, I deeply resent the chorus of Republican Governors—some of whom cannot even run their own States—making sorry political attacks on President Johnson's state of the Union message.

The Republican Governors are so busy falling over one another in the quest of a presidential or vice presidential nomination that they cannot see the wisdom of the President's call for new jobs, better homes, better education and health, and peace through firmness and perseverance in Vietnam. One wonders what Republican Governors hope to add to the national debate when they merely say "No" to every positive program advanced by this administration.

I believe that constructive and sincere criticism is to be defended. I have criticized my own President and my own party upon occasion and probably will again. And I can understand the desire of Republican Governors to find fault with the President's speech. But carping criticism purely for the sake of being obstreperous is something else, especially when it is offered by those who do not have to make the onerous decisions the President must make from day to day.

I try to follow the practice of being charitable to critics and, generally, I pay little attention to them. But the reference to the President's message as one of "piddling proposals" is a cheap political charge by a would-be presidential candidate whose frenetic fumbling and piddling have all but eliminated him from serious consideration within his own party as a Republican candidate for President. I predict that his complete elimination is not far off; and when it becomes a fait accompli, it will have been accomplished by himself and largely through the damage done to himself by his own words and actions.

Governor Romney's reference to the

President's state of the Union message as mere "piddling proposals" is really not surprising and perhaps should be overlooked, coming as it does from one whose recent claim to having been "brain-washed" was symptomatic of an even more dangerous and oftentimes, politically fatal ailment—a propensity for putting one's foot in one's mouth.

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. ERVIN. Mr. President, I understand that the Senator from Massachusetts [Mr. KENNEDY] is unable to be here tomorrow and that he has some observations he would like to make in respect to the pending bill.

For that reason I ask unanimous consent that I may postpone the remainder of my remarks until tomorrow, with the understanding that my remarks today and my remarks tomorrow will count as one speech, in order to allow me to yield the floor to the Senator from Massachusetts.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Without objection, it is so ordered.

Mr. KENNEDY of Massachusetts. Mr. President, with our action on the bill before us, the Members of the 90th Congress will answer a very straightforward question: Will the subjugation of black Americans by white Americans by means of intimidation and violence be tolerated any longer in any part of our Nation?

The answer should be just as straightforward. In our Constitution, in its amendments, and in our laws, we have set forth rights intended to be available to every American: the right to vote and to hold office, the right to attend public schools, the right to enjoy the benefits of local, State, and Federal Government facilities and programs, the right to be employed on a nondiscriminatory basis, the right to serve on juries and to be judged by juries representative of the community, the right to use public transportation facilities and place of public accommodation, and the right to speak and work to remove unfairness and injustice wherever they appear. Yet to many Americans these rights are still dreams, future hopes; rights which if exercised bring only fear and danger of bloodshed and retribution. In many places, State and local laws and criminal justice agencies have been, in every sense, unequal to the task of vindicating these rights by deterring and punishing those who interfere with them. Existing Federal laws are not designed to, or capable of, doing the job. The Supreme Court has now clearly established that the power is Congress' to exercise, whenever it wishes. Thus the responsibility is ours, and if we are to be true to our oaths and to our consciences, we cannot fail to meet it, to meet it now, and to meet it fully.

We began hearings on this legislation in the Judiciary Committee's Subcommittee on Constitutional Rights last Au-

gust, in the midst of what has now become known, sad to say, as the "riot season." That was a time of arson, and looting, and sniping, of loss of temper in the ghettos, loss of control in the city halls, and loss of equanimity—if not panic—in the Congress. The riot season, of course, has passed. But the seasons that breed it are very much with us, the seasons of discontent, and deprivation, and frustration, and anger, and especially anger. These cannot ever justify or excuse lawlessness and rioting; perhaps they cannot alone even explain a riot. But they can certainly help to drive reasonable men to do unreasonable things. Those of us who are not Negroes can only try to imagine the seething resentment of a Negro in Chicago who hears that our system of justice metes out a punishment of only 10 years' imprisonment to conspirators—some of them law officers—who murdered and buried three young men because they were assisting Mississippi Negroes in attaining their rights. We can only speculate on how the Harlem resident feels when he hears that his cousin in Alabama has been threatened with death because he chose to send his child to the school nearest their home.

The bill before us, then, while it is vitally important for what it will do to assure equal rights to those who will be its direct beneficiaries, is much more. It provides a visible demonstration, albeit a limited one, that this Congress is determined to fill the gaps in the protection we offer all our citizens, that Federal rights are to be guaranteed to people of all races and religions, not just certain ones, that America's dedication to justice and to liberty for all has not waned, and will not be permitted to wane.

This bill is not the only one which we must pass if we are to carry our full share of this burden. We will also have before us, at some point this year, a bill to guarantee every American that his skin color will not deprive him of access to housing, and a bill to strengthen the Federal Government's ability to assure equal employment opportunity. And we will have bills to provide new housing construction and new job opportunities. All of these are urgently needed and the 90th Congress should not adjourn until they are passed, but certainly H.R. 2516, formerly title V of the 1967 civil rights bill, is "must" legislation. It is certainly far from the best we can do; but it is surely the least we can do.

At this point I ask unanimous consent to insert in the RECORD the statement I made at the opening of our hearings on H.R. 2516.

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

OPENING STATEMENT BY SENATOR EDWARD M. KENNEDY BEFORE THE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS, AUGUST 1, 1967

Some people have suggested that this is an inappropriate time to consider civil rights legislation, that the public and the Congress will not be receptive to the bills before us while our cities are aflame and our streets are battlegrounds, that we should put off these hearings until the end of the long hot summer of 1967.

I could not disagree more strongly with these suggestions. Of course, there can be

no doubt that our first concern is to restore safety and tranquillity in America's cities. And surely also it is proper for us to give urgent consideration to measures which would enhance our ability to prevent and control urban conflagration in the short run. Many such measures, like the Safe Streets and Crime Control bill and the State Firearms Control Assistance bill, are so demonstrably necessary even without the proof contained in recent riots that they should and would, I believe, have been enacted by the 90th Congress in any event. Other bills have been spawned and incubated in the heat of the summer's violence, and the clamor for them may dissolve in the light of sober reflection. Tomorrow in the full Judiciary Committee we will have a chance for such reflection on several of the proposals, which have been made for short run efforts at riot prevention and control.

Yet despite the importance of these immediate law enforcement measures, it is cruel, and tragic, and irresponsible, to say that we should put off our efforts to deal with the nation's longer run goals for eradicating injustice, inequality, and despair throughout American life.

For one thing, it smacks of the rankest discrimination to hint that, because the criminals who disrupted the life of Newark and Detroit were largely Negroes, all other American Negroes must suffer. Why should the blame for what a small group of Negroes did in a Maryland city be placed on the Southern schoolchild who cannot go to an integrated school without fear of being beaten up? Why should the guilt for the death of an Ohio policeman, struck down by a sniper in the dark of night, be transferred to the Negro veteran of Vietnam who cannot serve on a jury? And how can we say that a Negro policeman should be denied access to the house of his choice merely because someone with the same skin coloration as his started a fire in Milwaukee? Shall we consign the ghetto and all its people a life of hopelessness because of the sins of the worst members of the community? I do not believe that this is the intent of those who find it easier to focus today on riots rather than rights.

Yet there is perhaps an even more direct reason why we should be here today concerning ourselves with assuring to Americans of all colors and creeds rights which most Americans take for granted. For even though the effects of what we may do here may not be felt directly by substantial numbers of Negro Americans for many years, the fact that we act can lend immediate hope, can give instant proof of our dedication to the promise of equality and fairness, can be dramatic evidence that all Americans have a stake in our system and its institutions. And what better antidote to riots can there be than hope and promise.

The converse follows almost without being stated. We are not being threatened or blackmailed or extorted into doing what is right, but if we fail to do what is right, we also broadcast a silent yet potent message, a message of idle hopes and empty promises, of establishments in which the poor, the ignorant, and those with skin of a different color have no stake.

Our sins of omission can contribute more to the conditions which breed riots than any sins of commission by an agitator. What we are being asked to do here is not to give a class of Americans special privileges or special advantages. We are being asked to set minimum standards of justice and fairness for citizens who are not treated unjustly and unfairly. We are being asked to vindicate rights guaranteed by the Constitution. We are being asked to insure all Americans the right to live, and to work, and to serve on juries, and to be judged by fairly chosen juries, and to exercise Federally protected

rights free from the threat of intimidation and violence.

I do not believe that we can say to twenty million Negro Americans that they may not have these rights until there are no more Negro looters, Negro snipers and Negro arsonists.

Mr. KENNEDY of Massachusetts. Mr. President, I shall in the coming days be commenting in detail on some of the particularly important features of H.R. 2516, as reported by the Judiciary Committee. Today I want to begin by stressing one crucial section, the one which will protect against interference by threats or force with equal access to public schools and colleges. This provision is a key one, first, because the field of education has been the focus of both progress and violence throughout the civil rights struggle, and second, because it is one of the important areas not adequately covered by one of the proposals which will probably be offered as a substitute for the committee bill.

Mr. President, it has been almost 14 years since the Supreme Court of the United States, in the case of Brown against Board of Education, proclaimed that separate public schools for Negro and white children were "inherently unequal," and constituted a deprivation of equal protection of the laws under the 14th amendment. For the first time, the Court explicitly recognized that the undermining of dignity and self-assurance at a tender age is as relevant to the issue of equal opportunity as inferior textbooks or teachers would be.

Since 1954 this Nation has come a long way toward asserting, in positive law, this Nation's faith in, and adherence to, the principle of full equality for all Americans. In the area of public education, Congress enacted title IV of the Civil Rights Act of 1964, in order to hasten and facilitate the desegregation of southern schools—a process which had advanced all too slowly in the decade following the Brown case. The Department of Justice has given top priority to the effectuation of the policies of title IV and Supreme Court school decisions. Many State officials have themselves taken steps to counteract the effects of historical segregation by race, whether de facto or previously sanctioned by law. Indeed, there can be little doubt that, if one right is more vital than others to the establishment of a society in which all men share equally of this Nation's blessings, it is the right to begin by sharing equally the opportunities for public education.

Ironically—or perhaps understandably enough—throughout the years since the Brown decision, desegregation of schools has also been a top priority target for extremists set upon impeding the current of social progress. Along with those seeking to desegregate public accommodations, those persons striving to integrate schools have been the targets of a larger number of violent acts of intimidation and reprisal than have been directed against the implementation of equal rights in any other area.

The new section 245 of the Federal Criminal Code would provide penalties for racially motivated acts or threats of

violence against a person because he has sought or is seeking lawfully to enroll in or attend any public school or public college. Subsections (b) and (c) prohibit racial violence against a person because he has encouraged others to seek the benefits of public education, because he has peacefully opposed the denial of such benefits, because he has accorded equal benefits to others, or in order to discourage the victim or others from seeking such equal rights.

This bill will effectively cover each of the methods of intimidation by force which have been used in recent years by opponents of school integration. We have all heard of Negro students attending or seeking to attend previously white schools, whose homes have been shot into by terrorists, sometimes with the tragic result of serious injury to the child or a member of his family. Cases in which such students are threatened or attacked because of their race would be prosecutable under the new subsection 245(a)(2).

Under subsection 245(b) the Department of Justice will have the important authority to prosecute those who intimidate civil rights workers, both Negro and white, who strive for equality of educational opportunities. And subsection 245(c) will protect those officials—principals, school board members, and so on—who are required by law to desegregate schools.

As recently as this past April, a superintendent of schools in a Southern State was assaulted by an individual because of the steps taken by that official to desegregate the county's schools. In this case, as in many involving racial violence, the Department of Justice found it was powerless to take action against the assailant, one reason being the absence of a provable conspiracy.

The major existing tool for prosecution of racial intimidation cases where none of the intimidators were acting under color of law is 18 U.S.C. 241, which provides penalties for conspiracy to injure or intimidate any citizen seeking to exercise a right or privilege secured by the Constitution or Federal law. In many cases involving public education intimidation, the need to prove the elements of a conspiracy have made successful prosecution difficult or impossible. The new section 245 would not, however, require proof of a conspiracy.

Further, the coverage of section 241 is stated so generally that the prosecution must prove "specific intent" to interfere with the Federal right being exercised. This "vagueness" may also lead to confusing instructions to jurors who, to convict, must be convinced of the defendant's guilt beyond a reasonable doubt—and who may be looking for any excuse to acquit.

Finally there is the question, as yet unresolved by the Supreme Court, of the scope of the rights protected by section 241. The Court may yet hold that both a student's right to attend a desegregated school, and an official's right to be free from interference with his attempts to comply with Federal law, are covered by section 241.

In any event, it is clear that the other

obstacles to obtaining convictions, as well as the inadequacy of section 241 in deterring terrorism, make imperative the enactment of the committee bill, with its explicit protection of public school activities.

For the sake of completeness, I shall mention one other existing statutory authorization for Federal prosecution of intimidators of Negro students or school officials. Section 1509 of the Federal criminal code provides maximum penalties of a \$1,000 fine and/or 1 year in prison for the obstruction of Federal court orders by threat or force. Thus, if a particular school system is being desegregated under a court order, the Justice Department could prosecute those who attempt to intimidate new Negro students or school officials. In view, however, of its limited application and inadequate penalties, this statute can hardly be deemed effective as a general deterrent.

Opponents of the committee bill argue that the inclusion of public education among the activities protected by section 245 is unnecessary, since most schools receive at least minimal Federal assistance, and would thus be covered by the provision applicable to federally funded programs. However, it is imperative that public education be specifically enumerated for several reasons: First, since this bill seeks primarily to deter and only secondarily to punish, potential violators should be put on explicit notice. Second, the necessary proof of the crime and the directions to the jury will be more direct and clear under the committee bill. Finally, what of the school from which Federal funds have been withdrawn, the very school where discrimination is most rampant, and violence most likely?

There is no question but that the committee bill, with its explicit inclusion of public education, will provide the most effective means of punishing and deterring threats and acts of violence against those who exercise their right to equal educational opportunity. No longer can we take complacent pride in a law that grants equality in principle, but allows private individuals to undermine its spirit with impunity. We must give substance to the right to equal education and alleviate the fears and insecurity of those who would seek it but for the terrorists who lie in wait.

THE PRESIDENT'S STATE OF THE UNION MESSAGE

Mr. LONG of Louisiana. Mr. President, I want to say a word or two about the President's state of the Union message last night.

The press quoted only what I said about the President's message with regard to my views on the big tax bill, in which I indicated that I was not for it and did not expect to support it, although I would reconsider my position in the event the House of Representatives saw fit to pass that measure. I suppose it is news when one speaks critically of his administration, and it is not news when one speaks favorably of it.

Mr. President, in my judgment, the

President made a great speech last night. He was 100-percent correct in the view he took with regard to the conflict now being waged in Vietnam, that we are beginning to see some light at the end of the tunnel. It is my very sincere hope that we will not fall into the trap of stopping the bombing or our offensive action in Vietnam until we have some meaningful indication on the part of the North Vietnamese and the Vietcong that there will be a similar response from them to indicate that they will cooperate in seeking a true cease-fire.

From the point of view of the Communists, there is no better time to negotiate than prior to the American elections. When those elections are over, and if President Johnson is reelected, there will be no doubt that the position of this Government will be extremely firm, and the ability of the Communists to take political advantage of the plight in which this Nation finds itself in seeking peace will be at a minimum.

My guess is that the Republican Party is likely to nominate a strong stalwart who also believes in settling for nothing less than an honorable solution, which would mean that this country would defend its commitments and stand by its purpose in Southeast Asia.

Also, certainly for whatever chance he may have, if George Wallace should be elected President, those who would vote as electors under a Wallace banner would be in a strong position to uphold the American fighting man in the commitment that this Nation has made.

Thus, in any event, the position of the Communists to talk peace now is more advantageous than it will be in the future—certainly more advantageous, in my judgment, than it will be after November of this year. They would have some leeway between now and then, but after the November elections, the will of America will be made extremely clear to all the world.

The President of the United States spelled out some thought-provoking suggestions for ways to improve our cities, for ways to do more to eliminate crime on the streets, and for ways better to protect the American consumer. All these matters should be explored, and I am sure that they will be. The President has great plans for rebuilding American cities, to make model cities of all our major cities and some of our minor cities as well. I am happy to know that he is persevering and preparing for action in that area.

Particularly important to the Senator from Louisiana is the fact that the President is very much aware of the compelling need to do something effective about our unfavorable balance of payments. I have some knowledge of the various measures that are being considered in administration sources on ways in which this Nation can move firmly and effectively to correct our very serious imbalance in payments.

As one member of the Finance Committee, I certainly will see that these matters are carefully considered. It is my hope that the administration would not be resentful if those of us in Congress do what we think is our duty, and that is

to offer our own suggestions as to ways in which this country's imbalance of payments could be corrected, ways in which our balance of trade could be improved upon, ways in which the very severe deficit in our tourist trade could be corrected. Members of Congress have ideas along those lines. Some of us have thought about them for a long time. It is my thought that our thoughts, as an addendum to those of the President's, certainly should be considered. I believe we shall act favorably upon many of the suggestions he makes in this field.

It is my feeling that he should give us similar consideration, as I am sure he will, with regard to our thoughts and suggestions along that line.

On the whole, I thought the President's statement was a very fine one. While I have never agreed 100 percent with any state of the Union message, I think I find as much to agree with in this one as any state of the Union message since I have been in this body.

THE JEANNETTE RANKIN BRIGADE

Mr. THURMOND. Mr. President, on Monday, January 15, a group of anti-war protestors, called the Jeannette Rankin Brigade, assembled in Washington and presented a pacifist petition to Congress. The assembly was apparently orderly and well conducted, although I doubt that few of those in Congress were even aware that the brigade was marching. The purpose of the brigade seemed more to be to get propaganda in the newspapers than it was to make use of the constitutional right to petition Congress. From the publicity standpoint, the brigade apparently was successful.

Indeed, the amount of publicity received by this outfit seemed far out of proportion to the merits of the petitioners' cause or to the extent to which the brigade represented American women. As a matter of fact, the turnout of 3,000 was far less than the brigade leaders themselves had predicted. Upon close inspection, one sees that the list of organizers and sponsors of this group is pretty much the same list of tired campaigners for far-left causes.

Prominent within the group were several persons, such as Jessica Mitford and Malvina Reynolds, who have been identified as members of the Communist Party in sworn testimony. Others, such as Frances Herring and Elizabeth Sutherland, are well known for taking a leading role in propaganda activities that are only thinly disguised as operations conducted by the Soviet Union. Still others, such as Donna Allen and Dagmar Wilson, are identified with a broader range of pacifist causes in the spectrum of the left.

In short, the brigade was a typical united front operation—the tried and tested Communist tactic by which many well-intentioned people are deluded into supporting a cause organized, financed, and directed by professional militants. At this point, I ask to include at the conclusion of my remarks excerpts from the brochure published by the Jeannette Rankin Brigade including the partial list of sponsors.

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

(See exhibit 1.)

Mr. THURMOND. However, I believe that our interest should focus upon the woman described in friendly press accounts as the leader and organizer of the Jeannette Rankin Brigade. I do not mean Miss Rankin herself, but rather one Vivian Hallinan.

According to an article in the Washington Post of January 5, 1968, by Jack Nelson, of the Los Angeles Times, the Jeannette Rankin Brigade was initiated and financed by Mr. and Mrs. Vincent Hallinan, of San Francisco. On Saturday, January 13, the Washington Post carried a feature story on Mrs. Hallinan herself, identifying her as "one of the key figures" in the Jeannette Rankin Brigade. The article further describes her husband, Vincent Hallinan, as "a fiery, controversial San Francisco lawyer who once ran for U.S. President." The article does not explain that the reason he is "controversial" is because he has been identified in the public press with a long list of open and unabashed Communist causes.

In 1949, Vincent Hallinan was the defender and chief counsel for the head of the International Longshoremen's Union, Harry Bridges, who has been identified under oath several times as a member of the Communist Party, U.S.A. In 1952, Hallinan was indeed a presidential candidate, for he was the candidate of the Independent Progressive Party. Instead of being independent, this group, according to the House Committee on Un-American Activities, "certainly ranks as one of the largest and most successful fronts created by the Communist Party."

In 1954, HCUA identified him as one of the owners of March of Labor, a magazine described by HCUA as an instrument of the Communist Party.

In public press accounts on the west coast, Hallinan has been reported to be a member of the board of directors of the Civil Rights Congress, and vice president of the National Lawyers Guild, both officially labeled as Communist fronts. News stories also say that Hallinan has supported the Joint Anti-Fascist Refugee Committee, the California Labor School, the Northern California Committee for Protection of Foreign Born, and the Committee to Secure Justice in the Rosenberg Case.

In 1961, the press reported that he was a sponsor of the East Bay Community Forum in honor of Bertram Edisses, an identified Communist. In 1962, the Redline newspaper, the National Guardian, reported that he was an instructor in the San Francisco School of Social Sciences. In 1963, he was reported to be chairman of the Fair Play for Cuba Committee of the new bay area in San Francisco.

In 1966, he was listed on the program as sponsor of the testimonial dinner to honor Herbert Aptheker, a leader and chief theoretician of the Communist Party, U.S.A. on the occasion of Aptheker's 50th birthday. On January 26, 1967, Hallinan was a sponsor of the William L. Patterson Tribute Committee in New York City. William L. Patterson was listed as vice chairman of the New York

State Communist Party in the Worker, March 1, 1960.

Michael and Terence Hallinan, sons of Vincent and Vivian Hallinan, were among the principal organizers of the W. E. B. DuBois Clubs, which have been described by FBI Director J. Edgar Hoover as a Communist-spawned youth organization. The Hallinans, wife and husband and sons, were deeply involved in the protests at the University of California at Berkeley, both in the so-called free speech movement, and in the sit-ins at San Francisco.

Terence Hallinan was denied admission to the California State bar because he was not of "fit moral character" as a result of his radical activities, according to People's World, April 30, 1966.

Another press account says that Mrs. Hallinan herself was one of the hostesses at a fundraising party to help the Vietcong on October 16, 1965.

Mr. President, there is much more that could be reported about this remarkable family, but what I have said already is sufficient to give the tenor of their political leanings. I wish to repeat that many innocent people no doubt were caught up in the emotional appeal of the present operation. Not everyone involved in the Jeannette Rankin Brigade could have been aware of the background of their leader.

Nevertheless, the purpose of such a propaganda operation is precisely to involve innocent people and to multiply the effect of the desired propaganda line. The only weapon to deflate such operations is exposure.

I ask unanimous consent to have printed in the RECORD the following newspaper clippings which explain the background of the Hallinans in further detail: "Hallinan Finances Rankin Brigade," Washington Post, January 5, 1968; "Brigade Leader Set for March," Washington Post, January 12, 1968.

Also the following articles from Tocsin, a newspaper published in Oakland, Calif.: "Hallinan and His Young Revolutionaries," June 29, 1966; "Three University of California Housewives Raise Funds for Cong.," November 25, 1965; "Viet Committee," August 5, 1965; "DuBois Clubs Begin It All," April 15, 1965; "Vincent Hallinan," July 13, 1966.

Also the article "Hallinan Denied State Bar Admission," from People's World, April 30, 1966.

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

[From the Washington (D.C.) Post, Jan. 5, 1968]

HALLINAN FINANCING "RANKIN BRIGADE"

(By Jack Nelson)

ATLANTA, January 4.—The Vincent Hallinans of San Francisco were identified today as initiators and principal backers of the Jeannette Rankin Brigade, a peace organization that hopes to have at least 10,000 women demonstrate in Washington when Congress convenes Jan. 15.

Hallinan, a wealthy attorney, long has been associated with the left-wing causes. His wife Vivian has been a peace movement leader.

Jeannette Rankin, a former Montana Congresswoman who voted against U.S. entry into both world wars, told a press conference that Mrs. Hallinan initiated the organization and persuaded her to serve as honorary president.

Mrs. Martin Luther King Jr., wife of the civil rights leader and a member of the Brigade's steering committee, said, the Hallinans are principal financial backers of the organization.

Hallinan ran for President on the Independent Progressive Party ticket in 1952. The following year he was sentenced to 18 months in prison and fined \$50,000 for Federal income tax evasion. In 1954 the House Un-American Activities Committee identified him as one of the owners of March of Labor, a magazine the committee labeled as a Communist Party instrument.

Miss Rankin said House Speaker John McCormack and Senate Majority Leader Mike Mansfield have agreed to accept petitions protesting the war from her and other Brigade leaders after the demonstrators march from Union Station to the Capitol.

Miss Rankin, 87, still resides in Helena, Mont., but spends part of her time at a winter home in Watkinsville, Ga. She said she is considering running for Congress again.

Miss Rankin was in Atlanta for a meeting of women involved in the peace movement.

Among the women listed as sponsors of the Jeannette Rankin Brigade are Mrs. Harry Belafonte, Viveca Lindfors, Jessica Mitford, Betty Friedan, Susan Sontag and Mrs. Benjamin Spock.

[From the Washington (D.C.) Post, Jan. 13, 1968]

BRIGADE LEADER SET FOR MARCH

(By Carolyn Lewis)

Mrs. Vincent Hallinan, one of the key figures in the Jeannette Rankin Brigade which plans a women's peace march on the Capitol on Monday, says that she would be willing to go to jail if it would help to end the war in Vietnam.

But, warned the wife of a fiery, controversial San Francisco lawyer who once ran for U.S. President, she is speaking only for herself, not for the Brigade that hopes to rally some 10,000 women to present a peace petition to Congress.

While the Brigade itself is on record as planning no civil disobedience during the demonstration, Mrs. Hallinan said in an interview Thursday that the decision might be reconsidered in the light of the invocation of an 1882 law to prevent their gaining access to the Capitol.

But Mrs. Hallinan said she does not advocate civil disobedience. "All our letters and brochures to the Brigade members have emphasized that we do not advocate civil disobedience. I have said we are fighting the battle in the courts—not on the Capitol grounds."

Shortly after her arrival in Washington Thursday night, the lively, gray-eyed Mrs. Hallinan explained her reason for working in the Brigade: "I'm frustrated. It seems the more we protest the more they escalate. Yet I want to stop the war."

She is prepared for criticism. "I know they'll scoff at us and make us look ridiculous. I know they'll call us Reds. But that's unimportant when you think of the people dying in Vietnam," she said.

Mrs. Hallinan was one of three women who visited former Montana Congresswoman Jeannette Rankin last August, to ask if she would lend her name to a march on Washington to petition Congress for peace in Vietnam.

Miss Rankin, who was then 86, invited the three to have lunch with her, and agreed not only to lend her name, but to travel to Washington and participate in the demonstration.

Mrs. Hallinan pointed out that, while the broad coalition of women in the Brigade had agreed to try to prevent civil disobedience at the march, "we can't control the individual in the thousands who will be there."

Vivian Hallinan is herself not exactly a stranger to jails.

Eighteen months ago, she received a 30-day jail sentence, after a dramatic sit-in outside the Cadillac Company's headquarters in San Francisco. Mrs. Hallinan was protesting the failure of the company to hire Negroes in jobs other than janitors and car-washers.

"I spent 30 days in jail—and they weren't nice days, I assure you—but it was worth it because we won. The company is now hiring Negroes in their office and as salesmen," she said.

Mrs. Hallinan and members of her family also participated in a sit-in at the Palace Hotel in San Francisco, seeking an agreement on the hiring of Negroes.

Vincent Hallinan, a wealthy criminal lawyer, ran for President of the United States in 1952, when he headed the Independent Progressive Party ticket. But, because he was in jail until three months before the election, it was his wife, Vivian, who did most of the campaigning.

Mrs. Hallinan denied reports that her husband is financially backing the Jeannette Rankin Brigade. "Why, he's ready to divorce me because of it—I've hardly been home in six months," she said.

[From Tocsin, June 29, 1966]

HALLINAN AND HIS YOUNG REVOLUTIONARIES
Colorful, controversial and fiery are three terms which newspapers cautiously reserve for Vincent Hallinan; rich San Francisco Marxist lawyer little known outside the Bay Area.

Once a candidate for U.S. president, past counsel for longshore leader Harry Bridges, Hallinan has had little success in gaining the lasting national prominence to which his immodest ego would entitle him.

Nevertheless, Hallinan's influence and philosophy are today making themselves felt to a degree unimaginable a few years ago. For his fervent anti-capitalism is being espoused by a whole new generation of young radicals who have followed the path indicated by several of Hallinan's six sons.

The money bags of the Movement, Hallinan, 69, is the grandfather of the W.E.B. DuBois Clubs of America, which are currently fighting a Justice Department move to force their registration as a Communist front; Hallinan's number two son Terence ("Kayo") was the chief organizer of the club's founding convention in San Francisco two years ago. His eldest son Patrick ("Butch") is a lawyer who has acted as the club's counsel. Other sons, Matthew ("Dynamite") and Conn are militant DuBois activists in Berkeley.

SLATE AND DUBOIS CLUBS

The DuBois Clubs, which were an active group in Berkeley and San Francisco well before the 1964 national launching developed their early strength at the University of California through a hard core of leaders in Slate, the campus' well-known left-wing party.

An apartment house at 1579 Scenic Ave., Berkeley, owned by Patrick S. Hallinan, served as DuBois Club headquarters in 1962-63. Slate leaders Ken Cloke, son of identified California Communists Richard and Shirley Cloke, and Bettina Aptheker, the Communist daughter of leading CP theoretician Herbert Aptheker, listed the Scenic Avenue address as their own in 1962, along with Patrick and Michael Hallinan.

Formed in 1957-58, Slate got an early helping hand from the Hallinans. A watchful University of California administration held its own against Slate until 1960 when the group gained national notoriety for its part in the San Francisco riots against hearings by the House Committee on Un-American Activities. Vincent Hallinan was counsel for witnesses called before the committee.

Many observers date the radicalization of

the American college scene from the 1960 riots. Between that period and the 1964-65 "free speech" revolution at Cal. UC students were able to introduce such other pace-setting political-action techniques as the sleep-in (at the San Francisco Sheraton-Palace Hotel).

In this action, as well as in subsequent "civil rights" demonstrations along the city's Auto Row, the Hallinans—including Mrs. Vivian Hallinan, wife of Vincent—were once again able to make their contribution either as demonstrators or as financial and legal aides. Vincent Hallinan helped bail out some of the demonstrators and both he and son Patrick have acted as attorneys for arrested sitters-in.

MARXIST SCHOOL

Prior to the national DuBois Clubs founding, Terence Hallinan was noted chiefly as the co-director of the San Francisco School of Social Sciences, a Marxist training center he operated in his father's law building at 345 Franklin St.

Besides his interest in the radicalization of youth, the boy's father has focused on the usual revolutionary crisis areas of the '60's—Cuba (he was chairman of the Bay Area Fair Play for Cuba Committee prior to the assassination of President Kennedy by New Orleans Fair Play leader Lee H. Oswald) and Viet Nam (Hallinan marched in the Viet Nam Day Committee's November parade into Oakland and spoke at its first anniversary at the University of California May 21).

During the VDC anniversary celebration Hallinan hauled out the Communists' currently favorite analogy, comparing President Johnson to Adolf Hitler.

Hallinan's former estate in Ross, Calif., served as the site of many a fund-raising picnic for such enterprises as the Fair Play for Cuba Committee, the Communist People's World and the National Guardian.

APTHEKER INSTITUTE

At present Vincent Hallinan is secretary-treasurer of the American Institute for Marxist Studies, Communist Herbert Aptheker's New York organization. Last April he helped collect funds to celebrate Aptheker's 50th birthday and the anniversary of the institute.

Hallinan's most famous client was Harry Bridges, whom he defended in the famed perjury-conspiracy trial in 1949; another client was Marion Bachrach, Communist indicted under the Smith Act.

Hallinan's bid for the U.S. presidency in 1952 was made under the Independent Progressive Party, a Communist third-party front. He was also on the board of directors of the Civil Rights Congress and has been vice president of the National Lawyers Guild, both cited Communist fronts.

Other Communist fronts which Hallinan has supported include the Joint Anti-Fascist Refugee Committee, the California Labor School, the Northern California Committee for Protection of Foreign Born and the Committee to Secure Justice in the Rosenberg Case.

TWICE IMPRISONED

In 1952 he served six months in McNeil Island Federal Penitentiary for contempt of court which arose out of the Bridges case. In 1954-55 he spent 18 months in prison for income tax evasion. Suspended from the bar for three years, he resumed legal practice in March 1960.

Hallinan's son Terence was denied admission to practice law by California's Committee of Bar Examiners last year, a refusal for which Governor Edmund G. Brown, former member of the National Lawyers Guild, telephoned his condolences to Vincent Hallinan. As though ungrateful, Hallinan this year turned up among endorsers of Brown's rival, Carlton Goodlett, a Communist-fronter bidding for the primary nominations in the governor's race.

[From Tocsin, Nov. 25, 1965]

THREE UNIVERSITY OF CALIFORNIA WIVES RAISE FUNDS FOR CONG

BERKELEY.—The wives of three University of California professors and of Marxist attorney Vincent Hallinan were hostesses for a fund-raising party to help the Vietnamese Communists Oct. 16.

The party was held at the home of Mathematics Professor Stephen Smale, cofounder of the Viet Nam Day Committee, 69 Highgate Road, Kensington, Calif. Mrs. Smale, joined Mmes. Hallinan, Morris Hirsch and Richard Strohm in staging the event.

Celebrities who were scheduled to be present included Fanny Lou Hamer, Mississippi racial agitator; M. S. Aronson, editor of the Marxist Minority of One magazine; Paul Krassner, editor of the Realist; Robert Scheer, writer for the Center for the Study of Democratic Institutions of Santa Barbara; retired Brig. Gen. Hugh B. Hester, and Mike Myerson, international secretary of the Communist-spawned DuBois Clubs.

[From Tocsin, Aug. 5, 1965]

VIET COMMITTEE

Attorneys Vincent Hallinan, former Bay Area chairman of the Castroite Fair Play for Cuba Committee, and his son Patrick, counsel for the Communist-spawned DuBois Clubs, were among announced guests for the Berkeley Viet Nam Day Committee housewarming fund-raiser July 31.

The Viet Nam Day Committee has recently opened new offices at 2407 Fulton St., Berkeley. Its forthcoming major project is a disruptive world-wide demonstration next October in support of a Communist takeover in Viet Nam.

Along with the two Hallinans, other guests named included University of California faculty members Gerald Berreman, Paul Ivory, Morton D. Paley, Franz Schurmann, Morris Hirsch and Stephen Smale.

Other guests invited were Arthur Mendel, San Francisco Assemblyman Willie Brown, Saul and Nina Landau and Harry Ruben, in addition to members of the San Francisco Mime Troupe.

[From Tocsin, Apr. 15, 1965]

DUBOIS CLUBS BEGAN IT ALL

The sit-ins which have been hitting the San Francisco Bay Area for more than a year were "begun by the DuBois Clubs" (identified by FBI Director J. Edgar Hoover as a Communist-spawned youth organization).

The DuBois Clubs plan to run Patrick Hallinan, a 1964 member of the Communist-front National Lawyers Guild, as a candidate for San Francisco supervisor.

These two separate disclosures feature an interview with DuBois Club member Mike Myerson in the March 15 issue of Spider magazine, the off-campus off-color periodical which sparked the recent obscenity crisis at the University of California.

Myerson, who led the blistering demonstrations against the San Francisco Sheraton-Palace Hotel a year ago as well as the unsuccessful picket against the Oakland Tribune ending this year, was head of the recently deceased Ad Hoc Committee to End Discrimination, a DuBois Club channel. The DuBois Clubs existed as small Bay Area groups until last June when they became a national organization at a founding convention held in San Francisco and organized by two other Hallinan brothers, Michael and Terence.

The Hallinans are sons of San Francisco Marxist lawyer Vincent Hallinan, who was the 1952 U.S. presidential candidate of the Progressive Party, a Communist-controlled third party. The elder Hallinan served prison terms for income-tax evasion and for contempt of court resulting from his conduct during the

defense of Australian-born Communist long-shore boss Harry Bridges of the ILWU.

In the Spider interview Myerson expresses firm faith in the ultimate establishment of socialism in the United States. As a chief reason for optimism, Myerson points to the fact that today's socialist youth are no longer estranged from society as was the case ten years ago.

"Today, the DuBois Clubs," says Myerson, "are very much a part of, well, the Pepsi Generation. They feel that America has Come Alive."

[From Tocsin, July 13, 1966]

Millionaire Marxist Vincent Hallinan, San Francisco attorney, lends his presence to the Viet Nam Day Committee's first anniversary commemoration on the University of California campus. Hallinan introduced John Hewlett of the recently formed Black Panther Party, a militant "defense" organization operating in Lowndes County, Alabama. Hallinan is secretary-treasurer of the American Institute for Marxist Studies, a New York-based organization whose director is the Communist Party's Herbert Aptheker.

[From People's World, Apr. 30, 1966]

TO BE CHALLENGED IN THE COURTS: HALLINAN DENIED STATE BAR ADMISSION

SAN FRANCISCO.—"What we are witnessing," said Terence (Kayo) Hallinan, "is the frightening rebirth of the specter of McCarthyism."

The 29 year old organizational secretary of the W.E.B. DuBois Clubs made this comment during a press conference here Wednesday, April 27.

Hallinan called the conference to announce that the board of examiners of the California State Bar Association had ruled he was not of "fit moral character" to be admitted to the bar.

Also at the press conference was Harold Supriano, who was to be fired from his position as a city social worker Friday, April 29.

The joint conference was held to expose what the two men saw as the political similarities between their two cases—which they felt was the real basis of the action taken against them.

"In 1963 we went to Mississippi together," said Hallinan. "We were both arrested during the historic civil rights demonstrations at Sheraton Palace and on the Auto Row. And we are both DuBois Club members."

Supriano also traveled to North Vietnam during the summer of 1965.

"I came back from Mississippi," said Supriano, "after seeing police harass Negroes trying to register to vote. I saw employers fire men and women, deprive them of their livelihood, because they tried to secure their democratic rights."

"Then I came back here, to the 'city of liberalism'—to see the DuBois Club headquarters bombed, to get fired from my job because of my views, and to see Kayo deprived of his livelihood—all because of our views."

Hallinan has appealed to the State Supreme Court to compel the Bar to admit him.

His petition, which is expected to be received by the court early next month, argues the Bar's ruling deprives him of his livelihood without due process.

The court's decision, said Hallinan, "will have a great effect on earlier rulings by the U.S. Supreme Court which held the Bar was a private association and could therefore refuse to admit those belonging to organizations 'advocating the violent overthrow of the American government.'"

Supriano is awaiting a court decision on a petition for an injunction to prevent the city from firing him.

His union, Local 400 of the City and County Employees had asked the San Francisco Labor Council for strike sanctioning decision from the Council's executive board is expected shortly.

EXHIBIT 1

A CALL TO AMERICAN WOMEN

HELENA, MONT.,

November 27, 1967.

To All American Women:

I am proud of the fact that my first vote cast in Congress was a vote against war. It was the first opportunity for a woman to vote because I was the first woman to be elected to Congress.

I believed then as I do today that women are the ones who must be concerned with the needs and development of the human race. I have always fought for the dignity of all human beings—for those of the present as well as those of future generations.

I will continue to struggle as long as I live.

I hope all women will respond to the following CALL, and join me in Washington on January 15, 1968, the opening day of Congress.

With highest hope,

JEANNETTE RANKIN.

A CALL TO AMERICAN WOMEN WHO ARE OUTRAGED BY THE RUTHLESS SLAUGHTER IN VIETNAM AND THE PRESENT NEGLECT OF HUMAN NEEDS AT HOME TO COME TO WASHINGTON JANUARY 15

American women represent 51% of the voting population of our country.

American women have the power to achieve peace and a decent life for every American.

This is woman power! Demonstrate it to the Congress of the United States! Come to Washington on January 15 as Congress opens. Support Jeannette Rankin as she leads a representative delegation of American women to the Capitol to demand that:

Congress, as its first order of business, resolve to end the war in Vietnam and immediately arrange for the withdrawal of all American troops.

Congress use its power to heal a sick society at home.

Congress use its power to make reparation for the ravaged land we leave behind in Vietnam.

Congress listen to what the American people are saying and refuse the insatiable demands of the military-industrial complex.

Women of America, our power is unlimited. On January 15 American women will:

Petition the United States Congress;

Convene a Congress of American Women that afternoon to develop programs to meet the crisis in America—programs which will express our political power, reason and conscience.

Let us declare our intention to return to our communities and mobilize women on all levels of activity, dedicated to reshaping American society and restoring our country to a position of honor in the community of nations.

All women are urged to wear black wherever they are on January 15.

PARTIAL LIST OF SPONSORS

Muriel Adams, Mia Aurbakken Adjali, Mrs. Kurt A. Adler, Donna Allen, Carol Anderson, Ellen Aurbakken, Helen Baker, Norma Becker, Mrs. Harry Belafonte, Mrs. John C. Bennett, Louise Berman, Rebecca Berman, Peggy Billings, Mrs. Algernon Black, Jean Boudin, Kay Boyle, Nikki Bridges, Connie Brown, Jane Buchenholz, Dr. Sue Buckingham, Mrs. John Burton, Catherine L. Camp, Twila Lytton Cavert, Mary Clarke, Eve Rubinstein Coffin, Ruth Gage Colby, Judy Collins, Sylvia E. Crane, Florence Criley, Elsie Thomas Culver, Polly Cuthbertson, Ruby Dee, Mavis Dick, Mrs. Earl Didham, Mrs. Ann Eaton, Judith Morse Eaton, Grace Loucks Elliott, Mrs. Bergen Evans, Betty Fieischaker, Anne Florant, Eleanor French, Betty Friedan, Mrs. Marc Friedlaender, Mrs. Horace L. Friess, Frances Fritchman, Margaret Gage.

Mrs. Jack Gifford, Dr. Carolyn Goodman, Mrs. Max Gordon, Barbara Guest, Vivian Hallinan, Mrs. E. Y. Harburg, Mrs. Sidney J. Harris, Elizabeth Lee Haselden, Dorothy Hessler, Anna Arnold Hedgeman, Frances

Herring, Carmelita Hinton, Lois Crozier Hogle, Donna Holabird, Mrs. Wm. Reed Huntington, Mrs. Ralph D. Hyslop, Mrs. Christopher Janus, R. Elizabeth Johns, Mrs. Matthew Josephson, Florynce Kennedy, Mrs. Martin Luther King, Jr., Susan K. Kinoy, Ruth Kinzler, Ruth Krause, Mrs. Henry L. Kress, Margaret Kuhn, Helen B. Lamb, Mrs. Burton Lane, Anna R. Langford, Marilyn Langner, Viveca Lindfors, Mrs. I. Lee Levy, Mary Ely Lyman, Helen Merrell Lynd, Ethel Marantz, Olive Mayer, Betty Meredith, Jessica Mitford, Linda Morse, Nelle Morton, Grace Mora Newman, Dorothy Nyland, Mrs. Joseph Papp, Rosa Parks, Leslie Parrish, Helen Pauling, Louise Peck.

Nan S. Pendergrast, Anne L. Peretz, Eleanor Perry, Laura Phauls, Esther Pike, Alice K. Pollitzer, Mrs. Al Raby, Mercedes M. Randall, Jeannette Rankin, Mrs. Marcus Raskin, Malvina Reynolds, Libby Holman Reynolds, Carmen Risticucci, Mrs. Alex J. Rosenberg, Helen Rosen, Ruth Rosenwald, Muriel Rukeyser, Marie Runyon, Mrs. Robert Ryan, Marjorie Schell, Juanita J. Saddler, Toshi-Aline Seeger, Elaine Slater, Helen Suntington Smith, Mrs. Benjamin Spock, Susan Sontag, Mrs. S. Emlen Stokes, Elizabeth Sutherland, Amy Sverdlow, Mary Adams Sykes, Ida Terkel, Maza Tilghman, Helen B. Turnbull, Dorothy Uris, Lucy Wachtel, Barbara Webster, Cynthia Wedel, Cora Weiss, Rosalind Wells, Anne Werneke, Pearl Willen, Dagmar Wilson, Mrs. Arnold Wolfe, Winnifred Wygal, Mrs. James Zacharias.

Mr. LONG of Louisiana. Mr. President, if the Senator will yield, I commend him for his research on this matter. I have noticed that there almost invariably seems to be connection between these so-called peace organizations and various Communist sympathizers. I did not know about what the Senator has presented to us here today, but I suspected that that very well might be the case; and I appreciate the information he brought to the attention of the Senate.

Mr. THURMOND. I thank the able and distinguished Senator from Louisiana.

ADJOURNMENT

Mr. LONG of Louisiana. Mr. President, if there be no further business to come before the Senate, in accordance with the previous order, I move that the Senate adjourn until 12 noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 42 minutes p.m.) the Senate adjourned until tomorrow, Friday, January 19, 1968, at 12 meridian.

NOMINATIONS

Executive nominations received by the Senate January 18, 1968:

DIPLOMATIC AND FOREIGN SERVICE

H. Gardner Ackley, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Italy.

ASSISTANT SECRETARY OF STATE

Edward D. Re, of New York, to be an Assistant Secretary of State, vice Charles Frankel.

ASSISTANT SECRETARY OF COMMERCE

William H. Chartener, of New York, to be an Assistant Secretary of Commerce, vice William Howard Shaw.

FEDERAL RESERVE SYSTEM

William W. Sherrill, of Texas, to be a member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1968. (Reappointment.)

COUNCIL OF ECONOMIC ADVISERS

Morton J. Peck, of Connecticut, to be a member of the Council of Economic Advisers.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Elizabeth Jane Kack, of Illinois, to be a member of the Equal Employment Opportunity Commission for the remainder of the term expiring July 1, 1970, vice Aileen C. Hernandez, resigned.

POSTMASTERS

The following-named persons to be postmasters:

ARIZONA

Jo Ann P. Gardenhire, Silver Bell, Ariz., in place of A. M. Boss, retired.

CALIFORNIA

Lawrence H. Putman, Burlingame, Calif., in place of J. J. Broderick, deceased.

COLORADO

Squire B. Stevens, Fort Collins, Colo., in place of W. H. Wyss, retired.

NEW YORK

Milton J. Layne, Accord, N.Y., in place of H. S. Safi, deceased.

Josephine E. Van Valkenburgh, Lexington, N.Y., in place of W. B. Bailey, retired.

Dorothy G. Irwin, Somers, N.Y., in place of M. Zimmons, deceased.

OHIO

William R. Matthews, Negley, Ohio, in place of H. E. Bricker, retired.

VERMONT

Helen M. Russell, Franklin, Vt., in place of R. P. Streeter, retired.

Raymond F. Cousino, Shoreham, Vt., in place of A. G. Dudley, retired.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be lieutenant colonels

Aaron, Jerome, XXXXX
Abelson, Albert N., XXXXX
Accorti, Peter J., XXXXX
Achee, Sidney W., XXXXX
Acheson, Leonard D., XXXXX
Acker, Ivan B., XXXXX
Acuff, Earl C., XXXXX
Adams, Howard E., XXXXX
Adams, Robert E., XXXXX
Adams, Robert F., XXXXX
Adcock, Robert L., XXXXX
Adkins, Aaron C., XXXXX
Adué, Eugene L., XXXXX
Affleck, David W., XXXXX
Agee, Charles D., XXXXX
Albertson, James J., XXXXX
Alfonso, Albert F., XXXXX
Alford, Emanuel P., XXXXX
Allard, Henry G., XXXXX
Allen, Donald E., XXXXX
Allen, Herbert E., XXXXX
Allen, Warren P., XXXXX
Allis, John D., XXXXX
Almand, Benjamin F., XXXXX
Amenson, Raymond C., XXXXX
Amity, Richard F., XXXXX
Ammerman, Edwin F., XXXXX
Anderson, Burton L., XXXXX
Anderson, Philip C., XXXXX
Anderson, Reuben L., XXXXX
Anderson, Richard L., XXXXX
Andres, Charles, III, XXXXX
Andrews, James L., XXXXX
Applegate, William, XXXXX
Apt, Robert, XXXXX
Arendt, Morton, Jr., XXXXX
Armstrong, William, XXXXX
Arnold, Emmett R., XXXXX
Arnold, Richard D., XXXXX
Arnwine, Henry B., XXXXX
Asbury, Harold D., XXXXX
Astarita, Edward F., XXXXX

Athanason, Frank A., XXXXX
Atkinson, Donald E., XXXXX
Austin, Henry M., Jr., XXXXX
Avery, Albert M., Jr., XXXXX
Avery, William H., Jr., XXXXX
Axelson, Rudolph A., XXXXX
Bailey, Jack S., XXXXX
Bailey, James, XXXXX
Bailey, John F., XXXXX
Bailey, Marshall E., XXXXX
Bailey, Paul O., XXXXX
Baker, James O., XXXXX
Baker, John W., XXXXX
Baldy, Paul A., XXXXX
Ballitis, John J., XXXXX
Ballard, Donald S., XXXXX
Balmforth, Edmund E., XXXXX
Bang, John D., XXXXX
Barbero, Eugene C., XXXXX
Barker, Edmund J., XXXXX
Barnett, James W., Jr., XXXXX
Barnett, Robert B., XXXXX
Barrett, George B., XXXXX
Barrick, Thomas M., XXXXX
Bartholdt, William, XXXXX
Barwick, William E., XXXXX
Bass, Marshall B., XXXXX
Baswell, Carl F., XXXXX
Batiste, John O., XXXXX
Beard, Daryl A., XXXXX
Bearden, William A., XXXXX
Becicka, Leonard, XXXXX
Beck, William J., XXXXX
Becker, Eugene T., XXXXX
Beckett, James E., XXXXX
Beckman, Paul E., XXXXX
Behenna, Douglas L., XXXXX
Bein, Robert K., XXXXX
Beinke, Walter, XXXXX
Bellinger, John B., XXXXX
Bentley, Robert D., XXXXX
Benton, Lucien C., XXXXX
Berger, Alvin C., XXXXX
Berry, Milton M., XXXXX
Berry, Sidney B., Jr., XXXXX
Bertholf, Russell W., XXXXX
Bertram, Edward H., XXXXX
Betz, John J., Jr., XXXXX
Blere, Emerson T., XXXXX
Big, Bernard, XXXXX
Birdsong, Eff W., Jr., XXXXX
Bithos, Franklin J., XXXXX
Blair, Robert C., XXXXX
Blakeslee, James A., XXXXX
Bledsoe, James E., XXXXX
Blumenthal, Peter J., XXXXX
Boehm, William C., XXXXX
Boisvert, Joseph R., XXXXX
Boland, Richard H., XXXXX
Boone, George M., Jr., XXXXX
Booth, Dale R., XXXXX
Booth, Merritt B., Jr., XXXXX
Borcheller Karl, H., XXXXX
Boutelle, Guy C., XXXXX
Bowen, Thomas W., XXXXX
Bowman, James H., XXXXX
Boy, Edmund G., XXXXX
Boyle, Peter J., XXXXX
Boylston, William L., XXXXX
Bramila, Robert M., XXXXX
Brannock, Robert C., XXXXX
Brannon, Buford W., XXXXX
Brennan, John W., XXXXX
Bridges, Wayne W., XXXXX
Brouillette, Frederick, XXXXX
Brown, Albert J., XXXXX
Brown, Hugh M., Jr., XXXXX
Brown, Richard F., XXXXX
Browne, Mark L., Jr., XXXXX
Bruger, Edward J., XXXXX
Brummer, James L., XXXXX
Brunt, Julian G., XXXXX
Bryant, John T., Jr., XXXXX
Buchanan, Thomas E., XXXXX
Buckley, Harry A., XXXXX
Bule, David M., XXXXX
Bundy, Robert E., XXXXX
Burch, Gerald C., XXXXX
Burget, Frank R., XXXXX
Burke, Martin J., Jr., XXXXX
Burns, George T., XXXXX
Burns, William C., XXXXX

Burpo, Frank W., XXXXX
Bush, Francis J., XXXXX
Bush, Harry L., XXXXX
Bush, Sydney A., XXXXX
Byers, William E., XXXXX
Byrd, Billy W., XXXXX
Byrne, Daniel K., XXXXX
Cadman, Walvin M., XXXXX
Cain, Lloyd R., XXXXX
Caldwell, Elmer I., XXXXX
Caldwell, William B., XXXXX
Call, Raymond L., XXXXX
Callagy, Thomas A., XXXXX
Callahan, Robert F., XXXXX
Callanan, Edward F., XXXXX
Cancelliere, Francis P., II, XXXXX
Candal, Miguel A., XXXXX
Cantlebury, Leland, XXXXX
Cantor, David L., XXXXX
Caponegro, Michael, XXXXX
Capps, Jack L., XXXXX
Capuano, Joseph, XXXXX
Carpenter, Dalton O., XXXXX
Carper, William C., XXXXX
Carr, Bernard E., XXXXX
Carrig, Stephen J., XXXXX
Carrigan, Kevin F., XXXXX
Carrigo, Edward A., XXXXX
Carroll, James H., Jr., XXXXX
Carson, Eugene T., XXXXX
Carter, James T., XXXXX
Carter, Leslie D., Jr., XXXXX
Carter, Sherman F., XXXXX
Cartwright, Roscoe, XXXXX
Caruthers, Lawrence, XXXXX
Casey, Herbert T., Jr., XXXXX
Catlin, Rupert W., XXXXX
Cerow, Donald A., XXXXX
Charron, Frederick, XXXXX
Chelenza, Nicholas, XXXXX
Chester, Sigmund R., XXXXX
Childress, Herbert, XXXXX
Ching, Kenneth E. Y., XXXXX
Chitty, John H., Jr., XXXXX
Christianson, George H., XXXXX
Churchill, Lake G., XXXXX
Olley, Colin D., Jr., XXXXX
Citrak, Michael, XXXXX
Clare, George F., XXXXX
Clark, Alphas R., XXXXX
Clark, Thomas R., XXXXX
Clark, William R., XXXXX
Clarke, Carter W., Jr., XXXXX
Clarkson, Richard L., XXXXX
Clausen, Hugh J., XXXXX
Clayton, Frank W., XXXXX
Clement, William J., XXXXX
Cockerham, Samuel G., XXXXX
Cody, Henry L., XXXXX
Coffey, William D., XXXXX
Coggins, Bruce T., XXXXX
Cole Earl F., XXXXX
Cole, Jack H., XXXXX
Coleman, James F., XXXXX
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Collier, William H., XXXXX
Collins, Clarence G., XXXXX
Collins, John M., XXXXX
Collins, John W., XXXXX
Condrill, Donald R., XXXXX
Connelly, Frank P., XXXXX
Conner, Donald A., XXXXX
Connor, George C., XXXXX
Conrad, Charles E., XXXXX
Conrad, Clifton H., XXXXX
Cook, Carroll M., Jr., XXXXX
Cook, Dewitt, XXXXX
Coon, John E., XXXXX
Cooper, Richmond J., XXXXX
Cope, Edward H., XXXXX
Cordero, Virgil N., XXXXX
Corey, Jim, XXXXX
Corley, Arthur V., XXXXX
Cormack, Thomas E., XXXXX
Correll, David R., XXXXX
Costilla, Fred, XXXXX
Cowan, Kenneth L., XXXXX
Craft, Floyd G., XXXXX
Crandall, Walter M., XXXXX
Crane, Ray T., XXXXX
Crane, William H., XXXXX
Crenshaw, Leon, XXXXX

Crochet, Harold J., XXXXX
 Cronin, Morgan J., XXXXX
 Cronk, Robert A., XXXXX
 Crouch, Jack H., XXXXX
 Crozier, Bruce U., XXXXX
 Cruz, Alfred J., XXXXX
 Culbertson, Paul V., XXXXX
 Culp, Vernon M., XXXXX
 Cummings, Lloyd R., XXXXX
 Cunningham, John D., XXXXX
 Cunningham, Robert, XXXXX
 Curtis, Walter R., XXXXX
 Cushing, Robert H., XXXXX
 Cutler, Cecil L., Jr., XXXXX
 Dalton, David N., XXXXX
 Dambrosio, Eugene J., XXXXX
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 Daugherty, Robert M., XXXXX
 Daum, William B., XXXXX
 Davis, David L., XXXXX
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 Davis, Ralph J., XXXXX
 Davis, Samuel P., III, XXXXX
 Dawson, Albert F., XXXXX
 Day, Philip S., Jr., XXXXX
 De Franco, Theodore, XXXXX
 De Marcus, John B., XXXXX
 De Santis, Joseph A., XXXXX
 Decker, Charles D., XXXXX
 Deehan, Donald E., XXXXX
 Del Vito, Jon M., XXXXX
 Dellinger, Lawrence, XXXXX
 Denison, Paul S., Jr., XXXXX
 Devall, Sherral C., XXXXX
 Devan, Vernon C., XXXXX
 Dickerson, Gerald T., XXXXX
 Dickson, Ervin W., Jr., XXXXX
 Dietrich, Frank L., XXXXX
 Diggs, Walter F., XXXXX
 Dileanis, Leonard P., XXXXX
 Dillard, Oliver W., XXXXX
 Dillard, Robert J., XXXXX
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 Dobson, William C., XXXXX
 Dodd, Frederick A., XXXXX
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 Doody, John J., XXXXX
 Doren, Donald M., XXXXX
 Dorr, Colgate, XXXXX
 Doty, Mercer M., XXXXX
 Dougherty, John E., XXXXX
 Douglas, Leslie M., XXXXX
 Doyle, Lee T., XXXXX
 Dragotta, Harry A., XXXXX
 Drake, William T., XXXXX
 Drane, Elbert E., XXXXX
 Duarte, Stanley J., XXXXX
 Duncan, James R., XXXXX
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 Egg, Eugene C., XXXXX
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 Eggert, Dalton D., XXXXX
 Elam, John K., Jr., XXXXX
 Ellard, U. Wesley, Jr., XXXXX
 Ellis, August V., XXXXX
 Ellis, Ernest W., Jr., XXXXX
 Ellis, Walter G., XXXXX
 Ellison, Richard W., XXXXX
 Elmer, Bryce L., XXXXX
 Embley, William H., XXXXX
 Emerick, James C., XXXXX
 Emerson, Duane L., XXXXX

Emery, Jean R., XXXXX
 Emmons, Harris, XXXXX
 Emrich, Robert F., XXXXX
 Enderle, Wallace O., XXXXX
 Endres, Edward P., XXXXX
 Epps, Jones N., XXXXX
 Ericsson, Eric A., XXXXX
 Ertlschweiger, Herman, XXXXX
 Escola, Albert R., XXXXX
 Etchemendy, William, XXXXX
 Etkin, Max, XXXXX
 Evans, Harry E., XXXXX
 Fairfield, Ronald J., XXXXX
 Falkenstein, Richard C., XXXXX
 Farkash, Eugene J., XXXXX
 Farmer, William K., XXXXX
 Farwell, Faris, T., XXXXX
 Farwell, Lester, C., XXXXX
 Fazakerley, Richard, XXXXX
 Fenstermacher, Edgar, XXXXX
 Fiorelli, Michael C., XXXXX
 Fisher, Bruce C., XXXXX
 Fitzpatrick, John R., XXXXX
 Fix, Joseph E., III, XXXXX
 Flake, Glade F., XXXXX
 Fleet, Robert G., XXXXX
 Fleming, Eugene C., XXXXX
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 Fletcher, Paul M., XXXXX
 Fogel, William H., XXXXX
 Foote, Ashby M., Jr., XXXXX
 Ford, Francis J., XXXXX
 Forner, Herschel W., XXXXX
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 Freeland, Robert L., XXXXX
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 Freund, Benedict L., XXXXX
 Frye, Wayne E., XXXXX
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 Gaffke, Frank M., XXXXX
 Gaines, Melvin R., XXXXX
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 Gay, Joseph M., Jr., XXXXX
 Geiger, Robert A., XXXXX
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 Gentry, William H. L., XXXXX
 George, Jack M., XXXXX
 Gerecke, Henry H., XXXXX
 Gerrity, John F., XXXXX
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 Giesen, Robert J., XXXXX
 Gilbert, Robert R., XXXXX
 Gillert, Gustav J., XXXXX
 Girtton, Ralph H., XXXXX
 Glasgow, William M., XXXXX
 Glikes, Richard J., XXXXX
 Gliński, Douglass E., XXXXX
 Goad, Lewis H., XXXXX
 Goodell, Roscoe H., XXXXX
 Gordon, James H., XXXXX
 Gough, Robert B., Sr., XXXXX
 Graber, Gordon L., XXXXX
 Graf, Robert E., XXXXX
 Graham, Elmer H., XXXXX
 Gramling, Freddie W., XXXXX
 Grandelli, Charles, XXXXX
 Grant, Robert T., Jr., XXXXX
 Graves, Robert P., XXXXX
 Gray, Columbus E., Jr., XXXXX
 Greene, George V., Jr., XXXXX
 Greene, Maurice C., XXXXX
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 Gresham, William A., XXXXX
 Griffin, Leonard F., XXXXX
 Griffin, Lorayne M., XXXXX
 Griffin, Robert W., XXXXX

Griffith, Stephen M., XXXXX
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 Grogan, Owen R., Jr., XXXXX
 Grout, Gilbert J., XXXXX
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 Gunter, Benjamin L., XXXXX
 Gutting, Louis J., XXXXX
 Gutzmann, Leslie E., XXXXX
 Hagan, James A., XXXXX
 Hagar, Bailey W., XXXXX
 Haines, Albert E., Jr., XXXXX
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 Hall, Charles E., XXXXX
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 Harper, Douglas P., XXXXX
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 Hart, Edsel F., XXXXX
 Hart, Robert E., XXXXX
 Hartnell, George W., XXXXX
 Haskell, Louis W., Jr., XXXXX
 Haszarc, Sidney S., XXXXX
 Hatch, Jay A., XXXXX
 Hathaway, William S., XXXXX
 Hawkins, William S., XXXXX
 Hawley, William B., XXXXX
 Hayes, Herbert W., Jr., XXXXX
 Hayler, Rodney G., Jr., XXXXX
 Hays, Marshall C., XXXXX
 Heekin, David P., XXXXX
 Helms, John L., XXXXX
 Hendricks, Jess B., XXXXX
 Hennes, Donald J., XXXXX
 Herbert, Bueford G., XXXXX
 Herigstad, Bert H., XXXXX
 Herron, Howard M., XXXXX
 Hertzog, Frank S., XXXXX
 Hettlinger, Walter, XXXXX
 Heuston, Harold W., XXXXX
 Hibbard, Walter, Jr., XXXXX
 Hickerson, Elzie, XXXXX
 Helstand, Harry H., XXXXX
 Hieta, Clifford W., XXXXX
 Higgins, Bernard, Jr., XXXXX
 Hill, Alfred G., XXXXX
 Hill, Herbert R., XXXXX
 Hill, Lucius G., Jr., XXXXX
 Hinojosa, Ernest A., XXXXX
 Hinton, William S., XXXXX
 Hitchcock, James M., XXXXX
 Hodgdon, Raymond F., XXXXX
 Hodges, Genous S., Jr., XXXXX
 Hodges, Morris D., XXXXX
 Hodson, Fremont B., XXXXX
 Hoff, Forest E., XXXXX
 Hoffman, Albert R., XXXXX
 Hoffman, Hugh F. T., XXXXX
 Hoffman, John H., XXXXX
 Hoffman, Paul M., XXXXX
 Holliday, Sam C., XXXXX
 Hooker, James F., Jr., XXXXX
 Hooker, William P., XXXXX
 Horion, Warren H., XXXXX
 Horn, Charles S., XXXXX
 Horn, Maurice R., XXXXX
 Horne, Paul R., Jr., XXXXX
 Horne, Willard V., XXXXX
 Hoskin, Charles E., XXXXX
 Howard, G. B., XXXXX
 Howard, Kenneth A., XXXXX
 Hoyt, Lawrence V., XXXXX
 Hubbard, Wallace H., XXXXX
 Huck, Frederick R., XXXXX
 Huff, Douglas A., XXXXX
 Hughes, John A., Jr., XXXXX
 Hughes, John B., XXXXX
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 Hume, Albert G., XXXXX
 Humphrey, William L., XXXXX
 Hunt, Jim H., XXXXX
 Hunter, David H., XXXXX

Huray, Frank T., XXXXX
 Hutson, Albert L., Jr., XXXXX
 Hyde, Thomas I., XXXXX
 Hylander, Walter R., XXXXX
 Iadecosa, Alfonso J., XXXXX
 Ingram, Earl, XXXXX
 Irvin, I. J., Jr., XXXXX
 Ivie, Carl W., Jr., XXXXX
 Jamison, Robert W., XXXXX
 Jeffers, Henry A., Jr., XXXXX
 Jeffers, Heyward G., XXXXX
 Jennings, John M., XXXXX
 Jersey, Donald H., XXXXX
 Jessup, John E., Jr., XXXXX
 Johns, Leo D., XXXXX
 Johnson, Albert C., XXXXX
 Johnson, Carl A., XXXXX
 Johnson, Haskell L., XXXXX
 Johnson, Jasper R., XXXXX
 Johnson, Marshall D., XXXXX
 Johnson, Raymond E., XXXXX
 Johnston, Walter F., XXXXX
 Johnstonbaugh, Merle B., XXXXX
 Jones, James L., XXXXX
 Jones, Leon C., XXXXX
 Jones, Louis R., XXXXX
 Jones, Rees, XXXXX
 Jones, Russell B., Jr., XXXXX
 Jones, Thomas H., Jr., XXXXX
 Jones, Thomas T., XXXXX
 Jones, William J., XXXXX
 Joost, Horst K., XXXXX
 Juskowiak, Joseph L., XXXXX
 Kaczmarowski, Jerome H., XXXXX
 Kampe, Raymond L., XXXXX
 Kanelis, Tom, XXXXX
 Kaplan, Edward N., XXXXX
 Karst, Ralph A., XXXXX
 Kean, John P., XXXXX
 Keator, Hervey E., XXXXX
 Kelley, Eugene, Jr., XXXXX
 Kelly, George P., XXXXX
 Kelsey, Jesse T., XXXXX
 Kennedy, Reid W., XXXXX
 Kern, Bernard S., XXXXX
 Kerns, Raymond C., XXXXX
 Kerr, Richard L., XXXXX
 Kersey, Irwin J., XXXXX
 Kershaw, Charles G., XXXXX
 Killpack, Paul E., XXXXX
 King, William P., XXXXX
 Kinley, Gordon L., XXXXX
 Kirchenstein, John, XXXXX
 Kirchman, William W., XXXXX
 Kirk, Henry C., XXXXX
 Kirwan, Robert L., XXXXX
 Kiser, John F., XXXXX
 Kobbe, Eric, XXXXX
 Koch, Kenneth W., XXXXX
 Koch, Richard P., XXXXX
 Koenig, James R., XXXXX
 Komoto, Yasuro, XXXXX
 Komp, John S., XXXXX
 Kone, Kenneth M., XXXXX
 Kortum, Zane V., XXXXX
 Kranyak, Louis W., XXXXX
 Krause, Frederick C., XXXXX
 Kravitz, Seymour, XXXXX
 Kryzanowsky, Constantine D., XXXXX
 Kunkel, Charles E., XXXXX
 Lamison, Kenneth R., XXXXX
 Landers, Joseph F., XXXXX
 Lane, Albert G., XXXXX
 Lange, Arthur G., Jr., XXXXX
 Lanier, Donald H., XXXXX
 Lawson, William F., XXXXX
 Lawton, William S., XXXXX
 Le Blanc, Melvin V., XXXXX
 Leahey, William E., XXXXX
 Lechner, Roy J., XXXXX
 Leddon, John W., Jr., XXXXX
 Lee, Harold H., XXXXX
 Leer, James M., Jr., XXXXX
 Lehman, Robert H., XXXXX
 Lennon, Daniel A., Jr., XXXXX
 Leu, Bernard J., Jr., XXXXX
 Lindley, Joseph H., XXXXX
 Lindsay, William B., XXXXX
 Lineker, George B., XXXXX
 Litschgi, Albert W., XXXXX
 Llana, Theodore, Jr., XXXXX
 Lockhart, Leon H., XXXXX
 Loftin, Joseph R., XXXXX
 Lomax, Arthur E., XXXXX
 Long, Carl L., XXXXX
 Louis, Eugene, XXXXX
 Lovejoy, Norman B., XXXXX
 Lowman, Harry F., Jr., XXXXX
 Lowman, Theodore R., XXXXX
 Luce, Edward G., XXXXX
 Ludy, Garland A., XXXXX
 Lundquist, Roy W., XXXXX
 Lutz, Roman J., XXXXX
 Lycas, John, XXXXX
 Lynch, Camille L., XXXXX
 Lynch, James E., Jr., XXXXX
 Lynn, Otis C., XXXXX
 MacGarvey, Paul D., XXXXX
 MacLane, Robert C., XXXXX
 MacLean, Angus B., XXXXX
 MacLeod, William A., XXXXX
 Macklin, James E., Jr., XXXXX
 Madden, Everett I., XXXXX
 Maddox, John H., XXXXX
 Mahoney, Arthur E., XXXXX
 Maier, John E., XXXXX
 Mainer, George W., XXXXX
 Malone, Michael J., XXXXX
 Maloney, William L., XXXXX
 Manning, James A., XXXXX
 Manning, William E., XXXXX
 Marciniak, Walter F., XXXXX
 Marden, Martin, XXXXX
 Maricle, Louis J., XXXXX
 Marin, Gerald S., XXXXX
 Marsh, Robert D., XXXXX
 Marshall, Robert W., XXXXX
 Marshall, Tandy G., XXXXX
 Martin, Hugh G., Jr., XXXXX
 Martin, James C., XXXXX
 Martin, Jason H., XXXXX
 Mathews, Harry T., XXXXX
 Mattingly, Leroy B., XXXXX
 Mattoon, Hugh M., XXXXX
 McAllister, Henry, XXXXX
 McAuley, Edward, XXXXX
 McCain, Malcolm L., XXXXX
 McCann, Samuel E., XXXXX
 McCarthy, Leo C., XXXXX
 McCartney, Nevin L., XXXXX
 McCaslin, James K., XXXXX
 McClellan, Stan L., XXXXX
 McCormick, William, XXXXX
 McCoy, Clarence E., XXXXX
 McCoy, Paul G., XXXXX
 McCray, James G., XXXXX
 McCuen, John J., XXXXX
 McCullar, Francis, XXXXX
 McCurley, Henry H., XXXXX
 McDade, Robert A., XXXXX
 McElhenny, John F., XXXXX
 McEnery, John W., XXXXX
 McFall, Kenneth T., XXXXX
 McFarland, Richard, XXXXX
 McGiffert, John R., XXXXX
 McKee, James, XXXXX
 McKenna, Warren E., XXXXX
 McKenty, Samuel H., XXXXX
 McKenzie, James E., XXXXX
 McMath, Robert P., XXXXX
 McMillan, Jenis C., XXXXX
 McNeely, David W., XXXXX
 McNeese, Frank J., XXXXX
 McNeil, William E., XXXXX
 McSpadden, Garland, XXXXX
 Meadow, Sam, XXXXX
 Mearns, George, XXXXX
 Meers, Boyce R., XXXXX
 Meitzen, Walter E., XXXXX
 Mejia-Flores, Francisco, XXXXX
 Merrell, George D., XXXXX
 Metcalf, Edward A., XXXXX
 Metosh, Cyril P., XXXXX
 Metzner, Warren H., XXXXX
 Meyer, David W., XXXXX
 Meyer, Joseph H., XXXXX
 Miles, Francis C., XXXXX
 Millard, Alfred J., XXXXX
 Miller, Allen W., III, XXXXX
 Miller, Darwin C., XXXXX
 Miller, David I., XXXXX
 Miller, Jack R., XXXXX
 Miller, James W., XXXXX
 Miller, Kurtz J., Jr., XXXXX
 Millett, Lewis L., XXXXX
 Millican, Henry D., XXXXX
 Milton, John M., XXXXX
 Minkel, Edward J., XXXXX
 Mittelstadt, Jack, XXXXX
 Moffitt, John P., XXXXX
 Monroe, Keith L., XXXXX
 Montgomery, Burton, XXXXX
 Montgomery, John J., XXXXX
 Montgomery, Raymond, XXXXX
 Moore, Donald P., XXXXX
 Moore, Gene D., XXXXX
 Morath, Eugene E., Jr., XXXXX
 More, Berkeley D., XXXXX
 Morehead, Thomas G., XXXXX
 Morehouse, Richard, XXXXX
 Morgan, John T., Jr., XXXXX
 Morgan, Thomas L., XXXXX
 Morrison, James L., XXXXX
 Morse, Herbert E., XXXXX
 Morton, Robert E., XXXXX
 Mulligan, James R., XXXXX
 Mulvany, Floyd R., XXXXX
 Mundie, William L., XXXXX
 Munn, Richard A., Jr., XXXXX
 Munroe, Roscoe H., XXXXX
 Murphey, James A., Jr., XXXXX
 Murphy, Eugene C., XXXXX
 Myron, Harold L., XXXXX
 Nagata, George M., XXXXX
 Nance, Marvin L., XXXXX
 Neitz, Ravellan H., XXXXX
 Nelson, Shelton R., XXXXX
 Nemeth, Stephen A., XXXXX
 Neumann, Edward J., XXXXX
 Newell, Roscius C., XXXXX
 Newman, Gilbert H., XXXXX
 Nisbet, Andrew Jr., XXXX
 Nocita, John W., XXXXX
 Noice, Charles G., Jr., XXXXX
 Nolde, Hubert E., XXXXX
 Noll, Robert J., XXXXX
 Norrie, George, Jr., XXXXX
 North, Louis J., XXXXX
 Ogden, Dorward W., Jr., XXXXX
 Oldham, Thomas C., XXXXX
 Oliver, Tillman C., XXXXX
 Oliver, Wiley E., Jr., XXXXX
 Olow, John L., III, XXXXX
 Olsen, Raymond M., XXXXX
 Olson, James C., XXXXX
 Olson, Kenneth W., XXXXX
 O'Neill, Brian B., XXXXX
 Osborne, John R., XXXXX
 Osieck, Frank C., XXXXX
 Osteen, John L., Jr., XXXXX
 Overstreet, Gerald, XXXXX
 Overstreet, Lewis D., XXXXX
 Owen, Tom H., XXXXX
 Oxford, William B., XXXXX
 Pabst, Alfred A., XXXXX
 Packard, Donald F., XXXXX
 Packett, Wilbern L., XXXXX
 Padgett, Wade H., Jr., XXXXX
 Page, Alexander C., XXXXX
 Paradis, Joseph F., XXXXX
 Parker, John M., XXXXX
 Parker, Orville L., XXXXX
 Parker, Robert L., XXXXX
 Passell, David W., XXXXX
 Patch, William A., XXXXX
 Patterson, Edwin D., XXXXX
 Patterson, Robert W., XXXXX
 Paulmann, Edwin, XXXXX
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 Perkins, Richard A., XXXXX
 Petersen, Robert J., XXXXX
 Phillips, Robert L., XXXXX
 Phillips, William R., XXXXX
 Picou, Lloyd J., XXXXX
 Pierce, John W., XXXXX
 Pierce, Leon A., XXXXX
 Piercy, James E., XXXXX
 Pineau, George P., XXXXX
 Pipkin, William P., XXXXX
 Pitchford, Harold I., XXXXX
 Plowman, Harry B., XXXXX
 Plummer, Walter W., XXXXX
 Policastro, John J., XXXXX
 Pollard, William F., XXXXX
 Porta, James R., XXXXX

Post, Alton G., XXXXXX.
 Post, Charles M., XXXXXX.
 Pottle, Arthur F., Jr., XXXXXX.
 Powell, Charles M., XXXXXX.
 Powell, Elbert W., XXXXXX.
 Powell, George B., XXXXXX.
 Praeger, Herman A., XXXXXX.
 Prawitz, Leeland R., XXXXXX.
 Presson, David R., XXXXXX.
 Price, James R., XXXXXX.
 Price, Wilbur F., XXXXXX.
 Pritchard, Charles, XXXXXX.
 Procter, Gilbert, Jr., XXXXXX.
 Proctor, Frank D., XXXXXX.
 Prysock, Jack V., XXXXXX.
 Psaki, Nicholas G., XXXXXX.
 Putnam, William T., XXXXXX.
 Radcliff, Edward C., XXXXXX.
 Ramundo, Bernard A., XXXXXX.
 Randolph, Jacob A., XXXXXX.
 Raney, Thompson L., XXXXXX.
 Raum, Mark, XXXXXX.
 Rawlins, Claude H., XXXXXX.
 Ray, William B., XXXXXX.
 Reade, Robert A., XXXXXX.
 Reaugh, Vern W., XXXXXX.
 Redman, Albert, Jr., XXXXXX.
 Rehm, Walter R., XXXXXX.
 Reid, Tom, XXXXXX.
 Reldy, James F., XXXXXX.
 Reilsacher, Robert W., XXXXXX.
 Rennelsen, Daniel J., XXXXXX.
 Rettie, Robert G., XXXXXX.
 Reynolds, Clifford, XXXXXX.
 Reynolds, Donald H., XXXXXX.
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 Reynolds, John W., XXXXXX.
 Rhoads, Homer E., XXXXXX.
 Rhodes, Richard G., XXXXXX.
 Rhodes, Samuel T., Jr., XXXXXX.
 Rice, Delbert E., XXXXXX.
 Rice, Marvin E., XXXXXX.
 Rice, Richard L., XXXXXX.
 Richardson, Walton, XXXXXX.
 Richmond, Melvin E., XXXXXX.
 Ride, Walter T., Jr., XXXXXX.
 Rider, Vance D., XXXXXX.
 Rinaldi, Eugene, XXXXXX.
 Ring, Kenneth G., XXXXXX.
 Ringel, Eugene J., XXXXXX.
 Roach, Andrew J., XXXXXX.
 Roark, Carl F., XXXXXX.
 Robbins, Oliver L., XXXXXX.
 Roberts, Harold B., XXXXXX.
 Roberts, William G., XXXXXX.
 Robertson, Claron A., XXXXXX.
 Robinson, George R., XXXXXX.
 Robinson, Neil, XXXXXX.
 Robinson, Norman L., XXXXXX.
 Robitshek, Irving H., XXXXXX.
 Rodenbeck, Eric O., XXXXXX.
 Rogan, John F., XXXXXX.
 Rogers, Ernest R., Jr., XXXXXX.
 Roley, Ronald J., XXXXXX.
 Roper, George M., Jr., XXXXXX.
 Rose, Charles W., XXXXXX.
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 Rountree, Wadie J., XXXXXX.
 Rousseau, William J., XXXXXX.
 Royce, Newton C., XXXXXX.
 Rudd, Edwin A., XXXXXX.
 Rusanowsky, Alexander P., XXXXXX.
 Russell, Donald K., XXXXXX.
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 Ryan, James W., XXXXXX.
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 Schwartz, William C., XXXXXX.
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 Selbert, August G., XXXXXX.
 Shaffer, Jarvis K., XXXXXX.
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 Shannon, William J., XXXXXX.
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 Shell, Claude O., Jr., XXXXXX.
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 Shilling, Harold E., XXXXXX.
 Shockley, James W., XXXXXX.
 Shriver, Rowland B., XXXXXX.
 Shuffer, George M., XXXXXX.
 Shuman, Billy J., XXXXXX.
 Sikes, Arthur E., XXXXXX.
 Simon, James E., XXXXXX.
 Simpson, Arthur R., XXXXXX.
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 Sims, Morton D., XXXXXX.
 Sinclair, Edgar M., XXXXXX.
 Singleton, Jack, Jr., XXXXXX.
 Sittner, Homer H., XXXXXX.
 Slade, Arthur R., XXXXXX.
 Sleeper, Earl S., XXXXXX.
 Slominski, Martin J., XXXXXX.
 Smith, Charles A., XXXXXX.
 Smith, Dane M., XXXXXX.
 Smith, Dewitt C., Jr., XXXXXX.
 Smith, Eb W., XXXXXX.
 Smith, Harold T., XXXXXX.
 Smith, Homer D., Jr., XXXXXX.
 Smith, Joseph H., XXXXXX.
 Smith, Paul V., XXXXXX.
 Smith, Richard C., XXXXXX.
 Smith, Samuel C., XXXXXX.
 Smith, Wilfrid K. G., XXXXXX.
 Smith, William A., Jr., XXXXXX.
 Snow, Marvin H., XXXXXX.
 Solt, Lowell K., XXXXXX.
 Spahr, Delbert D., XXXXXX.
 Spence, Soren E., XXXXXX.
 Spettel, Frank J., Jr., XXXXXX.
 Spinelli, Joseph D., XXXXXX.
 Stacy, James E., XXXXXX.
 Stacy, Thomas J., XXXXXX.
 Stamey, Roderick A., XXXXXX.
 Stark, Lloyd J., XXXXXX.
 Starr, Comfort K., XXXXXX.
 Starr, Robert N., XXXXXX.
 Starry, Donn A., XXXXXX.
 Steen, Jud O., XXXXXX.
 Stein, Harold, XXXXXX.
 Stendebach, William, XXXXXX.
 Stenger, John E., XXXXXX.
 Sterling, William R., XXXXXX.
 Stevens, Carlton E., XXXXXX.
 Stevens, Richard R., XXXXXX.
 Stevenson, Charles, XXXXXX.
 Stevenson, James R., XXXXXX.
 Steward, Cleveland, XXXXXX.
 Stewart, Loren F., XXXXXX.
 Stone, Frank J., XXXXXX.
 Stone, Virgil M., XXXXXX.
 Stone, William M., Jr., XXXXXX.
 Stringer, James K., XXXXXX.
 Stryker, Emil J., Jr., XXXXXX.
 Suechika, Ben, XXXXXX.
 Sunder, Charles H., XXXXXX.
 Swangren, Gordon L., XXXXXX.
 Swanson, Paul A., XXXXXX.
 Sweeney, George, XXXXXX.
 Sweeney, Harvey E., XXXXXX.
 Swenson, Richard W., XXXXXX.
 Swilley, George R., XXXXXX.
 Sylvester, Allan T., XXXXXX.
 Tackaberry, Thomas, XXXXXX.
 Taibbl, Raymond V., XXXXXX.
 Tavzel, Harold S., XXXXXX.
 Taylor, Charles H., XXXXXX.
 Taylor, John F., XXXXXX.
 Taylor, William E., XXXXXX.
 Teagle, Charles R., XXXXXX.
 Thatcher, David C., XXXXXX.
 Thaxton, Halbert C., XXXXXX.
 Thomas, Henry R., XXXXXX.
 Thomas, Lawrence M., XXXXXX.
 Thomas, Raymond P., XXXXXX.
 Thompson, John W., XXXXXX.
 Thorniley, Robert M., XXXXXX.
 Tibbetts, Frederick, XXXXXX.
 Tiller, Norman L., Sr., XXXXXX.
 Tilton, William S., XXXXXX.
 Timberman, William, XXXXXX.
 Todd, John A., XXXXXX.
 Tomlinson, Robert P., XXXXXX.
 Tomme, Henry H., XXXXXX.
 Tousley, Pershing, XXXXXX.
 Townsend, Harry W., XXXXXX.
 Tracy, Ollie L., XXXXXX.
 Trainer, Clark W., XXXXXX.
 Tucker, Douglas B., XXXXXX.
 Tucker, William H., XXXXXX.
 Tugman, Robert F., XXXXXX.
 Tumlinson, Jack M., XXXXXX.
 Tyree, Thomas B., XXXXXX.
 Tyson, Charles M., XXXXXX.
 Uchima, Unkel, XXXXXX.
 Uffmann, Milton F., XXXXXX.
 Ulatoski, Joseph R., XXXXXX.
 Ungerleider, Alvin, XXXXXX.
 Van Buskirk, William D., XXXXXX.
 Van Eaton, John H., XXXXXX.
 Van Horn, Robert O., XXXXXX.
 Vaught, James B., XXXXXX.
 Vessey, John W., Jr., XXXXXX.
 Vincent, Howard, XXXXXX.
 Vnencak, Paul A., XXXXXX.
 Vogelgesang, Ernest, XXXXXX.
 Wadsworth, John B., XXXXXX.
 Waggener, John G., XXXXXX.
 Wagner, Donald L., XXXXXX.
 Wagner, George I., XXXXXX.
 Wagner, Matt R., XXXXXX.
 Wagoner, Fred E., Jr., XXXXXX.
 Walk, James F., XXXXXX.
 Walker, Faris T., XXXXXX.
 Walker, Fred M., XXXXXX.
 Walker, Homer L., XXXXXX.
 Walsh, John J., Jr., XXXXXX.
 Walter, Lyle E., XXXXXX.
 Walters, Vernon J., XXXXXX.
 Wampler, Norman H., XXXXXX.
 Ward, David E., XXXXXX.
 Ward, Richard H., XXXXXX.
 Ward, Robert M., XXXXXX.
 Ware, Thomas A., Jr., XXXXXX.
 Waters, Ace L., XXXXXX.
 Watt, William A., XXXXXX.
 Weaver, Wilburn C., XXXXXX.
 Webb, Lloyd E., XXXXXX.
 Webber, Kenneth E., XXXXXX.
 Weddle, Charles E., XXXXXX.
 Weeks, Milton D., XXXXXX.
 Weeks, Robert J., XXXXXX.
 Weinzettle, John J., XXXXXX.
 Weisinger, Sherman, XXXXXX.
 Weissner, Seymour T., XXXXXX.
 Welde, Raymond L., XXXXXX.
 Wendt, Irving R., XXXXXX.
 Wentzel, Donald B., XXXXXX.
 Wesley, Craig T., XXXXXX.
 West, Luther C., XXXXXX.
 Wester, William A., XXXXXX.
 White, Kent B., XXXXXX.
 White, Nevin C., XXXXXX.
 White, Wolfred K., XXXXXX.
 Whitehead, Ennis C., XXXXXX.
 Whitesel, William M., XXXXXX.
 Whitledge, Charles, XXXXXX.
 Whitley, Arthur L., XXXXXX.
 Whitney, Philip M., XXXXXX.
 Whitson, William W., XXXXXX.
 Whittemore, Kenneth, XXXXXX.
 Whittington, Charles, XXXXXX.
 Wigner, Charles C., XXXXXX.
 Wilhide, Glenn C., Jr., XXXXXX.
 Wilkinson, Richard, XXXXXX.
 Williams, Dudley A., XXXXXX.
 Williams, Harry E., XXXXXX.

Williams, John D., [REDACTED]
 Williams, Virgil H., [REDACTED]
 Williams, Walworth, [REDACTED]
 Williams, Wayne G., [REDACTED]
 Wilson, Charles D., [REDACTED]
 Wilson, Melville C., [REDACTED]
 Winget, Kingston M., [REDACTED]
 Winter, Leonard M., [REDACTED]
 Witko, Andrew B., [REDACTED]
 Wittlinger, Frederick J., [REDACTED]
 Wolman, Gus A., Jr., [REDACTED]
 Wood, Edwin, [REDACTED]
 Wood, Samuel C., [REDACTED]
 Wood, William S., [REDACTED]
 Woods, Altus L., Jr., [REDACTED]
 Woodside, William W., [REDACTED]
 Woolard, Reginald W., [REDACTED]
 Wortham, James T., [REDACTED]
 Worthen, Robert D., [REDACTED]
 Wright, Madison C., [REDACTED]
 Wyrick, William E., [REDACTED]
 Yakimovicz, Floryan L., [REDACTED]
 Yonushonis, William, [REDACTED]
 York, Dennis A., [REDACTED]
 Young, James W., [REDACTED]
 Youngblood, Kenneth, [REDACTED]
 Youngs, Evert C., [REDACTED]
 Zobrist, Paul S., [REDACTED]
 Zuppann, Charles W., [REDACTED]

To be lieutenant colonels, Chaplain

Benson, John D., [REDACTED]
 Bloxham, Earl S., [REDACTED]
 Blunk, James B., [REDACTED]
 Burgreen, Charles L., [REDACTED]
 Calter, John T., [REDACTED]
 Campbell, Harry G., [REDACTED]
 Carroll, James C., [REDACTED]
 Coleman, James V., [REDACTED]
 Gilbert, Bertram C., [REDACTED]
 Harris, Thomas A., [REDACTED]
 Harvester, James V., [REDACTED]
 Huffman, Cloma A., [REDACTED]
 Justice, Willard M., [REDACTED]
 Malanowski, Thaddeus F., [REDACTED]
 McCarthy, Thomas H., [REDACTED]
 McMinn, Thomas L., [REDACTED]
 Meek, Charles A., [REDACTED]
 Oneill, John J., [REDACTED]
 Paul, William E., Jr., [REDACTED]
 Price, Ben S., [REDACTED]
 Roth, John D., [REDACTED]
 Rowland, Ray M., [REDACTED]
 Stewart, Duncan C., [REDACTED]
 Sullivan, John J., [REDACTED]
 Wallace, Francis X., [REDACTED]
 Wessman, Willis W., [REDACTED]
 Wood, Robert J., [REDACTED]

To be lieutenant colonels, Women's Army Corps

Knastak, Marte S., [REDACTED]
 Moon, Lou A., [REDACTED]

To be lieutenant colonels, Medical Corps

Abbott, Howard G., [REDACTED]
 Bishop, Raymond H., [REDACTED]
 Burham, William A., [REDACTED]
 Copen, Estis G., [REDACTED]
 Cox, Dana D., [REDACTED]
 Cupp, Claude M., [REDACTED]
 Czarnecki, Stephen, [REDACTED]
 Fisher, William C., [REDACTED]
 Gelger, James P., [REDACTED]
 Gellinas, Joseph A., [REDACTED]
 Gomez, Alphonse C., [REDACTED]
 Gorby, Earl W., [REDACTED]
 Graham, Harvey P., [REDACTED]
 Hardie, Philip W., Jr., [REDACTED]
 Howard, August A., [REDACTED]
 Kilpatrick, William, [REDACTED]
 Mahin, Dorsey T., [REDACTED]
 Maier, John G., [REDACTED]
 McCabe, Lloyd B., [REDACTED]
 McClure, Claude, Jr., [REDACTED]
 McKeown, Eugene P., [REDACTED]
 Neidlinger, Robert, [REDACTED]
 Odom, Emwood, [REDACTED]
 Oshaughnessy, Edward J., [REDACTED]
 Patton, Maurice G., [REDACTED]
 Ransone, James W., [REDACTED]
 Sheffield, Frederick J., [REDACTED]

Siebert, Paul F., [REDACTED]
 Thomas, Paul A., Jr., [REDACTED]
 Uhrig, Henry T., [REDACTED]
 Zamora, Pablo J., [REDACTED]

To be lieutenant colonels, Dental Corps

Everhart, Robert J., [REDACTED]
 Fox, Walter H., [REDACTED]
 Hare, Charles M., [REDACTED]
 Hathaway, John F., Jr., [REDACTED]
 Karlson, Fredrick A., [REDACTED]
 Knapp, Milton J., [REDACTED]
 Lundquist, Donald O., [REDACTED]
 McGrew, Billie D., [REDACTED]
 Millard, Robert J., [REDACTED]
 Miller, Claude R., Jr., [REDACTED]
 Mooney, Samuel C., [REDACTED]
 Osterholtz, Raymond, [REDACTED]
 Page, Edmund C., [REDACTED]
 Schmitz, John F., [REDACTED]
 Schneider, Fred, [REDACTED]
 Sheridan, Roland C., [REDACTED]
 Smith, Thomas J., [REDACTED]
 Udhara, George I., [REDACTED]
 Williams, James F., [REDACTED]

To be lieutenant colonels, Veterinary Corps

Anthony, Wallace L., [REDACTED]
 Beerwinkle, Milton, [REDACTED]
 Benson, John H., [REDACTED]
 Garner, Floris M., [REDACTED]
 McConnell, Stewart, [REDACTED]
 Morley, William J., [REDACTED]
 Morris, John H., II, [REDACTED]
 Raulston, Gilbert L., [REDACTED]
 Rosser, William W., [REDACTED]
 Slider, Howard B., Jr., [REDACTED]
 Washburn, Glenn A., [REDACTED]

To be lieutenant colonels, Medical Service Corps

Benke, Clyde W., [REDACTED]
 Bost, William L., [REDACTED]
 Breitenkamp, Robert, [REDACTED]
 Bunte, Albert G., [REDACTED]
 Cook, Richard A., [REDACTED]
 Dicker, Frank W., [REDACTED]
 Eddinger, Clyde C., [REDACTED]
 Fels, Robert D., [REDACTED]
 Foubare, Louis H., [REDACTED]
 Gallien, Garry G., [REDACTED]
 Goldstein, Bernard, [REDACTED]
 Hume, Joseph W., [REDACTED]
 Kneepkens, John A., [REDACTED]
 Lauterbach, Carl G., [REDACTED]
 Limbacher, Walter J., [REDACTED]
 Luckman, Otis N., [REDACTED]
 Medcalf, Rex M., [REDACTED]
 Morgan, Ralph W., [REDACTED]
 Muzyka, Joseph C., [REDACTED]
 Nation, Marvin E., [REDACTED]
 Packo, Andrew, Jr., [REDACTED]
 Parkinson, Ralph W., [REDACTED]
 Power, Earl H., [REDACTED]
 Schenker, Hansen, [REDACTED]
 Schlarb, William E., [REDACTED]
 Schongalla, William, [REDACTED]
 Schwarz, William X., [REDACTED]
 Snyder, Allan J., [REDACTED]
 Swieter, Kenneth L., [REDACTED]

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3304:

To be lieutenant colonels, Army Nurses Corps

Brookover, Ella L., [REDACTED]
 Butt, Johanna B., [REDACTED]
 Cleveland, Martha E., [REDACTED]
 Dolemba, Catherine, [REDACTED]
 Dunlap, Lillian, [REDACTED]
 Ehalt, Alliene E., [REDACTED]
 Furlong, Mildred M., [REDACTED]
 Goldsmith, Dorothy, [REDACTED]
 Hammerly, Aloha B., [REDACTED]
 Hawkins, Dale A., [REDACTED]
 Hoehn, Bertha J., [REDACTED]
 Kennedy, Marian C. I., [REDACTED]
 Rodenboh, Florence, [REDACTED]
 Singer, Kathryn C., [REDACTED]
 Sott, Marjorie E., [REDACTED]

To be lieutenant colonels, Army Medical Specialist Corps

Evanson, Dolores L., [REDACTED]
 McGary, Virginia E., [REDACTED]
 Preston, Mary R., [REDACTED]

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be majors

Driscoll, Paul C., [REDACTED]
 Estep, William H., [REDACTED]
 Harrer, Lee J., [REDACTED]
 Pederson, Alfred L., [REDACTED]
 Simons, Frank D., [REDACTED]
 Sola, Gerald C., Jr., [REDACTED]
 Taylor, Cedric D., [REDACTED]
 Van Valkenburg, Gerald E., [REDACTED]
 Walker, Robert O., [REDACTED]
 Yaden, Jesse L., Jr., [REDACTED]

To be captains

Mergner, George F., [REDACTED]
 O'Loughlin, Edward P., [REDACTED]

The following-named officer for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

To be first lieutenant

Blue, Stephen M., [REDACTED]

IN THE MARINE CORPS

The following-named (Naval Reserve Officer Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Axtell, Grey C.	Gordan, Paul D.
Baldwin, Lance G.	Grandy, Laurens B., Jr.
Ballmer, Ralph W.	Guild, John W.
Bash, Douglas L.	Halloran, George E.
Bauman, Albert E., III	Halton, Lee A., III
Beaufalt, Donald A.	Hammerbeck, Edward O.
Belser, Stephen E.	Hattan, Dean H.
Belcher, Roy S., III	Harley, Charles R., Jr.
Berkes, Leslie J.	Hartsook, Timothy M.
Berry, Christopher S.	Hempel, Robert G.
Bishop, Donald R.	Hergert, John C., III
Blakely, David A.	Hess, James C.
Bohn, John A.	Huffman, Harvey E.
Boulton, Craig P.	Joel, Lewin G., III
Boxell, Tillman S.	Johnson, Gerald E.
Brandt, Gary L.	Johnson, Paul F.
Brandt, Steven C.	Kamin, Michael J.
Brennan, William J.	Kayser, Richard H.
Brindle, Christopher W.	Kelley, Lawrence G.
Brooks, Robert A.	Kener, Lawrence H.
Bross, Gary W.	Kinney, Charles H.
Brothers, Mark S.	Knapp, David T.
Brown, Richard A.	Knutson, Bruce B., Jr.
Brown, Richard F.	Kuch, James A.
Burns, James A.	Kusiak, Patrick J.
Caldwell, Charles F.	Lanning, Ralph V.
Carver, Garry R.	Lavelle, Michael N.
Chaisson, Joseph M.	Leach, Thomas I.
Clark, Michael J.	Liebenow, William M.
Collins, Robert L.	Long, Andrew K., Jr.
Cook, Michael L.	Lorenz, Frederick M.
Crawford, Norman B.	Lovett, Connie B.
Critchfield, Daniel D.	Lyddane, John L. A.
Crowe, Clarence S.	MacAskil, Ross M., Jr.
Davis, William P., III	McCoy, Charles W., Jr.
DeGolian, Robert R.	McNally, David D.
Dolgert, Raymond S.	Melgaard, Stephen N.
Domina, Walter L.	Miller, Edward K.
DuBose, James H., Jr.	Minor, Charles P., III
Duff, Brendan	Moffett, James F., III
Duke, Gordon L.	Moore, James B., Jr.
Easterbrook, Samuel G., III	Neithammer, John E.
Elsert, Gordon L.	Nyland, William L.
Everhart, Richard S.	Oder, Steven J.
Fant, Thomas W.	Orgeron, Glenn P.
Farris, Peter M.	Pantke, Thomas A.
Fout, Robert W.	Parkowski, Fred
Frederick, Laurence W.	Petering, Robert R.
Gasper, Anthony L.	Petersen, Ross T.
Goldsmith, Steve W.	Potter, Waldo C. F.
	Pryce-Jones, Robert W.

Pullum, Jerry B.
 Reddeck, John M.
 Riley, Brian B.
 Ripley, David B.
 Ritchie, James D.
 Roberts, Leonard T.
 Roman, Mark A.
 Sanderson, Timothy A.
 Scheele, Marc A.
 Schick, Edwin S., III
 Scott, John R.
 Semotuk, Thomas D.
 Sillers, Colin B.
 Silver, Charles H., Jr.
 Silviso, Joseph H., II
 Smith, Clyde E., Jr.
 Staman, Robert K.
 Stenner, Peter R.
 Stewart, Michael D.
 Sturdevan, Garth K.
 Sullivan, Lloyd S., II

Taggart, Michael B.
 Terry, James P.
 Thaut, Allan G.
 Titterud, William F.
 Toyama, Tompson R. T.
 Trominski, Ernest M.
 Trulson, Steven A.
 Van Dusen, Dyrck H.
 Vanhoutan, Rondall L.
 Wahtera, Kim A.
 Watts, Clifford J., III
 Weigel, Terence A.
 Weiler, Charles T., III
 Wilita, Douglas P.
 Wilson, Jack A.
 Windheim, Guy C.
 Witte, Gary P.
 Wojtasek, James D.
 Worden, Waite W., Jr.
 Zeller, Donald F.

The following-named (Army Reserve Officer Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Daugherty, William L.
 Fedele, Paul E.
 Linet, Jack W.

The following-named (staff noncommissioned officers) for temporary appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Cannon, Evert E.
 Cooper, Richard E.

Gerard, Gary L. R.
 Jordan, Lorenzo G.

The following-named (meritorious noncommissioned officers) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Anderson, Gordon E.
 Brown, David
 Cassidy, Richard P.
 Decker, Michael A.
 Dieli, Francis A.
 Doble, Ronald B.
 Dogil, Conrad
 Edwards, Jerry D.
 Gray, Kenneth R.
 Hendry, John F.
 Hunt, William C.
 Ireland, Erin L., Jr.
 Jensen, Richard D.
 Johnson, Fred W.
 Kudalis, Michael L.

Lankes, Robert D.
 McKay, George R.
 Millard, Charles A.
 Nicolosi, Dominic, Jr.
 Printy, Theodore M.
 Purdon, Henry P.
 Silliker, Gordon L.
 Skow, Ronald G.
 Townsend, George L.
 Villano, Gerald J.
 Volkmar, James L.
 Wasluta, Myron
 Whittle, John F.
 Wright, John D.

U.S. MARINE CORPS

The following named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer (W-4), subject to qualifications therefor as provided by law:

Louis A. Cabral
 Angelo P. Ciampa
 Frank E. Cline
 James R. Cushman
 Jack W. Demmond
 Orlis E. Kennicutt

Bingham A.
 McMaster
 Stephen J. Purdy
 Roy H. Rhymer
 John B. Wyatt

The following named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer (W-3), subject to qualifications therefor as provided by law:

Dewey E. Amick
 Richard J. Bernier
 Dirk C. Bierhaider
 Alexander L. Bressler, Jr.
 John D. Buckley, Jr.
 Eugene L. Conroy
 Gordon H. Cox
 Burton D. Currier
 Marvin L. Darrow
 Raymond J. Delacqua
 Guy L. Ditty
 Charles H. Dowling
 Harold Eoff
 Julius Farkas
 Cecil H. Fletcher
 Robert F. Flynn

James R. Forman
 Carl Garrett, Jr.
 Berle Garris
 Walter R. Harris
 Frederick R. Hasler
 Earle Hattaway
 John L. Haynes
 Forrest B. Holdridge
 Richard W. Johnson
 Vernon S. Kramer
 Charles E. Losey
 William K. Maximin
 William J. McCarthy
 Terrence W. McGuire, Jr.
 George E. Meshke
 Conrad Nagy

William Nagy
 John J. Norton
 Joseph J. Paige
 Richard E. Pryor
 Harry L. Sagar
 Robert E. Shea
 Pierce L. Smiley
 Edward J. Spahr
 Joe R. Sutton

The following named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer (W-2), subject to qualifications therefor as provided by law:

Dean R. Aggers
 James P. Allen, Jr.
 Otto T. Althoff III
 William D. Amberson
 Robert J. Arthur
 Kenneth U. Beasock
 Bobby L. Beck
 Bernard F. Beggs
 Richard O. Bemish
 William C. Benton
 Albert J. Beveridge, Jr.

James M. Bolton
 David I. Boyd II
 Arthur R. Brehm
 Gerald V. Brown
 Palmer Brown
 Duane M. Bugbee
 William Caldwell
 William R. Carr
 Thomas L. Carroll
 John J. Caussin
 Russell C. Cedoz
 Norman B. Centers
 Cleo M. Chambers
 James F. Chapman
 Norman F. Charbonneau

Kenneth R. Clark
 Billy J. Cox
 Charles E. Creamer
 Rayner E. Crutchfield
 John M. Culver
 Roger E. Dalrymple
 Robert L. Daniels
 Samuel L. Dawson
 David W. Decherd
 Henry E. Dill
 Gunther Dohse
 Daniel E. Domeracki
 James R. Donovan
 Donald L. Dugan
 Dale L. Eriksson
 William L. Eveland
 Richard L. Ferris
 William E. Fleming
 Lawrence R. Gardner
 Michael J. Gildea
 Thomas E. Govier, Jr.
 Lillian Hagener
 Walter D. Hamelback
 William R. Hapgood
 Robert E. Happy
 Arthur L. Hardt, Jr.
 Frederick F. Highhouse

Albert H. Hill
 George J. Hoffman
 Clomer J. Holloway
 Rowland R. Hoskins
 Ralph C. Hughes
 Walter L. Japs
 Buddy K. Jackson
 Arney M. Johnson, Jr.
 Harold B. Johnson
 Vernon J. Johnson
 Gerald T. Kane
 George P. Kasson
 George W. Kelly
 Clyde W. Keniston
 William G. Kennedy
 Harold A. Klingensmith
 David J. Laboissiere

The following-named officers of the Marine Corps for temporary appointment to the grade of chief warrant officer (W-4), subject to qualifications therefor as provided by law:

Mary E. Thompson
 Hubert Tinsley
 Edwin R. Vaughn
 Glenn T. Wells
 Leonard A. Wheelchel
 Henry Wildfang
 John Willis
 Robert G. Work

Michael R. Lamb
 Scott M. Lamberth
 John S. Lane
 Thomas J. Lawrence
 Alfred H. Legere
 Richard A. Lenhart
 Paul W. Lints
 John R. Little, Jr.
 Dale C. Luedtke
 David A. Luke
 David B. Mackey
 Frank G. Markowski

Joseph G. Mates
 John Maxwell III
 Richard L. McDevitt
 Robert J. McLaughlin
 Lavoy D. McVey
 Wayne A. Meech
 Michael J. Mino
 Bruce K. Moore
 Franklin M. Morgan
 Grover K. Morgan, Jr.
 John P. Novak
 Almart H. Olsen, Jr.
 Robert D. Olson
 Charles R. Pearson
 Tony R. Pinola, Jr.
 William W. Pollock

Carl N. Ponder
 Sanford J. Priddy
 Garland L. Radford
 Michael E. Rafferty
 Jerry A. Raley
 John D. Rexroade
 Robert E. Richter
 John R. Robbins
 Edward P. Rolita, Jr.
 John W. Roth
 Guy F. Rowe
 Leonard D. Russell
 George D. Salum, Jr.
 Carl J. Schlack
 Warren A. Singer
 George T. Singleton
 George W. Smith
 Herbert S. Smith, Jr.

Leo E. Spears
 Danny H. Stevens
 Samuel E. Stote
 Raymond H. Stout
 Donald E. Strassenberg
 Allen M. Sweeney
 Richard A. Thome
 Kenneth E. Thorn
 Charles N. Tofft
 Jerry L. Tomlinson
 Donald B. Walaconis
 Willard C. Walker
 Robert A. Waitzer
 James P. Weaver
 Lloyd M. Wentworth, Jr.

Kenneth L. Werbinski
 Jackie D. Whiteaker
 Dale J. Whitten
 Robert N. Wiggs
 Murray R. Wilhelm
 James V. Wilkinson
 Joe H. Willer
 Bruce M. Wincentzen
 Wilfred P. Woldyla
 Charles R. Wood
 Earnest Young
 Roger D. Zorens

John F. Ailes
 Edward A. Anaszewicz
 Oliver W. Bailey, Jr.
 Maynard K. Baird, Jr.
 Robert Bayer, Jr.
 Henry A. Bookhardt
 Clarence A. Bowers
 Albert J. Brouillard
 George J. Buccieri
 Clarence J. Buck
 Jesse E. Campbell
 Addison L. Chrisman

John J. Connolly
 Robert W. Dancy
 Joseph A. Drewyor
 Arthur C. Farrington
 John L. Farris
 Ralph T. Fogle
 Glen M. Hayes
 Charles E. Hofmann
 Emil D. Johnson

The following-named officers of the Marine Corps for temporary appointment to the grade of chief warrant officer (W-3), subject to qualifications therefor as provided by law:

Russell R. Allen, Jr.
 Glen R. Anderson
 Joseph C. Anderson
 Robert A. Baer
 George W. Baker
 Robert C. Baker
 William L. Bangs
 Frank E. Barthold
 Eldon L. Baumwart
 Donald J. Berger
 Charles H. Berrey
 Forrest R. Bjorneas
 Eugene A. Bjdree
 Henry E. Bowen, Jr.
 Edward J. Brennan
 Robert Bridges, Jr.

Verle E. Burch
 Kenneth R. Burns
 Ronald F. Byrnes
 Howard L. Callahan
 Henry C. Campbell
 Harold E. Cantrell, Jr.
 William J. Carpenter
 Oscar L. Caudill
 Maurice A. Charles
 James S. Chastain
 Robert L. Chen
 John F. Chesnick
 Lawrence J. Chytka
 Philip C. Cisneros
 Adrian L. Clark
 Charles T. Coffin
 John L. Collins
 Robert A. Connly, Jr.
 John L. Connolly, Jr.
 Loy E. Cook
 Charles L. Cooper
 Orval J. Corriveau
 Robert D. Cox
 Jerry L. Crouch
 Howard W. Crowell

Leo V. Culp
 Richard D. Cusick
 Ronald B. Darou
 Delmont I. Davis, Jr.
 James H. Davis
 Raymond A. Davis
 William N. Dickerman, Jr.
 Phil A. Dierickx
 John C. Dixon
 Arnold H. Dow
 James A. Doyle, Jr.
 Teddy J. Doyle
 Joseph C. Drawdy
 Nellis C. Dye
 Kenneth D. Edelen
 Henry R. Eller
 Bruce W. Ellis
 William E. Eubank
 Guy R. Fairchild
 Charles H. Feaselman

Ronald F. Fisher
 Philip E. Flanagan
 John N. Flanigan
 James E. Johnson
 Ervin L. Kazmerzak
 Edwin H. Lampi
 Jesse N. McLendon, Jr.
 Oscar R. Mowery, Jr.
 Robert L. Murphy
 Daniel M. O'Callaghan
 William T. Potter
 Leslie Rhynard
 Edward S. Rust
 Edward A. Scharlach
 Frederick D. Scroggins
 Jackson G. Shelton, Jr.
 Max Stein
 George M. Tedesco
 John E. Tinsley
 John E. Trowbridge
 Leslie T. Twomey, Jr.
 William L. Vick
 Joseph V. Vismont
 Fowler S. Williams

William E. Flournoy
 Wayne H. Ford, Jr.
 Martin S. Fraiser
 Hamilton P.

Freburger, Jr.
 John W. Frederick, Jr.
 Bobby S. Freeman
 Peter E. Freeman
 Francis J. Gajewski
 Bobby F. Galbreath
 Eugene A. Galvin
 James D. Garner
 William F. Garvey, Jr.
 Hardy D. Gates
 Leonard E. George

Frank J. Ghia, Jr.
 Albert A. Goguen
 Robert D. Gordon
 Harold E. Gore
 Vernon L. Grinager
 Walter W. Gustin
 James A. Hall
 James G. Hallet, Jr.
 Clarence I. Handley
 Richard A. Hardie
 Billy M. Harris
 Robert H. Hart

William T. Hartigan
 Albert I. Hartkopf
 Donald E. Hartman
 Lawrence D. Hawkes
 Joe M. Head
 John F. Heath
 Lawrence N. Helber
 Jack R. Henderson
 Rodger E. Hershey
 Roger D. High
 William P. Hill
 Edward F. Hodgins, Jr.
 Donald W. Hodgson
 Danny R. Hoffman
 Paul L. Hoyt, Jr.

Louis O. Hoxek, Jr.
 Edward A. Hufnagel, Jr.
 Jimmie E. Janke
 Donald C. Jarvin
 Richard D. Jones
 Marcellus J. Kaczinski
 Cyril L. Kammerle
 Richard S. Keller
 Fred L. Kelly
 William D. Kelly
 Howard E. Kerr
 Roy C. Keyes
 Henry C. Kimmey
 Gary L. Kindier
 Paul C. Klirk

Charles Knox, Jr.
 William L. Kobel
 William C. Kohler
 Wayne J. Koms
 Edward T. Krieger, Jr.
 William R. Kueker
 Charles E. Labby, Jr.

Earl R. Lackey
Keary L. Lane
Donald W. Long
Alfred L. Madsen
Joseph M. Magaldi, Jr.
Gerald E. Marchese
George L. Marcum
John J. Marnon
Alvin F. Marshall, Jr.
Joseph M. Martin, Jr.
Joseph Marzioli
Robert L. Maynes
John T. McAlister
John E. McCallum
Benjamin D. McCauley
Raymond B. McClure
Dennis T. McKee
Larry E. McKee
John F. McMakin, Jr.
Melvin E. McPeak
Donald E. Melsner
Raymond A. Mendoza
Jimmy M. Merritt
Anthony Miranda
William L. Mitchels
Kermit Moffitt
William T. Moore, Jr.
Stanley S. Morris, Jr.
Robert B. Morrissey
Peter J. Murray
Charles A. Newell
Norbert J. Nowicki
Thomas M. O'Brien
Charles W. Offutt
Donn L. O'Neil
James M. O'Rourke, Jr.
Mathew Pallo, Jr.
Leonard E. Palmer, Jr.
Louis V. Panicali
Ralph A. Panza
Robert F. Patton
James S. Paulk
Richard C. Pederson
Bruce M. Phillips
Donald L. Pratt
Donald C. Pretsch
Gerald K. Rainwater
Morris E. Ransom
Malcolm S. Rawlins
Erwin O. Raymer
Doyle R. Reed
Charles Riggs
Dean R. Ringler
James H. Rosenthal
Albert C. Rouse
Donald F. Rousseau
Ivan R. Sable
Richard S. Sanborn
Stephen H. Sanderson
Charles L. Sands

The following-named officers of the Marine Corps for temporary appointment to the grade of chief warrant officer (W-2), subject to qualifications therefor as provided by law:

Norbert H. Adams
Dean R. Aggers
Frank L. Ahsue
James P. Allen, Jr.
Phillip D. Allum
Otto T. Althoff III
George L. Alvarez
William D. Amberson
Ronald S. Ambrose
Byron A. Anderson
Robert J. Arthur
Darrell R. Atkins
George F. Aylward
Glenn C. Bargerstock
Donice R. Bartlett
Rodney A. Beal
Kenneth U. Beasock
Benjamin W. Beck
Bobby L. Beck
Bernard F. Beggs
George L. Begor
Richard O. Bemish
George J. Bennett
Robert W. Bennett
Robert C. Benson
William C. Benton
Kenneth W. Berkey

Calvin J. Berton
Homer E. Bever
Albert J. Beveridge, Jr.
John A. Binder
Jerry C. Black
Thomas M. Bland
Philip W. Blaylock
Brent S. Bofenkamp
Lee A. Boise
James M. Bolson
Richard D. Bondurant
Alfred J. Borowy
David I. Boyd II
Edward B. Boyle
Ellis J. Bradford
Arthur R. Brehm
Garold N. Brooks
Robert D. Brooks
Donald J. Brown
Gerald V. Brown
Palmer Brown
Arthur Brownfield III
Clarence C. Bryant
Duane M. Bugbee
Jeat Bullock
William Caldwell
Robert H. Canning

Charles E. Cannon
James R. Cannon
Anthony F. Caputo
Edward Cardoza
Gary L. Carnicle
William R. Carr
Thomas L. Carroll
John E. Carter
Roger E. Carver
Grover C. Casen
Ernest H. Cates
John J. Caussin
Russell C. Cedoz
Norman B. Centers
Cleop M. Chambers
Arthur J. Chapman
James F. Chapman
Norman F.
Charboneau
Marshall C. Chase
Larry D. Choate
Kenneth R. Clark
Edgar L. Clemons
Wilfred J. Clifford
Charles F. Colleton, Jr.
Howard J. Collins
Joan M. Collins
Hubert C. Cornett
Billy J. Cox
John F. Craiglow
Larry G. Cravens
Charles R. Craynon
Charles E. Creamer
Charles F. Cross
Rayner E. Crutchfield
John M. Culver
Roger E. Dalrymple
Robert J. Dalton
Robert L. Daniels
Glenn L. Darst, Jr.
John W. Davis, Jr.
Thomas E. Davis
Samuel L. Dawson
David W. Decherd
Romain J. Deffes, Jr.
Don E. Diederich
Henry E. Dill
Leroy Dobson
Gunther Dohse
Daniel E. Domeracki
Billy D. Donnell
James R. Donovan
Daniel B. Dorn
Thomas L. Doss
Jerome Drucker
Donald L. Dugan
Michael J. Duggan, Jr.
Donald R. Dunagan
Bobby E. Dusek
Thurlof D. Ellis
Fred C. English
Dale L. Eriksson
William L. Eveland
Lewis J. Fallon, Jr.
John T. Fanning
William T. Farrow
Joseph F. Featherston, Jr.
Barry E. Fellinger
William J. Ferral
Richard L. Ferris
Wolfgang H. Fleck
William E. Fleming
Gerald L. Flick
Jerry D. Floe
Norman R. Ford
William D. Franks
Leo P. Gagnon
Michael P. Galasky
Craig D. Gallan
Lawrence R. Gardner
Robert L. Garoutte
Robert T. Garrow
Donald T. Gatton
Harold S. Gazaway
Robert L. Gibson
Michael J. Gildea
Earl E. Giles
Charles N. Goff
Tom A. Golden
Ronald W. Gould
Thomas E. Govier, Jr.
Alan N. Graham

Wayne K. Gray
Ray H. Green
Bryan O. Griffith
James H. Griffith
Richard L. Grivner
Robert M. Gulley
Robert E. Gwaltney
Fred Gypin, Jr.
Lillian Hagener
Walter D. Hamelback
Robert E. Hamilton
Walter R. Hampton
Emmett L. Haney
Thomas E. Hann
James F. Hansen
William R. Hapgood
Robert E. Happy
Arthur L. Hardt, Jr.
Charles D. Harrell, Jr.
Don T. Harris
William H. Harris
Leonard J. Harrison
Berne C. Hart
Orville L. Hastie
Harry A. Haught
Robert D. Hawkins
Thomas E. Hayward
Edgar W. Henninger
Frank E. Hensel
Frederick F. Highhouse
Albert H. Hill
Dale R. Hiller
George J. Hoffman
Jack Hofstra
James N. Holk
Clomer J. Holloway
Rowland R. Hoskins
Carl L. Huddleson
Ralph C. Hughes
John L. Irons
Walter L. Jabs
Buddy K. Jackson
Arthur R. Jacobsen, Jr.
Clifton S. Jenkins, Jr.
James Jennings
Arney M. Johnson, Jr.
Donald R. Johnson
Harold B. Johnson
Vernon J. Johnson
Luis A. Juarez
Gerald T. Kane
George P. Kasson
Gary S. Kee
Jessie W. Kelley
Charles R. Kellison
George W. Kelly
Clyde W. Keniston
William G. Kennedy
Harold A. Klingensmith
Robert L. Kloch
William L. Kramer
Kay E. Kramp
William L. Kroelinger
David J. Labolisiere
Robert P. Lacoursiere
Michael R. Lamb
Scott M. Lamberth
John S. Lane
Roger L. Laton
Donald E. Laughner
Thomas J. Lawrence
Roger O. Ledoux
William E. Lee
Alfred H. Legere
Richard A. Lenhart
Joseph A. Leonski
Lawrence J. Lepage
James W. Lewallen
Junior Lilly
Paul W. Lints
John R. Little, Jr.
Frederick R. Loughren
William N. Lowe
David W. Loy
Dale C. Luedtke
David A. Luke
David G. Mackey
Frank G. Markowski
Joseph G. Mates
Lawrence W. Matras

Millard F. Matthews
Jr.
Peter J. Matthews
John Maxwell III
William L. Mazourek
William T. McAuley II
William D. McCall, Jr.
Frank H. McCarthy
John E. McCarthy, Jr.
Francis McCombs
Richard G. McCord
Richard L. McDeavitt
Henry W. McGee
John P. McGuire
Robert J. McLaughlin
Daniel H. McQueary
Lavoy D. McVey
Wayne A. Meech
George B. Meegan
James M. Meehleder
Edmund M. Mello
Edward H. Meyer, Jr.
Anthony F. Milavic
Ashby R. Miller
Thomas J. Miller
Michael J. Mino
Rex B. Moody
Bruce K. Moore
Edward L. Moore II
Fred A. Moore, Jr.
Theodore C. Moore
Franklin M. Morgan
Grover K. Morgan, Jr.
Robert G. Morilla
Don E. Mosley
Timothy J. Murphy
Glenn N. Meyers
Arthur G. Nadeau
Gary L. Nall
Gerald R. Naparalski
Charles F. Needels, Jr.
John P. Novak
Charles W. Occhipinti
William J. O'Hara
Almart H. Olsen, Jr.
John O. Olsen
Robert D. Olson
Thomas F. O'Toole, Jr.
Bobby J. Parrish
Charles R. Pearson
Paul R. Pelczarski
William M. Peltz
Francis A. Pepe
Edmund T. Perego
Arthur A. Pierce
Tony R. Pinola, Jr.
William W. Pollock
Carl N. Ponder
Sanford J. Priddy
Jack N. Rabun
James E. Rachal
Darrel R. Radcliffe
Garland L. Radford
Michael E. Rafferty
Jerry A. Raley
Frederick A. Randlett
Walter J. Ray
Raymond E. Redford
Bobby D. Redic
Chris D. Reed
Ralph W. Reed
John D. Rexroade
Albert A. Reynolds
Herbert C. Richardson, Jr.
William A. Richmond
Robert E. Richter
John R. Robbins
Thomas F. Roberson
John T. Robertson
Lyonel K. Roepke
Edward P. Rolita, Jr.
Donnie L. Romine
John W. Roth
Guy F. Rowe
Hugh T. Rowe, Jr.
Robert D. Rowe
Edward M. Russell, Jr.
Hayden B. Russell, Jr.
James C. Russell
Leonard D. Russell
George D. Salum, Jr.

Billy C. Sanders, Jr.
James W. Sanders
John L. Saulnier
Carl J. Schlack
Clifford G. Schleusner
Charles W. Schmidt
Adrian E. Schoonover
George B. Search
James E. Seitz
James A. Sellers
Stephen G. Seman
Louis E. Sergeant, Jr.
William G. Sheldon III
Jerry M. Shelton
Harvey H. Simpson
Warren A. Singer
George T. Singleton
Charles R. Slavens
Robert J. Smethurst
George W. Smith
Herbert S. Smith, Jr.
James L. Smith
Paul L. Snearly
James A. Spalsbury
Leo E. Spears
Dennis E. Springer
Jackie W. Stanley
William G. Sterling
Raymond D. Stetser, Jr.
Danny H. Stevens
Frederick M. Sticher
Samuel E. Stote
Raymond H. Stout
Donald E. Strassenberg
James D. Svitak
David O. Swaney
Allen M. Sweeney
Richard M. Swink
Jerold A. Thomas
Richard A. Thome
Kenneth E. Thorn
Charles N. Tofft
Ralph E. Toholsky
Jerry L. Tomlinson
William G. Tomlinson
William E. Toombs
Wayne L. Treece
Winfield R. Trott, Jr.
Robert J. Underwood
Joseph A. Vchulek
Richard L. Vincent
Jack L. Wagstaff
Donald B. Walacanis
Robert A. Walden
Jerry E. Walker
Mungo R. Walker
Willard C. Walker
Robert Waltman, Jr.
Robert A. Waltzer
Theodore B. Warren, Jr.
James P. Weaver
Patrick J. Webb
Robert W. Weeks
David E. Welborn
Ronald R. Welsh
Lloyd J. Wengeler
Lloyd M. Wentworth, Jr.
Kenneth L. Werbinski
Henry G. White
Jackie D. Whiteaker
Dale J. Whitten
Robert N. Wiggs
Murray R. Wilhelm
James V. Wilkinson
Joe H. Willer
Russell O. Willson
Bruce M. Wincentsen
William J. Witt
Wilfred P. Woidyla
William M. Wolfe
Charles F. Wolverson
Charles R. Wood
Eddie B. Wright
James N. Wright
Earnest Young
Dennis R. Zoerb
Roger D. Zorens
Robert C. Zwiener