

## SENATE—Friday, June 28, 1968

The Senate met at 12 noon, and was called to order by the President pro tempore.

Rev. Grant R. Sherk, Jr., rector, St. Dunstan's Episcopal Church, McLean, Va., offered the following prayer:

Almighty God, Heavenly Father, Creator of all things, who has made us in Thine own image so that we too may be creators and builders, graft into all our hearts the desire to build and to create so that we may be deeply conscious of our oneness with Thee and of our unity with all men. Help us to build for others out of love and gratitude to Thee for the many blessings which Thou hast bestowed upon us in this great land.

O God, in this time of trouble and discord, we ask Thee to bestow Thy grace and blessing upon all of the Members of this Senate. Give to each one of them wisdom, knowledge, compassion, love, and courage. May they possess the creativeness of mind and spirit to enable them to perform their tasks and to fulfill Thy will.

And, Father, we beseech Thee to help us in the solution of our problems. Though we are at war, help us to find an honorable peace. Though we are rich, show us how to help the poor. And though there is violence and hatred, lead us to compassion and love. Revive in us the love of God and country which prompted our ancestors to achieve their destiny, so that at the last when we depart this life, we too may have served Thee in our generation.

In the name of the Father, and of the Son, and of the Holy Ghost. Amen.

### THE JOURNAL

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

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

### SUBCOMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Government Operations, the Subcommittee on Business and Commerce of the Committee on the District of Columbia, and the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary be authorized to meet during the session of the Senate today.

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

### LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

### FUNDS AVAILABLE TO THE SECRETARY OF THE SENATE

Mr. PASTORE. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read the resolution, as follows:

S. RES. 310

*Resolved*, That the Secretary of the Senate may utilize any fiscal year 1968 appropriation available for the purpose of paying the compensation due employees for June 1968 from the appropriation "Expenses of Inquiries and Investigations, fiscal year 1968", any sum so utilized shall be replaced from funds appropriated for said appropriation in the Second Supplemental Appropriation Act, 1968.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

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

Mr. PASTORE. Mr. President, we have an item in the supplemental bill, is now in conference, which has to do with the paying of the salaries of the personnel of certain investigating committees. They have not been paid because the funds have run out. As a matter of fact, it was underfunded.

The purpose of this resolution is to allow the disbursing officer to utilize whatever funds he has available, and then the funds will be replenished once the supplemental bill is signed by the President.

Action similar to this was taken in the House the other day, and I ask that the Senate do the same at this time.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 310) was agreed to.

### MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILLS SIGNED

Under authority of the order of the Senate of June 26, 1968, the Secretary of the Senate, on June 27, 1968, received the following message from the House of Representatives:

That the Speaker had affixed his signature to the following enrolled bills; and they were subsequently signed by the President pro tempore; on June 27, 1968:

H.R. 5783. An act to amend titles 10, 14, and 37, United States Code, to provide for confinement and treatment of offenders against the Uniform Code of Military Justice;

H.R. 10480. An act to prohibit desecration of the flag, and for other purposes;

H.R. 13050. An act to amend title 10, United States Code, to authorize an increase in the numbers of officers to the Navy designated for engineering duty, aeronautical engineering, and special duty;

H.R. 13593. An act to amend title 10, United States Code, to increase the number of con-

gressional alternates authorized to be nominated for each vacancy at the Military, Naval, and Air Force Academies;

H.R. 15789. An act to amend section 2306 of title 10, United States Code, to authorize certain contracts for services and related supplies to extend beyond 1 year;

H.R. 16819. An act to amend the Vocational Rehabilitation Act to extend the authorization of grants to States for rehabilitation services, to broaden the scope of goods and services available under that act for the handicapped, and for other purposes;

H.R. 17024. An act to repeal section 1727 of title 18, United States Code, so as to permit prosecution of postal employees for failure to remit postage due collections under the postal embezzlement statute, section 1711 of title 18, United States Code; and

H.R. 17320. An act to authorize the Secretary of Agriculture to grant an easement over certain lands to the St. Louis-San Francisco Railway Co.

### REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of June 26, 1968, Mr. Young of North Dakota, from the Committee on Agriculture and Forestry, reported favorably, with amendments, on June 27, 1968, the bill (H.R. 10673) to amend title III of the Packers and Stockyards Act, 1921, as amended, and submitted a report (No. 1331) thereon, which was printed.

### MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on June 27, 1968 the President had approved and signed the following acts:

S. 2276. An act to amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations; and

S. 2914. An act to authorize the further amendment of the Peace Corps Act.

### VOTING AGE—MESSAGE FROM THE PRESIDENT—(H. DOC. NO. 334)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on the Judiciary:

*To the Congress of the United States:*

The ballot box is the great anvil of democracy, where government is shaped by the will of the people. It is through the ballot that democracy draws its strength, renews its processes, and assures its survival.

Throughout the life of our Republic, no single, enduring question has so engaged generation after generation of Americans as this: Who among our citizens shall be eligible to participate as voters in determining the course of our public affairs?

On four occasions we have amended our Constitution to enlarge or to protect that participation. In recent years, Congress itself has been attentive to sheltering and assuring the free exercise of the right to vote.

Such a concern is altogether fitting. Under a government of, by and for the people, the right to vote is the most basic right of all. It is the right on which all others finally stand.

Such a right is not to be idly conferred or blindly withheld. But the stability of our Republic from the beginning has been served—well and faithfully—by the willingness of Americans to lay aside the constraints of custom and tradition and heed the appeals of reason and reality to welcome into the American electorate those of our citizens fitted by the precepts of our society's values to participate in the exercise of the ultimate right of citizenship.

At the inception of the Republic, the promise of the new Nation was strengthened because our forefathers cast aside tests of religion and property.

At midpassage, America's moral strength was fortified when the test of color was removed by the Fifteenth Amendment. The Voting Rights Act of 1965 has reinforced this principle of all time.

At the beginning of the modern era in this twentieth century, reason and reality wisely prevailed when the women of America—through the Nineteenth Amendment to the Constitution—were granted the equality of citizenship so long denied them.

In 1961, the Twenty-Third Amendment to the Constitution gave citizens of the Nation's capital the right to vote for President and Vice President.

Four years ago, the Twenty-Fourth Amendment struck down the tests of the poll tax which had for almost a century disenfranchised thousands of Americans.

#### ENLARGING THE AMERICAN FRANCHISE

In all these instances time has affirmed the wisdom and the right of these decisions to enlarge participation in the Nation's affairs. Time, too, has already affirmed the wisdom and justice of our continuing efforts in the last decade to perfect, protect and shelter the right of all citizens to vote and to put an end to the unconscionable techniques of studied discrimination.

Today, I believe it is time once more for Americans to measure the constraints of custom and tradition against the compelling force of reason and reality in regard to the test of age. The hour has come to take the next great step in the march of democracy. We should now extend the right to vote to more than ten million citizens unjustly denied that right. They are the young men and women of America between the ages of 18 and 21.

The practice of admitting young Americans to the electorate at the age of twenty-one has its roots in the dim and distant mists of medieval England—but it is a practice and limitation without roots in the American experience.

Throughout our history as a young Nation, young people have been called upon by the age of eighteen to shoulder

family responsibilities and civic duties identical with their elders.

At the age of eighteen, young Americans are called upon to bear arms.

At the age of eighteen, young Americans are treated as adults before many courts of law and are held responsible for their acts.

The age of eighteen, far more than the age of twenty-one, has been and is the age of maturity in America—and never more than now.

Reason does not permit us to ignore any longer the reality that eighteen year old young Americans are prepared—by education, by experience, by exposure to public affairs of their own land and all the world—to assume and exercise the privilege of voting.

The essential stability of our system is not served, the moral integrity of our cause is not strengthened, the value we place on the worth of the individual is not honored by denying to more than ten million citizens—solely because of their age—the right to full participation in determining our country's course.

This denial of the right to vote limits our democracy. It diminishes every modern concept of citizenship.

The young people of America in this decade are far more ready, far better qualified, far more able to discharge the highest duty of citizenship than any generations of the past.

We know—and the young men and women know also—that this is so.

They are better educated than their counterparts of a generation ago. They graduate from high school and enter college in greater proportions. Already this group—although many have not yet completed their schooling—have a higher education level than the general electorate.

Mass communication and greater opportunities for travel expose them earlier and more frequently to the issues of the day than the young men and women of the 1940's, or even the 1950's.

The young men of today serve their Nation in uniform with the same devotion as their fathers and brothers of earlier days showed. But duties unknown a decade ago have summoned the devotion of young men and women alike, by the tens of thousands. Their participation in the Peace Corps, in VISTA, and in other community ventures has elevated our national life and brought new meaning to the concept of service.

For myself, I deeply believe that America can only prosper from the infusion of youthful energy, initiative, vigor, and intelligence into our political processes.

We live in a world that is young and growing younger each year. Of all nations, none has more generously invested in preparing its young people for constructive citizenship and none has been more faithfully served by its young than has America.

Today, the young people of America are asking the opportunity to give of their talents and abilities, their energies and enthusiasms, to the greater tasks of their times. I believe their proper request can and must be properly answered by a national affirmation of our faith in them. For a nation without faith in its

sons and daughters is a nation without faith in itself.

#### WHAT I PROPOSE

*I accordingly propose that the Congress of the United States approve and submit for ratification of the legislatures of three-fourths of the States an amendment to the Constitution of the United States to provide, as follows:*

The right of any citizen of the United States to vote shall not be denied or abridged by the United States or by any State on account of age if a citizen is eighteen years of age or older.

In proposing submission of such an amendment I am mindful that:

—The State of Georgia since 1943, and the State of Kentucky, since 1955, have permitted eighteen year old residents to vote.

—The two new States of Alaska and Hawaii have permitted nineteen and twenty year old residents, respectively, to vote.

—The first proposal for such an amendment was advanced in 1942 by Senator Arthur Vandenberg.

—President Dwight D. Eisenhower, in his 1954 State of the Union Address, urged an Amendment to lower the voting age to eighteen.

—In the 90th Congress, more than fifty proposed Constitutional Amendments to extend voting rights to eighteen year old citizens have been introduced, and many of these measures have broad bi-partisan support.

The concept has been tried and tested. Its merit has been established. Its rightness is now beyond dispute.

#### FULL PARTICIPATION IN OUR AMERICAN DEMOCRACY

The time has come to grant our youth what we ask of them but still deny to them—full and responsible participation in our American democracy.

In this year of national decision, as Americans in every State prepare to choose their leadership for the decisive and fateful years before us, the Congress has a rare opportunity through the submission of this amendment to signify to our young people that they are respected, that they are trusted, that their commitment to America is honored and that the day is soon to come when they are to be participants, not spectators, in the adventure of self-government.

Every time before, when America has extended the vote to citizens whose hour has come, new vitality has been infused into the lifestream of the Nation, and America has emerged the richer.

Now the hour has come again to take another step in Democracy's great journey.

LYNDON B. JOHNSON.  
THE WHITE HOUSE, June 27, 1968.

#### EXECUTIVE MESSAGES REFERRED

As in executive session,

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

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

#### 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 joint resolution (S.J. Res. 165) authorizing the President to proclaim August 11, 1968, as "Family Reunion Day."

The message also announced that the House insisted upon its amendments to the bill (S. 2986) to extend Public Law 480, 83d Congress, for 3 years, and for other purposes; disagreed to by the Senate, and agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POAGE, Mr. GATHINGS, Mr. JONES of Missouri, Mr. PURCELL, Mr. BELCHER, Mr. TEAGUE of California, and Mrs. MAY were appointed managers on the part of the House at the conference.

The message further announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

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

H.R. 6279. An act to provide for the collection, compilation, critical evaluation, publication, and sale of standard reference data;

H.R. 15979. An act to amend the act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides, and for other purposes; and

H.R. 17268. An act to amend the Defense Production Act of 1950, and for other purposes.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 14367) to authorize the disposal of beryl ore from the national stockpile and the supplemental stockpile.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 17354) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1969, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mrs. HANSEN of Washington, Mr. KIRWAN, Mr. MARSH, Mr. FLYNT, Mr. JOELSON, Mr. MAHON, Mr. REIFEL, Mr. MCDADE, Mr. HARRISON, and Mr. JONAS were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 17734) making supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAHON, Mr. WHITTEN, Mr. SIKES, Mr. NATCHER, Mr. FLOOD, Mrs. HANSEN of Washington, Mr. JONAS, Mr. LAIRD, Mr. LIPSCOMB, and Mr. MICHEL were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H.R. 18037)

making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and they were signed by the President pro tempore:

H.R. 3931. An act to amend the act of April 3, 1952;

H.R. 8581. An act to amend section 11-341 (b) of the District of Columbia Code which relates to the sales price for the reports of the opinions of the U.S. Court of Appeals for the District of Columbia Circuit; and

H.R. 13373. An act for the relief of Richard C. Mockler.

#### HOUSE BILL REFERRED

The bill (H.R. 18037) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes was read twice by its title and referred to the Committee on Appropriations.

#### EXECUTIVE COMMUNICATIONS, ETC.

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

##### INTERNATIONAL EXPOSITIONS

A letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to provide for Federal Government recognition of and participation in international expositions to be held in the United States, and for other purposes (with an accompanying paper); to the Committee on Foreign Relations.

##### REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to improve the cost-information system to achieve more economical supply programs, General Services Administration, dated June 26, 1968 (with an accompanying report); to the Committee on Government Operations.

##### OVERTIME AND STANDBY PAY, DEPARTMENT OF TRANSPORTATION

A letter from the Acting Secretary of Transportation, transmitting a draft of proposed legislation to provide for the payment of overtime and standby pay to certain personnel employed in the Department of Transportation (with accompanying papers); to the Committee on Post Office and Civil Service.

##### PROPOSED REIMBURSEMENT FOR WORK BY STATES AND OTHERS ON AUTHORIZED WATER RESOURCES PROJECTS

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to authorize reimbursement for work by States and other non-Federal public bodies on authorized water resources projects (with an accompanying paper); to the Committee on Public Works.

##### STUDY OF DEEP-DRAFT PORTS AND HARBOR PLANS

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to authorize a Nationwide Study of Deep-Draft Ports and the Preparation of Harbor Plans; to the Committee on Public Works

#### PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

Resolutions of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Finance:

##### "HOUSE RESOLUTION

"Resolution memorializing the Congress of the United States to consider the intent and purposes of the Massachusetts Industrial Finance Authority Act and its relationship to shipbuilding industries"

"Whereas, The Congress of the United States is presently considering legislation that would impose certain restrictions upon the use of tax-exempt industrial development bonds within the commonwealth of Massachusetts and within other states; and

"Whereas, Authority has already been conveyed by the General Court of Massachusetts to the cities and towns of the commonwealth to utilize the industrial revenue bond financing procedure under the terms of Chapter 772 of the Acts of 1967 and has through a companion measure, Chapter 815 of said Acts of 1967, provided a special formula for determining the real estate and personal tax assessments for shipyards financed by industrial revenue bonds; and

"Whereas, H. 1514, Section 107, presently under consideration in the Congress of the United States could cause severe economic problems in certain areas of the commonwealth where industrial expansions, based upon local financing, arrangements and agreements, now in progress, might be indefinitely deferred; and

"Whereas, The Congress of the United States is considering and delineating certain exceptions to the proposed regulations which could alleviate certain of these problems: Therefore, be it

"Resolved, It is the sense of the Massachusetts House of Representatives that the Congress of the United States consider in its deliberations with respect to the restrictions, and exceptions to those restrictions being imposed upon the use of tax-exempt industrial development bonds, of the intent of the General Court of Massachusetts to avail cities and towns of the commonwealth and the industries located therein with a tax-exempt revenue bond financing procedure which has been made available to competing industries in other regions of the country, thereby precluding otherwise inevitable job losses associated with the inequities of allowing low-cost financing for one company and denying that advantage to a Massachusetts competitor; and, be it further

"Resolved, That the Massachusetts House of Representatives respectfully requests the Congress of the United States to take note of the intent in the passage of Chapter 815, Acts of 1967, the so-called Shipyard Classification Act, in making a special exception to shipyards in its classification for taxation purposes or real and personal properties which did in effect establish this procedure to allow General Dynamics Corporation specifically, and any comparable ship manufacturer, the ability to utilize the revenue bond financing procedure for major expansions which might be undertaken in the future, thus signifying the intent and desire of the General Court of Massachusetts to accommodate the growth of one of the largest industrial employers in the commonwealth; and, be it further

"Resolved, This commitment was repeatedly recognized through the course of the year one thousand nine hundred and sixty-seven, during which this bill and its companion measures were introduced, subjected to public hearings, debated, enacted and signed into law; and, be it further

"Resolved, That a copy of these resolutions be transmitted by the Secretary of the Commonwealth to the presiding officers of each branch of Congress and to each Senator and Representative from Massachusetts in the Congress of the United States.

"House of Representatives, adopted, June 6, 1968.

"WILLIAM C. MAIERS,  
"Clerk."

"A true copy. Attest:  
"JOHN F. X. DAVOREN,  
"Secretary of the Commonwealth."

Resolutions of the Senate of the Commonwealth of Massachusetts; to the Committee on Finance:

#### "SENATE RESOLUTION

"Resolution memorializing the Congress of the United States to take note of the intent and purposes involved in its passage of the Massachusetts Industrial Finance Authority Act and its relationship to shipbuilding industries

"Whereas, The Congress of the United States is presently considering legislation that would impose certain restrictions upon the use of tax-exempt industrial development bonds within the commonwealth of Massachusetts and within other states; and

"Whereas, Authority has already been conveyed by the Senate to its cities and towns to utilize the industrial revenue bond financing procedure under the terms of Chapter 772, Acts of 1967 and has through a companion measure, Chapter 815, Acts of 1967, provided a special formula for determining the real estate and personal tax assessments for shipyards financed by industrial revenue bonds; and

"Whereas, H. 1514, Section 107, presently under consideration in the Congress of the United States, could cause severe economic problems in certain areas of the commonwealth where industrial expansions, based upon local financing, arrangements and agreements, now in progress, might be indefinitely deferred; and

"Whereas, The Congress of the United States is considering and delineating certain exceptions to the proposed regulations which could alleviate certain of these problems, if properly construed: Therefore, be it

"Resolved, That the Massachusetts Senate respectfully requests the Congress of the United States, to take and make note in its deliberations with respect to the restrictions (and exceptions to those restrictions) being imposed upon the use of tax-exempt industrial development bonds, of the intent of the Massachusetts Senate to avail its cities and towns and the industries located therein with a tax-exempt revenue bond financing procedure which has been made available to competing industries in other regions of the country, thereby precluding otherwise inevitable job losses associated with the inequities of allowing low-cost financing for one company and denying that advantage to a Massachusetts competitor; and, be it further

"Resolved, That the Massachusetts Senate so convey its intent in passage of Chapter 815, Acts of 1967, the so-called Shipyard Classification Act, in making a special exception to shipyards in its classification for taxation purposes of real and personal properties, did in effect establish this procedure to allow General Dynamics Corporation specifically, and any comparable ship manufacturer, the ability to utilize the revenue bond financing procedure for major expansions which might be undertaken in the future, thus signifying the intent and desire of the Massachusetts Senate to accommodate the growth of one of its largest industrial employers. This commitment was repeatedly recognized through the course of the year one thousand nine hundred and sixty-seven, during which this bill and its companion measures were introduced, subjected to public hearings, debated, enacted and signed into law; and, be it further

"Resolved, That the Secretary of the Commonwealth of Massachusetts transmit forthwith this resolve to the Speaker of the House of Representatives, the presiding officer of the Senate of the United States and to the Senators and Congressmen comprising the congressional Delegation from Massachusetts.

"Senate, adopted, June 5, 1968.

"NORMAN L. PIDGEON,  
"Clerk."

"A true copy. Attest:  
"JOHN F. X. DAVOREN,  
"Secretary of the Commonwealth."

A resolution of the Legislature of the Yap Islands, commending the Honorable PATSY T. MINK, Member of the U.S. Congress; to the Committee on Interior and Insular Affairs.

A letter, in the nature of a petition, signed by Gene Huebener, president, St. Louis Mineral & Gem Society, of Kirkwood, Mo., proposing Plymouth Rock as the National Rock; to the Committee on the Judiciary.

The resolution of William G. Gross, of Fullerton, Calif., praying for the enactment of gun control legislation; to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 2214. A bill for the relief of Arthur Rike (Rept. No. 1334).

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

S. 3679. A bill to amend the act of June 19, 1968 (Public Law 351, 90th Congress).

By Mr. HRUSKA (for Mr. DIRKSEN), from the Committee on the Judiciary, without amendment:

S.J. Res. 181. Joint resolution to authorize the President to designate the week of August 4 through August 10, 1968, as "Professional Photography Week" (Rept. No. 1335); and

H.J. Res. 1302. Joint resolution to authorize the President to issue a proclamation designating the week of October 13, 1968, as "Salute to Eisenhower Week" (Rept. No. 1336).

By Mr. HRUSKA (for Mr. DIRKSEN), from the Committee on the Judiciary, with amendments:

S. 2628. A bill to amend the act entitled "An act to incorporate the National Education Association of the United States," approved June 30, 1906 (34 Stat. 804) (Rept. No. 1341).

(The above bill was subsequently considered and passed.)

By Mr. HART (for Mr. LONG of Missouri), from the Committee on the Judiciary, without amendment:

H.J. Res. 1111. Joint resolution granting the consent of Congress to certain additional powers conferred upon the Kansas City Area Transportation Authority by the States of Kansas and Missouri (Rept. No. 1333).

By Mr. RANDOLPH, from the Committee on Public Works, with amendments:

S. 3418. A bill to authorize appropriations for the fiscal year 1970 and 1971 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes (Rept. No. 1340).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 3514. A bill to authorize the use of the vessel *Mouette* in the coastwise trade (Rept. No. 1339).

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, with amendments:

H. Con. Res. 705. Concurrent resolution to assist veterans of the Armed Forces of the United States who have served in Vietnam or elsewhere in obtaining suitable employment (Rept. No. 1337).

#### JUVENILE DELINQUENCY PREVENTION AND CONTROL ACT OF 1968—REPORT OF A COMMITTEE—SUPPLEMENTAL VIEWS (S. REPT. NO. 1332)

Mr. CLARK. Mr. President, from the Committee on Labor and Public Welfare, I report favorably, with an amendment, the bill (H.R. 12120) to assist courts, correctional systems, and community agencies to prevent, treat, and control juvenile delinquency; to support research and training efforts in the prevention, treatment, and control of juvenile delinquency; and for other purposes. I ask unanimous consent that the report be printed, together with supplemental views.

The PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Pennsylvania.

#### AMENDMENT OF FEDERAL POWER ACT—REPORT OF A COMMITTEE—SUPPLEMENTAL VIEWS (S. REPT. NO. 1338)

Mr. MAGNUSON. Mr. President, from the Committee on Commerce, I report favorably, with amendments, the bill (S. 2445) to amend part I of the Federal Power Act to clarify the manner in which the licensing authority of the Commission and the right of the United States to take over a project or projects upon or after the expiration of any license shall be exercised. I ask unanimous consent that the report be printed, together with the supplemental views of Senators HART, BREWSTER, MOSS, and myself.

The PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Washington.

#### AUTHORIZATION OF FLOOD CONTROL AND MULTIPLE-PURPOSE PROJECTS—REPORT OF A COMMITTEE (S. REPT. NO. 1342)

Mr. RANDOLPH. Mr. President, from the Committee on Public Works, I report favorably an original bill (S. 3710) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes. I ask that the report be printed.

The PRESIDENT pro tempore. The report will be received, and the bill will be placed on the calendar, and the report will be printed.

#### EXTENSION OF AUTHORITY FOR MORE FLEXIBLE REGULATION OF MAXIMUM RATES OF INTEREST OR DIVIDENDS—REPORT OF A COMMITTEE—MINORITY VIEWS (S. REPT. NO. 1343)

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin [Mr. PROXMIER], from the Committee on Banking and Currency, I report favorably, with amendments, the bill (S. 3133) to extend for 2 years the

authority for more flexible regulation of maximum rates of interest or dividends, higher reserve requirements, and open market operations in agency issues. I ask unanimous consent that the report be printed, together with minority views.

The PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from West Virginia.

#### EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, The following favorable reports of nominations were submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

Glenn T. Seaborg, of California, to be a member of the Atomic Energy Commission; and

James T. Ramey, of Illinois, to be a member of the Atomic Energy Commission.

#### BILLS INTRODUCED

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

By Mr. SCOTT:

S. 3701. A bill for the relief of 1st Lt. Kenneth A. Myers, U.S. Air Force Reserve; to the Committee on Armed Services.

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

By Mr. JAVITS (for himself, Mr. SCOTT, and Mr. HATFIELD):

S. 3702. A bill to assist physicians and other professionals in prescribing drugs covered under Federal-State programs, to provide for the preparation and distribution of State drug formularies, and to encourage economy in the prescribing and dispensing of prescription drugs; to the Committee on Labor and Public Welfare.

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

By Mr. HART:

S. 3703. A bill to provide greater opportunity for participation in rulemaking by and on behalf of persons of limited means; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 3704. A bill to amend section 212(B) of the Merchant Marine Act, 1936, as amended, to provide for the continuation of authority to develop American-flag carriers and promote the foreign commerce of the United States through the use of mobile trade fairs; and

S. 3705. A bill to repeal Public Law 88-515; to the Committee on Commerce.

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

By Mr. JORDAN of North Carolina:

S. 3706. A bill to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public building, and for other purposes; to the Committee on Public Works.

By Mr. BYRD of West Virginia (for Mr. WILLIAMS of New Jersey):

S. 3707. A bill to prohibit federally insured banks from voting their own stock and to provide for cumulative voting in federally insured banks; to the Committee on Banking and Commerce.

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

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

S. 3708. A bill to provide for the establishment of the International Peace Institute; to the Committee on Foreign Relations.

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

By Mr. FONG:

S. 3709. A bill to amend the First Morrill Act to permit sums received thereunder to be invested as the State legislatures may prescribe; to the Committee on Agriculture and Forestry.

By Mr. RANDOLPH:

S. 3710. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; placed on the calendar.

(See reference to the above bill when reported by Mr. RANDOLPH, which appears under the heading "Reports of Committees.")

#### S. 3701—INTRODUCTION OF BILL FOR THE RELIEF OF 1ST LT. KENNETH A. MYERS

Mr. SCOTT. Mr. President, I ask unanimous consent to introduce a bill for the relief of 1st Lt. Kenneth A. Myers, U.S. Air Force Reserve, and that the bill be referred to the Committee on Armed Services.

The PRESIDENT pro tempore. The bill will be received; and, without objection, the bill will be referred to the Committee on Armed Services.

The bill (S. 3701) for the relief of 1st Lt. Kenneth A. Myers, U.S. Air Force Reserve, introduced by Mr. SCOTT, was received, read twice by its title, and referred to the Committee on Armed Services.

#### S. 3702—INTRODUCTION OF BILL RELATING TO ESTABLISHMENT AND FILING WITH THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE OF STATE DRUG FORMULARIES

Mr. JAVITS. Mr. President, today I introduce for myself, the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Oregon [Mr. HATFIELD], a proposal which requires each State to establish and file with the Secretary of Health, Education, and Welfare a drug formulary or listing covering the most frequently prescribed drugs paid for under Federal-State matching fund programs. This bill concerns itself with the economic factors of drug usage—specifically with drug prices. It is not to be confused with a drug compendium which would deal with scientific evaluation of drugs.

The three who are introducing this bill are the minority members of the Monopoly Subcommittee of the Small Business Committee, which has for the past year been studying the competitive problems of the drug industry under the chairmanship of the Senator from Wisconsin [Mr. NELSON].

Congress has, through the years, passed many laws authorizing grants of matching funds to the States for the purpose of providing health care, including prescription drugs, for various segments of the population whose members, because of physical, social or economic

handicaps, cannot finance their own health care needs. Existing programs have been created at various times, and each program provides for a different breadth of service coverage than others. Two things are common to all of these programs: First, that State funds are involved; and, second, that administration is largely in the hands of the States, acting under broad guidelines from Federal agencies.

This bill provides that each State shall establish a drug formulary committee, a majority of whose members must be practicing members of the professions, authorized to render services under these programs. The drug formulary committee shall recommend, for the approval of the State director of welfare or other appropriate State official, a list of the most frequently prescribed drugs by generic name and by brand name. This listing or formulary will also show the maximum reimbursement allowed to vendors for each listed drug, or an indication of the cost of each drug to the community pharmacist, in a manner that will clearly reveal the comparative cost of all listed drugs which may be used for similar therapeutic purposes. This bill provides that each State must distribute its drug formulary to all practitioners authorized to prescribe drugs under these programs. The drug formulary may be revised as often as the State deems desirable, but the bill requires that each formulary be revised at least once a year. At the State's option, area formularies, covering different geographical portions of a State, or regional formularies serving the needs of several States, may be adopted.

It will be noted, Mr. President, that this bill requires the listing of approved drugs by their generic name and by their brand name. Providing a quick comparison of drug costs will allow the practitioner to have cost as well as efficacy in mind when prescribing drugs for patients covered under these plans. With the facts of cost differences readily available, I am confident that most physicians will prescribe the most economical drugs, consistent with the needs of their patients. This price information will have a salutary effect on the physician's prescribing for all patients whether or not they are covered under these plans. A physician who is made aware of the price differentials through this formulary will likely apply this knowledge throughout his practice.

Mr. President, it is our judgment after hearing a good deal of testimony that the State or regional formulary approach is more desirable than a national drug formulary which has also been suggested. Thus, it appears to us that in an attempt to lower the costs to the consumer, the national formulary approach would instead perpetuate the nationally known products regardless of price at the expense of the smaller manufacturers whose products are in limited distribution.

If the professional experience and judgment of local practitioners is to be insured, procedures must be acceptable to those who, in the long run, must make these programs work. The administration, supervision, and evaluation of these

joint programs can more efficiently be performed at the local level while responding to local needs. The fact that the States pay for a substantial portion of the cost of these programs would indicate that they should have a major voice in determining which drugs should be in their drug formulary.

Mr. President, the proposal which I introduce today together with Senators SCOTT and HATFIELD will provide practitioners with a ready reference of the drugs which are approved for inclusion in each State's plans.

The practitioner who writes prescriptions for these drugs may use the generic or brand name as he chooses. This bill in no way restricts the physician in the choice of drugs he will prescribe for his patients, and there is no interference with the normal physician-patient relationship.

It does not interfere with the patient's right to patronize the community pharmacy of his choice. This right is guaranteed by other sections of the Social Security Act which will automatically apply to this bill.

One of the serious problems involved in our present health care system has been the long delays commensurate with reimbursement of retail druggists of drug costs. Pennsylvania found that upon institution of a drug formulary system as contemplated by this proposal, invoice payments to vendors were reduced from an average 180 days to 30 days once the plan was in full operation. Auditing would be greatly simplified. Most importantly, drug costs were reduced by over \$1 million in the first 9 months of operations with no pressure placed on physicians except a moderate request to prescribe the lowest cost drug consistent with the patient's needs.

In short, the bill provides only for the listing of drugs in State programs where Federal funds are matched in a manner satisfactory to the State; for the providing of cost comparisons of the listed drugs which will aid the physician in writing prescriptions for his patients. Over 20 States are already operating under these provisions and would have no difficulty in meeting these requirements, even though some may find it necessary to better organize these programs, finding economy and improvement of administration as a result.

Mr. President, our recommendation is in response to the evidence which we have seen and heard relating to the costs of drugs and the differences between those costs when referred to by the generic name and by the trade name.

We think this is the way to do it without regulation or control. We should do it on the basis that the consumer is the best regulator of all—the consumer in this case being the practitioner, his patient, and the State and Federal Government, which contribute to the cost of the drugs.

I send the bill to the desk for appropriate reference and I ask unanimous consent that the bill be printed at this point in the RECORD.

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

will be printed in the RECORD as requested by the Senator from New York.

The bill (S. 3702) to assist physicians and other professionals in prescribing drugs covered under Federal-State programs, to provide for the preparation and distribution of State drug formularies, and to encourage economy in the prescribing and dispensing of prescription drugs, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3702

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding any other provision of law, no Federal grant shall be made to defray any expenses incurred after December 31, 1969, by any State in providing prescription drugs to any person, under any Federal-State matching fund program which provides drugs to needy individuals, unless such State shall have prepared, published, and made available to the practitioners authorized to prescribe drugs under such programs in such State, a drug formulary, with respect to which a certification shall have been made by the State officer designated by the Governor, to the Secretary of Health, Education, and Welfare (hereinafter referred to as the Secretary) as provided in section 2(a).

SEC. 2. (a) The certification referred to in the preceding section means a certification by a State officer designated by the Governor certifying that—

(1) such formulary was prepared by, and the contents thereof were approved by, a competent formulary committee, the membership of which included individuals having expertise in the rendering of professional services under, or in the administration of, State-Federal financed health programs, and a majority of the members of which are practicing members of the professions authorized to render professional services under such programs;

(2) such formulary contains a listing by generic and brand names of the drugs which are most frequently prescribed and approved by the formulary committee in the State for needy individuals receiving drugs under State programs in which Federal financial participation is authorized;

(3) such formulary indicates, with respect to each drug listed therein, (i) the maximum reimbursement which will be paid (under State programs in which there is Federal financial participation) to vendors for each listed product or (ii) the usual cost thereof when obtained by community pharmacists in usual quantities from the most frequently used source of supply for such drug, or (iii) a cost index or a ratio of drug costs (to community pharmacists) which clearly indicates the degree of cost variations existing between listed drugs used for comparable therapeutic purposes;

(4) adequate provision has been made by the State for the distribution of copies of such formulary and revisions thereto among physicians and other appropriate individuals in the State;

(5) such formulary will be revised from time to time (but not less than one each 12 months) so as to include therein new drugs approved for inclusion and to reflect current information as to drug costs; and

(6) the State has made adequate provision for appeal from the decision of the formulary committee by any party at interest as to the inclusion or exclusion of any generic or branded product in the formulary.

(b) If the State deems the same to be desirable, it may submit to the Secretary a

separate formulary for any particular area of the State, which formulary shall be subject to the same certification requirements as those set forth in subsection (a).

SEC. 3. No certification with respect to a drug formulary of any State shall be effective until a copy of such formulary shall have been filed with the Secretary. Any certification with respect to a drug formulary shall cease to be in effect if, within a reasonable time after any revision or modification of, or addition to, such drug formulary, a copy of such drug formulary which contains such revision, modification, or addition is not filed with such Secretary.

SEC. 4. For purposes of this Act—

(a) the term "generic name", when used in connection with any drug, means the "established name" of such drug as that term is defined in section 502(e) of the Federal Food, Drug, and Cosmetic Act, and

(b) the term "brand name", when used in connection with any drug or drug product, means any name or term or a combination of these (including a trademark or a proprietary name) which serves clearly to identify such drug or drug product as the product of a particular manufacturer, packager, or distributor.

Mr. HATFIELD. Mr. President, as I have studied the evidence presented covering the problems of the prescription drug industry, I have become convinced that one of the major problems is one of communication between the drug manufacturers and the physicians who prescribe the products of these manufacturers. This communication gap has two components: economic communication and scientific communication. The bill to provide for State drug formularies, which I am today jointly sponsoring with Senator JAVITS and Senator SCOTT, will help bridge the existing gap in economic communication.

This bill makes available to the physician a ready comparison of the prices to the consumer of drugs that have similar therapeutic activity. The list of drugs or the formulary will not be the result of decisions made in Washington by a board or bureau far removed from the practices of the locality where the drugs are to be prescribed. The proposed formulary will be a State formulary whose products will be selected by State committees representative of professional members of the health team who are treating patients under State-Federal matching funds programs. In other words, the practicing physicians in a State will have a determining voice as to which products will be listed. These listed products will have the maximum reimbursable cost to the consumer listed or the cost to the community pharmacist. With this price information readily available, physicians will prescribe the most economical drugs which, in their professional judgment, meet the needs of their patients. This bill does not compel physicians to prescribe drugs that may in their professional judgment be less desirable for their patients. It merely supplies additional knowledge regarding the cost of drugs prescribed.

Physicians very logically are primarily concerned with the health of their patients. They are anxious to relieve pain, suffering and disease. Their first concern is the physical welfare of their patients and they are to be commended for this attitude. By supplying usable price com-

parisons of drugs we would be making it easier for practicing physicians to prescribe drugs with both therapeutic and economic considerations in mind.

The State drug formulary proposed in this bill will apply only to State-Federal programs. This will result in economies to the State and the Federal Government, as the experience of the Commonwealth of Pennsylvania has shown. In addition, the knowledge of prices gained by physicians will lead to economical prescribing by physicians throughout their practices.

My State of Oregon has such a formulary in operation at the present time. The State welfare department and the practicing physicians of our State designate the products to be included. This system of listing the covered drugs has not been found burdensome or an interference with the right of physicians to prescribe the drugs of their choice.

The gap in scientific communication results in major part from the rapid advance made in drug industries in the past two decades. Scientific advances have been made at a more rapid rate than they have been effectively communicated. The solution to this problem will not be found until a thorough study of the needs of the practicing physician regarding drug prescribing has been made and his suggestions received as to how these needs can best be met. At the request of Senators JAVITS, SCOTT, and myself, the American Medical Association, the pharmaceutical manufacturers and the Food and Drug Administration have these problems under current study.

Mr. SCOTT. Mr. President, I am pleased to join my able and distinguished colleagues, the Senator from New York [Mr. JAVITS] and the Senator from Oregon [Mr. HATFIELD] in introducing a bill establishing State drug formularies.

Our bill requires each State to establish and file with the Secretary of Health, Education, and Welfare a drug formulary covering the most frequently prescribed drugs paid for under Federal-State matching fund programs. It provides that each State shall establish a drug formulary committee, a majority of whose members must be practicing members of the professions authorized to render service under these programs. The drug formulary committee shall recommend, for the approval of the State officer designated by the Governor, a list of the most frequently prescribed drugs by brand name and by generic name. This listing or formulary will also show the reimbursement allowed to vendors for each listed drug, or an indication of the cost of each drug to the community pharmacist, in a manner that will clearly reveal the comparative cost of all listed drugs which may be used for similar therapeutic purposes. Our bill provides that each State must distribute its drug formulary to all practitioners authorized to prescribe drugs under these programs. The drug formulary may be revised as often as is deemed desirable, but our bill requires that each formulary be revised at least once annually. At the State's option, area formularies, covering different geographical portions of a State, or regional formularies serving the needs of several States, may be adopted.

Having outlined the essence of our bill, let me now say what it does not do. It does not force physicians to alter their practices in prescribing drugs for patients covered under these programs. It does not require physicians to prescribe by brand name or by generic name. Finally, it does not provide the amount of payment that will be made for prescription drugs, nor the method of pricing to be employed.

I should like to emphasize, Mr. President, that our bill leaves to the States the right to say which drugs will be covered and what prices will be paid for the drugs prescribed under these programs. No Federal intervention is authorized or contemplated. While our bill requires each State to file with the Secretary of Health, Education, and Welfare a formulary of the most frequently prescribed drugs under these programs, it leaves to each State the decision as to the selection of drugs, thereby insuring that the drugs selected will be in conformity with the practices of the States or regions covered by the formulary.

I am glad to report to the Senate that the Commonwealth of Pennsylvania already has the type of drug formulary contemplated in the bill which we are introducing today. It is widely acclaimed as a very helpful instrument by practicing physicians, pharmacists, and the administrators of our State welfare programs. The Pennsylvania drug formulary is not only helpful to those participating in these matching fund programs, but is simple to operate and leads to economy in drug usage.

Practicing physicians and others concerned with federally assisted Pennsylvania welfare programs have made themselves available to serve on the formulary committee. Since practicing physicians compromise a majority of the committee, their practices and desires are given every consideration, thus resulting in a cooperative relationship between the practicing physicians and the Department of Public Welfare. A systematic listing of drugs in the Pennsylvania formulary has substantially reduced the clerical efforts required to audit and prepare invoices for payment. Prior to the establishment of the Pennsylvania drug formulary, 5 to 6 months was required between the rendering of service by the pharmacist and the receipt of payment for these services. This time lag has been reduced so that normal payment can be expected within 30 to 45 days. The Commonwealth of Pennsylvania's drug costs were reduced by nearly \$1 million during the first 9 months of the drug formulary's use.

The Department of Public Welfare of the Commonwealth of Pennsylvania has advised me that there is no undue burden in the construction of the formulary or in its maintenance. A single pharmacist, spending about one-fifth of his time on the formulary, can do all that is required for its current maintenance. Moreover, the simplification of work may allow the assignment of a pharmacist already on the staff.

I commend to the attention of Senators and other interested parties this measure which Senators JAVITS, HATFIELD, and I are introducing today. I am

confident that with the knowledge derived from the drug formulary required by our bill, the physician will prescribe the most economical drug which, in his professional opinion, meets the need of his patients.

#### S. 3704—INTRODUCTION OF BILL TO CONTINUE AUTHORITY TO DEVELOP AMERICAN-FLAG CARRIERS

Mr. MAGNUSON. Mr. President, I introduce at the request of the Secretary of Commerce a bill to amend section 212 (B) of the Merchant Marine Act, 1936, as amended, to provide for the continuation of authority to develop American-flag carriers and promote the foreign commerce of the United States through the use of mobile trade fairs.

I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks the letter of transmittal from the Secretary of Commerce together with a statement of purpose and need.

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

The bill (S. 3704) to amend section 212 (B) of the Merchant Marine Act, 1936, as amended, to provide for the continuation of authority to develop American-flag carriers and promote the foreign commerce of the United States through the use of mobile trade fairs, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter and statement, presented by Mr. MAGNUSON, are as follows:

HON. HUBERT H. HUMPHREY,  
President of the Senate,  
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: There are enclosed four copies of a draft bill "To amend section 212(B) of the Merchant Marine Act, 1936, as amended, to provide for the continuation of authority to develop American flag carriers and promote the foreign commerce of the United States through the use of mobile trade fairs," together with four copies of a statement of purpose and need in support thereof.

We are advised by the Bureau of the Budget that there would be no objection to the submission of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

C. R. SMITH,  
Secretary of Commerce.

#### STATEMENT OF PURPOSE AND NEED

Section 212(B) of the Merchant Marine Act, 1936, directs the Secretary of Commerce to encourage and promote the development and use of mobile trade fairs displaying American products abroad. The section also authorizes the Secretary to provide technical assistance and support to operators of such fairs and reimburse them for certain expenses incurred abroad. The section requires that to be eligible for the benefits of the section, the mobile fair operator must use U.S. flag carriers exclusively for sea and air transportation.

Appropriations for the Mobile Trade Fair program under the Merchant Marine Act were authorized by Public Law 87-839, approved October 18, 1962, for a period of three years in an amount not to exceed \$500,000

per fiscal year. Public Law 89-66, approved July 7, 1965, extended the appropriation authorization for an additional three year period, expiring on June 30, 1968.

The draft bill would continue the authority for annual appropriations for an additional three years through fiscal 1971. For fiscal 1969 the bill would authorize appropriations of \$175,000 (the budget request for fiscal year 1969 is \$166,000). For fiscal years 1970 and 1971 the bill would authorize such amounts as may be necessary. This would provide flexibility and permit expansion of the program as necessary to promote our export markets.

The results achieved in the six years this program has been authorized have demonstrated the effectiveness of the program in promoting the sale abroad of products of U.S. business and agriculture. Because of the growth in the interest of the business and agricultural community in this program, and the continuing need to promote export expansion to aid our balance of payments, we urge the proposed extension of this authority for an additional three years.

#### S. 3705—INTRODUCTION OF BILL TO REPEAL PUBLIC LAW 88-515

Mr. MAGNUSON. Mr. President, by request of GSA, I introduce a bill to repeal Public Law 88-515. I ask unanimous consent that a letter from Mr. Knott, Administrator of GSA, explaining the reason for the repeal be printed at this point in the RECORD.

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

The bill (S. 3705) to repeal Public Law 88-515, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter, presented by Mr. MAGNUSON, is as follows:

GENERAL SERVICES ADMINISTRATION,  
Washington, D.C., June 19, 1968.  
HON. HUBERT H. HUMPHREY,  
President of the Senate,  
Washington, D.C.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation "To repeal Public Law 88-515."

This proposal is a part of the legislative program of the General Services Administration for the 90th Congress, 2nd Session.

The proposed legislation would repeal Public Law 88-515, approved August 30, 1964, 78 Stat. 696. Public Law 88-515 prohibits the Federal Government, with certain exceptions, from purchasing any motor vehicle not conforming to the requirements of safety standards issued thereunder by the Administrator of General Services. Pursuant to this authority, such standards were issued as Federal Standards No. 515 and published in the Federal Register on June 30, 1965, and revisions and additions thereto were published in the Federal Register on July 15, 1966 (30 F.R. 8319, 31 F.R. 9628; 41 CFR 101-29.3).

The National Traffic and Motor Vehicle Safety Act of 1966, 80 Stat. 718, prohibits the sale in interstate commerce, with certain exceptions, of any motor vehicle not conforming to standards issued by the Secretary of Transportation thereunder. Such standards have now been issued.

We are of the opinion that with the passage of the National Traffic and Motor Vehicle Safety Act of 1966 and the issuance of motor vehicle safety standards thereunder, there is no longer any need for special authority in the Administrator to prescribe safety standards for Federal Government vehicles. The legislative history of Public

Law 88-515 indicates that the two major purposes of enacting the legislation were as follows:

"First, to provide maximum safety protection to passengers in federally owned motor vehicles; and second, to set a national example for the public which would encourage greater use of available proven safety devices on automobiles." CONGRESSIONAL RECORD, volume 110, part 12, page 16479.

Both of these functions are now served by the DOT standards. We believe that the DOT standards are adequate to meet the Government's safety requirements and that unnecessary duplication of the function of issuing such standards should be eliminated. In recognition of the issuance of safety standards by DOT, GSA has revoked Federal Standard No. 515.

The enactment of this proposed legislation would not increase the expenditure of Federal funds. On the contrary, the elimination of duplication of functions should tend to reduce such expenditure.

GSA urges prompt and favorable consideration of this draft bill.

The Bureau of the Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this proposed legislation to the Congress.

Sincerely yours,  
LAWSON B. KNOTT, Jr.,  
Administrator.

#### S. 3707—INTRODUCTION OF BILL RELATING TO CORPORATE DEMOCRACY FOR BANKS

Mr. BYRD of West Virginia. Mr. President, in the absence of the Senator from New Jersey [Mr. WILLIAMS], I ask unanimous consent that I may be permitted to have printed in the RECORD a statement by the Senator from New Jersey entitled "Corporate Democracy for Banks," and that I may also be permitted to introduce for him a bill to prohibit federally insured banks from voting their own stock and providing for accumulative voting in federally insured banks.

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

The bill (S. 3707) to prohibit federally insured banks from voting their own stock and to provide for cumulative voting in federally insured banks, introduced by Mr. BYRD of West Virginia (for Mr. WILLIAMS of New Jersey), was received, read twice by its title, and referred to the Committee on Banking and Currency.

The statement, ordered to be printed in the RECORD, is as follows:

STATEMENT OF SENATOR WILLIAMS OF NEW JERSEY

This bill, which I am today introducing, would strengthen the Federal Deposit Insurance Program by providing for cumulative voting of stock in all federally insured banks and by prohibiting such banks from voting their own stock. By cumulating their votes in the election of directors, a group of minority stockholders could vote together and elect a member to the bank's board of directors. Such cumulative voting is now required for national banks. This bill would extend the same protection to all federally insured banks. Cumulative voting for the election of directors is vital to corporate democracy and the rights of minority stockholders.

The bill would also safeguard the high banking standards which are so important

to the Federal Deposit Insurance program by prohibiting an insured bank from directly or indirectly exercising control over the voting rights of its capital stock, including that held in its trust department. The practice of banks voting their own stock, coupled with the unavailability of cumulative voting in state banks, practically disenfranchises the outside shareholders.

In many cases, annual meetings of shareholders are nothing more than a meaningless ritual. This is not a healthy climate for the safety of bank deposits. The democratic election of bank directors required under this bill would provide meaningful protection for the safety of deposits.

#### S. 3708—INTRODUCTION OF BILL TO ESTABLISH AN INTERNATIONAL PEACE INSTITUTE

Mr. HARTKE. Mr. President, I introduce today a bill to establish an International Peace Institute that would train young men and women for leadership in the nonviolent resolution of international conflict and the expansion of socioeconomic cooperation among nations.

It has long been my belief that our Nation should remodel many of our established institutions and build new ones—governmental, civic, and educational institutions—that would be involved in international affairs whether it be in the expansion of food resources, the eradication of disease, or in the sponsorship of interchanges among scholars. Certainly, we have seen in the post-World War II period a proliferation in this country of such institutions and organizations; we have seen a burst of interest and participation in international activities. This interest must be continued; it must be cultivated. We must further build and develop institutions that direct the attention and energies of our people toward the achievement of international harmony.

For the sake of national security, our people have strongly and persistently supported the growth of institutions for defense and war from those related to education and research to those associated with weapons development and troop deployment. While these institutions have been established in the name of national defense and international peace, they embody an essentially negative approach. Thus, we train men and women in the arts of war in the hope that this will make war unnecessary. There are service academies to provide quality personnel to our military; there are training and educational programs from officer candidate schools to the National War College.

I do not speak against these training institutions; we have found them to be necessary and valuable. But I do call for an equal emphasis in the building of institutions that promote international cooperation and peaceful international relations—that is, institutions which approach peace in a positive way.

I submit that the positive path is ill-defined and difficult to follow. But we must search for that path with the same vigor with which we seek technological breakthroughs in weapons development. It is far too easy to let our foreign policies slip into negative military responses

to situations of national instability and international crisis because of insufficient inventiveness and persistence in finding other directions for our policies. Our present Vietnam predicament should be ample lesson to us on this very point.

We must teach and train our young people in the arts of peace. In this task, there is no magic curriculum, just as there is no magic path to peace. Much is relevant from the sciences of agriculture, oceanography, and medicine, to the arts of diplomacy. The effort required is great, as is the challenge. The institute I propose today is one more step in meeting that challenge.

It is incumbent on enlightened people everywhere to foster a greater respect for human life and human dignity, to pledge ourselves to the nonviolent resolution of conflict, to renew our efforts to achieve international peace with justice. There are many in this country who have provided leadership for the fulfillment of these goals. It would be appropriate for us to name the proposed International Peace Institute after one of those leaders. As Congress considers the merits of this legislation, I would ask that it consider the late Martin Luther King, Jr., as the man whose name the institute should bear.

#### CHARACTER OF THE INSTITUTE

The International Peace Institute would provide one year of schooling and would require an additional year commitment by the students to work in appropriate U.S. Government agencies, international organizations, or private foundations.

Students would be selected by competitive examinations and would be required to hold a bachelor's degree or its equivalent. Initially, the number of students would be limited to 150.

The Institute would be established at the direction of the Secretary of Health, Education, and Welfare, who would work in conjunction with a board of trustees. In addition to the Secretary, the Board would include two prominent educators, two Senators, two Representatives, and one member from each of the following governmental bodies: the U.S. Arms Control and Disarmament Agency, the Atomic Energy Commission, the Peace Corps, the Federal Council on the Arts and the Humanities, and the National Academy of Sciences.

The Secretary of Health, Education, and Welfare would prescribe the course of instruction and training which would be geared to graduate-level work acceptable for credit toward a graduate degree at accredited colleges and universities. The Institute, however, would not award degrees.

The Secretary would also appoint the staff, utilizing where valuable the officers of the Federal Government in addition to professional academicians. It is my hope and expectation that the Institute would by no means limit itself to a permanent staff but, rather, would draw upon the best men and women in our universities and in our Government for limited periods of service to the Institute.

Mr. President, I ask unanimous consent that the name of the Senator from Rhode Island [Mr. PELL] be added as a cosponsor of this measure.

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

Mr. HARTKE. Mr. President, I ask unanimous consent that the bill be printed in the RECORD and that it be appropriately referred.

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

The bill (S. 3708) to provide for the establishment of the International Peace Institute, introduced by Mr. HARTKE (for himself and Mr. PELL), was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

#### S. 3708

*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 "International Peace Institute Act".*

#### ESTABLISHMENT OF INSTITUTE

SEC. 2. The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized and directed to establish and maintain a United States institute to furnish training and instruction to prepare citizens of the United States for service in positions or programs relating to the field of promoting international understanding and peace. Such institute shall be known as the "International Peace Institute" (hereinafter referred to as the "Institute").

#### OFFICERS, STAFF, AND INSTRUCTORS

SEC. 3. (a) The Secretary may appoint or assign, on a full- or part-time basis, such officers, staff, and instructors as the needs of the Institute require.

(b) The Secretary may assign or detail, on a full- or part-time basis and with the consent of the head of the Government department or agency concerned, any officer or employee of the Government to serve on the faculty or staff of the Institute. During the period of his assignment or detail, such officer or employee shall be considered as remaining in the position from which assigned or detailed.

#### SUPERVISION OF INSTITUTE

SEC. 4. The supervision and charge of the Institute shall be under such officer or officers as the Secretary may appoint for or assign to that duty, and under such regulations as the Secretary may prescribe.

#### BOARD OF TRUSTEES

SEC. 5. (a) In the operation of the Institute the Secretary shall work in conjunction with a Board of Trustees, which shall consist of twelve members, as follows—

- (1) the Secretary;
- (2) two Members of the United States Senate, of different political parties, appointed by the President of the Senate;
- (3) two Members of the House of Representatives of different political parties, appointed by the Speaker of the House of Representatives;
- (4) one member from the United States Arms Control and Disarmament Agency, who shall be the Director or his designee;
- (5) one member from the Atomic Energy Commission, who shall be the Chairman or his designee;
- (6) one member from the Peace Corps, who shall be the Director or his designee;
- (7) one member from the Federal Council on the Arts and the Humanities, who shall be the Chairman or his designee;
- (8) one member from the National Academy of Sciences, to be appointed by the President after consultation with the President of the Academy; and
- (9) two educators of prominence appointed by the President.

(b) Members of the Board of Trustees shall be appointed for two-year terms and shall be eligible for reappointment.

(c) The Board shall visit the Institute annually. With the approval of the Secretary, the Board or its members may make other visits to the Institute in connection with the duties of the Board.

(d) The Board shall inquire into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Institute that the Board decides to consider.

(e) Within sixty days after its annual visit, the Board shall submit a written report to the President of its action, and of its views and recommendations pertaining to the Institute. Any report of a visit, other than the annual visit, shall, if approved by a majority of the members of the Board, be submitted to the President within sixty days after the approval.

(f) While performing his duties, each member of the Board shall be reimbursed under Government travel regulations for his travel expenses.

#### ADMISSION OF STUDENTS

SEC. 6. (a) The authorized number of students at the Institute shall be one hundred and fifty.

(b) The Institute shall operate as a co-educational institution and students shall be selected for admission to the Institute on the basis of merit, as determined by a competitive examination to be given annually in each State, the District of Columbia, and the Commonwealth of Puerto Rico, at such time, in such manner, and covering such subject matter as the Secretary may prescribe.

(c) No individual shall be eligible for admission to the Institute unless he is a citizen of the United States who has been awarded a bachelor's degree upon graduation from a college or university located in the United States or a degree which the Secretary determines is generally recognized as the equivalent of a bachelor's degree upon graduation from a college or university located in a foreign country.

#### STIPENDS AND TRAVEL AND TRANSPORTATION ALLOWANCES

SEC. 7. Each student of the Institute shall be entitled to receive—

- (1) a stipend in an amount determined by the Secretary to be within the range of stipends or fellowships payable under other Government programs providing for the education or training of graduate students; and
- (2) reasonable travel and transportation allowances, including transportation for his immediate family, household goods, and personal effects, under regulations prescribed by the Secretary, but such allowances shall not exceed the allowances payable under section 5723 of title 5 of the United States Code.

#### COURSE OF INSTRUCTION AND TRAINING

SEC. 8. (a) The course of instruction and training for students at the Institute shall be prescribed by the Secretary, shall be for a period of one year, and shall, insofar as consistent with the purposes of this Act, be graduate-level work acceptable for credit towards a graduate degree at accredited colleges and universities. In prescribing such course of instruction and training, the Secretary shall provide that special emphasis be placed on such studies as will best prepare students for leadership in the nonviolent resolution of international conflicts and in the promotion of international understanding and peace. Upon satisfactory completion of the prescribed course of instruction and training, students shall be awarded a Federal certificate of participation.

(b) The course of instruction and training at the Institute shall, during each year of its operation, be organized as prescribed by the Secretary, except that one month of each

such year shall be devoted to annual leave for all students.

#### AGREEMENTS BY STUDENTS

SEC. 9. Each student selected for admission to the Institute shall sign an agreement that, unless sooner separated, he will—

(1) complete the course of instruction at the Institute; and

(2) accept, if offered, an appointment and service, as an officer or employee of the United States or, in the discretion of the Secretary, employment with an international organization or private agency or foundation determined by the Secretary to be engaged in activities relating to the promoting or achieving of international understanding and peace, in any position for which such student is qualified by reason of his special training at the Institute, for at least the one-year period immediately following the awarding of his certificate from the Institute or the completion by him of any period of full-time graduate study approved by the Secretary.

#### AUTHORIZATIONS; ACQUISITION OF PROPERTY

SEC. 10. (a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

(b) The Institute shall have power to acquire and hold real and personal property and may receive and accept gifts, donations, and trusts.

#### ADDITIONAL COSPONSOR OF BILLS AND JOINT RESOLUTION

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Maryland [Mr. TYDINGS], I ask unanimous consent that at the next printing of (S. 3634), to enact the Gun Crime Prevention Act of 1968, the name of the Senator from Pennsylvania [Mr. SCOTT] be added as a cosponsor.

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

Mr. JAVITS. Mr. President, I ask unanimous consent that, at their next printing, my name be added as a cosponsor of three bills concerning agriculture:

S. 2972, introduced by Senator TALMADGE, would establish a nationwide marketing order for table eggs to be preceded by a referendum amongst poultrymen.

I urge support for this bill which does much to alleviate the continuing price problems which is causing an alarming number of poultrymen to be driven out of business.

S. 3638, introduced by Senator MONROYA which would extend for 3 years the authority to make indemnity payments to dairy farmers who have to withhold milk from commercial markets. Chemicals which are used to dust crops often contaminate feed, which in turn passes on into the milk. It is important that we continue to indemnify these dairy farmers who must dispose of their milk due to this contamination.

S. 1567, introduced by Senator NELSON, would make low-interest long-term loans available to young farmers.

I am quite concerned with the need to provide incentives to young farmers to take up farming. As the average age of farmers is now, it becomes more crucial that we make every effort to attract the young to agriculture. In addition, we are quite aware of the effect of rural migration on the urban crisis.

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

Mr. MOSS. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Oklahoma [Mr. HARRIS], the Senator from New Jersey [Mr. WILLIAMS], the Senator from Montana [Mr. METCALF], and the Senator from Indiana [Mr. BAYH] be added as cosponsors of the joint resolution (S.J. Res. 94), creating a Joint Committee to Investigate Crime.

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

#### SENATE JOINT RESOLUTION 179—ORDER FOR STAR PRINT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a star print be made of Senate Joint Resolution 179, with the modification I submit.

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

#### SENATE RESOLUTION 310—RESOLUTION TO PROVIDE FUNDS TO MEET INVESTIGATION PAYROLL FOR JUNE 1968

Mr. PASTORE submitted a resolution (S. Res. 310) to provide funds to meet investigation payroll for June 1968, which was considered and agreed to.

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

#### ANNOUNCEMENT OF HEARING—S. 3062, COURT ADMINISTRATOR

Mr. TYDINGS. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce that the subcommittee will hold hearings on S. 3062, a bill to provide for the appointment of an administrator of the courts for each judicial circuit, at 9:30 a.m., Tuesday, July 16, 1968, in the District of Columbia Committee hearing room, 6226 New Senate Office Building.

#### NOTICE OF HEARING ON OLDER AMERICANS ACT AMENDMENTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to have printed in the RECORD, on behalf of the Senator from New Jersey [Mr. WILLIAMS], a statement which he was to make at the request of the Senator from Massachusetts [Mr. KENNEDY] concerning hearings scheduled on the Older Americans Act amendments.

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

#### STATEMENT OF SENATOR WILLIAMS OF NEW JERSEY

At the request of Senator EDWARD KENNEDY—in his capacity as chairman of the Special Subcommittee on Aging, Committee on Labor and Public Welfare—I am calling a hearing by that Subcommittee on Senate bill S. 3677 on Monday, July 1, at 11 a.m. in room 4221, New Senate Office Building. The bill, which I introduced at the request of the administration, includes several amendments to the Older Americans Act of 1965. Testimony will also be taken at that time on an amendment requiring the Commissioner of the Ad-

ministration on Aging to report directly to the Secretary of Health, Education, and Welfare. I introduced this amendment, on my own initiative, with Senator KENNEDY as a cosponsor, as a result of criticism of the reorganization plan announced by HEW last year. Under terms of that plan, the AOA became a unit in the new Social and Rehabilitation Service.

#### EXTENSION OF TIME FOR COMMITTEE ON PUBLIC WORKS TO FILE REPORTS AND MINORITY VIEWS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Public Works have until midnight Saturday, June 29, 1968, to file reports on a bill on rivers and harbors and flood control and on S. 3418, together with minority views, if any.

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

#### ORDER FOR RECOGNITION OF SENATOR JACKSON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Washington [Mr. JACKSON] may speak for 10 minutes during the period for the transaction of routine morning business.

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

#### SUPREME COURT NOMINATIONS

Mr. PASTORE. Mr. President, I have always thought it a salutary provision of the Constitution that judges of the Federal Supreme Court are appointed for life—and removable only by impeachment.

This means that in the continuity of history it is not likely that the composition of the Court will reflect the prevailing political majority at any given moment—or be abjectly responsive to that majority.

The power of appointment of judges to the Supreme Court is vested in the President of the United States as long as he is President—with the power of advice and consent reserved to the Senate.

When a vacancy occurs in the Supreme Court, it must be filled. A President cannot and should not divest himself of that responsibility—and no one can deprive him of his authority.

By the same token, all of us in the present Senate have a constitutional right and responsibility to act on appointments and legislation that will cover the future—even though some of our colleagues have expressed an intention of not serving beyond the current session.

No one can deprive or should seek to deprive this Senate, as presently constituted, of its privilege and its duty in the present circumstances—exercising its authority in the dignified and decent manner that makes for law and order in a democracy—and the procedure should certainly not be subjected to filibuster.

Yet, word is abroad that a filibuster is in the air to deprive the President of his right and obstruct him in his duty.

The opposition is not directed against

the fitness of the nominees but only against the constitutional prerogative of a President who holds office until January 20, 1969.

President Johnson—the 13th to have opportunity to appoint a Chief Justice of the Supreme Court—has made known that he does not desire or intend to be President beyond that date.

Therefore the composition of the Court is of no immediate import to his Presidency.

A dozen years ago—in an election year like this—a high Republican officeholder spoke of Chief Justice Warren as a Republican Chief Justice.

To inquiring newsmen at his press conference, President Eisenhower delivered a dignified rebuke we should remember today. He said:

Once a man becomes a Justice of the Supreme Court, he is an American citizen and nothing else.

To illustrate the reasoned rejection of this filibuster move, I will borrow the language of my hometown newspaper, which is independent in its outlook. This is the thinking of the Providence Journal editorial of Wednesday, June 26:

Some key Republican Senators have begun an effort to block a new appointment by President Johnson in the hope that a Republican victory this November would permit the strengthening of the Court's more conservative wing.

Only the desire for political gain motivates those so inclined. Mr. Johnson has every right to exercise his appointive power before leaving office and, in fact, would be subject to criticism from all Americans if a vacancy were left for months in the court until the inauguration of a new president next January.

And I say that we of the Senate will be subject to greater criticism if we play so loosely with the orderly process, especially when it involves our courts.

Mr. MANSFIELD. Mr. President, I have listened with great interest and respect to the statement just made by the distinguished senior Senator from Rhode Island. I agree with him completely.

The President is not a lameduck President; because if one were to carry that sort of shallow reasoning to its conclusion, any time a President was elected to a second term he would become a lameduck on the first day of the beginning of his second term. The President is acting within his constitutional rights and responsibilities. If he did not make these nominations available to the Senate, as he has, I think he would be shirking that responsibility.

I hope that the Senate will look upon this selection not as a "Democratic Chief Justice to be," as a certain nominee of a certain other party today said. Some years ago in regard to Chief Justice Warren, it was said that he was a "Republican Chief Justice." President Eisenhower put the case as clearly, succinctly, and patriotically as he could when he said that Earl Warren was an American Chief Justice.

In his letter of resignation—and I would put the word "resignation" in quotes—the Chief Justice of the United States made the following statement:

I hereby advise you of my intention—

I repeat—"my intention"—

to retire as Chief Justice of the United States effective at your pleasure.

I repeat—"effective at your pleasure." The President, in his reply to the Chief Justice, said:

With your agreement, I will accept your decision to retire effective at such time as a successor is qualified.

I repeat—"effective at such time as a successor is qualified."

As I see it, the Senate will be faced with the choice of accepting Justice Abe Fortas or the very strong possibility, and in my opinion, very strong hope, that the present Chief Justice will continue and will be on the Court next October when it reconvenes, because the vacancy should not be allowed to go unfilled.

I would hope that the Senate would not make a partisan political issue out of this matter. It is too important. I would hope that Senators understand the prerogatives of a President. I would hope that they respect that office, and that Senators would act in a dignified and responsible manner.

Mr. PASTORE. Mr. President, if I may add a rejoinder, I go beyond the word "shallow." The Senator is being kind and generous. I think the term is "idiotic."

We have in the Senate five Senators who have said they are not returning in January. Does that mean they must remain mute and not cast a vote? Of course not. What would the people back home say? As long as a person is a Senator, it is his responsibility to stand up and conduct himself as a Senator. As long as a person is the President, he has an obligation to the people of this country to act as the President.

Does anyone mean to tell me that if the Russians or the Red Chinese shot a missile over here Mr. Johnson should sit idly by and say, "We will wait for the new President to make a decision as to what we are going to do about it"? How stupid can we become?

#### CONFIRMATION OF JUSTICE FORTAS

Mr. SYMINGTON. Mr. President, some Senators have suggested that they will endeavor to defeat the nomination of Mr. Justice Fortas to be Chief Justice of the United States; and they are, of course, entitled to do so if they honestly believe the nominee to be unqualified. In my opinion, however, there can be no argument about his unusually fine qualifications for this highest judicial office.

Not even the objectors have argued seriously that Justice Fortas is not suited for this position. They argue instead that this is the act of a "lameduck" President and that it is somehow improper for President Johnson to select at this time a Chief Justice of the United States. This contention is, I believe, contrary to language, logic, and the sound administration of our system of divided executive and legislative powers.

Insofar as language is concerned, it is clear that this is in no sense a "lameduck" appointment. That term has meaning only as applied to a President defeated at the polls, whose successor has already been selected by the people and who awaits only the formality of inauguration. President Johnson, by his own act of self-denial, has determined the date on which his term of office will

cease. His successor, however, has not as yet been determined by the people and, in fact, has not yet even been nominated.

As used by the opponents of the nomination, therefore, every President of the United States becomes a "lameduck" as soon as he takes office. Under the 22d amendment, it is certain that at the end of two terms he will leave that office.

Nor does the description make any more sense if it is confined to the years of a President's final term. The fact that he cannot run again doesn't make him a "lameduck" President—for 4 years, or for any part of the 4 years.

The logic used by those who challenge President Johnson's right to name a Chief Justice during his final year as President would label as "lameduck" appointees many great Justices of the past and some now sitting. President Eisenhower did not await the verdict of the voters in his campaign for reelection in October of 1956, when he appointed Justice William Brennan. He named Justice Potter Stewart to the Court in October of 1958, when it was certain that he would no longer be President after the completion of that second term of his Presidency. And the fact that President Johnson's final term of office has 7 rather than 27 months to run does not lessen his right, and indeed his duty, to continue to exercise the authority of his office.

Certainly nothing in the Constitution of the United States can justify calling into question the propriety of the continued exercise of the executive power of the President throughout all the months in which he holds office. Article II, section 1, vests in him the executive power and provides that he shall hold his office "during the term of 4 years." Article II, section 2, specifies:

He shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the Supreme Court.

The language of the Constitution is clear and mandatory. For a President to fail to fill vacancies in the Supreme Court of the United States as they arise would, indeed, be an abdication of his responsibilities under that Constitution.

Accordingly, it is the duty of the Senate to consider the nomination of Justice Fortas, as well as the nomination of Judge Thornberry, on the merits of the man. Considered in this light, I am confident that they will receive the overwhelming support of the Senate.

Insofar as the nominee for Chief Justice is concerned, I am entirely confident that Mr. Fortas will be a distinguished Chief Justice of the United States. He has been a member of the bar for 35 years. During his legal career, he has been a law teacher, and served the U.S. Government in a series of responsible positions, including 4 years as Undersecretary of the Department of the Interior. He was, thereafter, a successful and respected private practitioner. He has for the past 3 years been an Associate Justice of the Supreme Court and already has demonstrated a high level of judicial ability.

Conspicuous during these past 3 years has been his moderating influence in such

areas as the controversial field of criminal law.

I urge my colleagues to abandon this mistaken effort to cast doubt on the clear right and responsibility of President Johnson to make appointments to the Supreme Court and otherwise to perform the duties of the President of the United States through the final months of the term of his office. I urge them also to consider the appointments which he makes on the merits of these appointments.

On this basis, I have no doubt that Mr. Justice Fortas will be confirmed as Chief Justice of the United States and I wish to record my full support for his confirmation.

Mr. YOUNG of Ohio. Mr. President, will the Senator from Missouri yield?

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

Mr. SYMINGTON. Mr. President, I ask unanimous consent to proceed for 3 additional minutes, in order that I may yield to the Senator from Ohio.

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

Mr. YOUNG of Ohio. I thank the Senator from Missouri.

Mr. President, I would just like to say that President Eisenhower might have understood the importance of continuity on the Court, but his own Vice President obviously did not. He still does not understand it.

Mr. Nixon wants to wait for a new President to replace Chief Justice Warren. I do not suggest there is a selfish and partisan motive here, but Mr. Nixon does have a personal interest; or thinks he does, at any rate.

But why should we wait for a new President? Is the Supreme Court one of the spoils of political victory? It was never intended to be. Mr. Nixon obviously thinks the Supreme Court is an inferior branch of Government—not a coequal one.

What right has Mr. Nixon to tell President Johnson how to run his office? President Johnson was elected to that office for a 4-year term that does not expire until January 20, 1969.

Richard Nixon has not been elected to anything for 12 years. He has no constitutional authority to meddle in the affairs of the Presidency, nor meddle in the affairs of the Supreme Court of the United States, nor has he any right to interfere, in any degree whatever, with the processes of the Senate; yet Richard Nixon is trying to do all three.

I, for one, intend to ignore him.

#### DYNAPEN: FDA'S FIGHT TO RESTRICT USE OF STAPH DRUGS

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Mexico [Mr. MONTROYA], who is necessarily absent from the Chamber while recuperating from an illness. I ask unanimous consent to have printed in the RECORD a statement by Mr. MONTROYA together with an article published in the Washington Post in connection with his statement.

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

#### STATEMENT BY SENATOR MONTROYA

Mr. President, the Washington Post of Thursday, June 20, 1968, included an article by Morton Mintz entitled "Dynapen: FDA's Fight To Restrict Use of Staph Drugs." The piece depicts the most recent in a series of confrontations between the FDA and a number of the major drug manufacturers which the agency regulates.

Bristol, a division of the Bristol-Myers Co., was seeking to market, under its trade name, Dynapen, the antibiotic, dicloxacillin—one in a new family of semisynthetic penicillins designed to fight serious staphylococcal infections.

For over a year now a struggle has been going on between the firm and the Food and Drug Administration about the extent of the claims for the drug which FDA would authorize Bristol to make. Bristol wanted a labeling that would permit it to promote the drug as an "all purpose" penicillin and thus create a large market for Dynapen, with consequent larger sales. The FDA, whose function is to protect the public, insisted that the drug be promoted for only limited use since the body of scientific evidence indicated that widespread use of the new penicillins would result in the proliferation of strains of staph resistant to the whole class of new penicillins.

The year-long struggle finally culminated on May 6 with Bristol reluctantly acceding to FDA demands for restricted labeling. FDA then approved the drug for sale.

But on May 17, less than 2 weeks after the agreement was reached, Bristol launched a promotional campaign making the "all purpose" claims for Dynapen in violation of the firm's agreement with the FDA.

The FDA acted promptly and decisively in the face of Bristol's violation of the agreement with an unprecedented embargo on shipments and sales of the drug. In addition, the FDA insisted that a corrective letter be sent to all physicians informing them that the earlier promotional pieces were misleading, and that the letter be sent air mail since Bristol's promotional letter to physicians had been sent via air mail. And, finally, in another unprecedented action, the FDA demanded the publication of remedial ads in those journals which had run Bristol's original ad.

I want to congratulate the FDA for its strong stand in response to Bristol's open defiance for the FDA's demands and demonstration of bad faith in ignoring the agreement the firm had made with the agency. The FDA demonstrated clearly that it would not tolerate such utter disregard for the health and safety of the public through the dissemination of misinformation to the nation's physicians. I hope that this opens up a new era of strong regulation on behalf of the public.

#### DYNAPEN: FDA'S FIGHT TO RESTRICT USE OF STAPH DRUGS

(By Morton Mintz)

One day last month, Wilbur J. Cohen, Secretary of Health, Education, and Welfare, took a phone call from Thomas G. (Tommy the Cork) Corcoran, a Washington lawyer whose old friends include President Johnson and whose clients include pharmaceutical manufacturers.

"I am coming to talk to your people about a drug," Corcoran said. Recalling the conversation to a reporter, Cohen said that Corcoran "just wanted to let me know."

The Secretary's response was, "Thanks for telling me, Tommy."

This was the beginning and the end of Cohen's active involvement in the case of Dynapen, one in a new family of semisynthetic penicillins developed to fight dangerous staphylococcal infections.

Staph infections are severe and sometimes fatal. They strike in the form of pneumonia or soft-tissue infections, such as boils. And they can spread through the victim's bloodstream.

The phone call from Corcoran came near the end of a year-long struggle between Bristol Laboratories, manufacturer of Dynapen, and the Food and Drug Administration.

From FDA's standpoint the overriding concern was the fear in the agency's Bureau of Medicine that the over-use of Dynapen would lead to a proliferation of strains of staph resistant to the whole class of new penicillins. Such a proliferation of resistant strains had occurred after the early, natural penicillins were overused.

FDA, therefore, wanted to approve prescribing instructions limiting Dynapen to cases for which other drugs were not effective and safe.

From the standpoint of Bristol, a division of the Bristol-Myers Co., and Corcoran's law client, the big question was obviously the millions of dollars a year in sales possibly riding on the FDA's intervention. Bristol was fighting for a labeling that would permit it to promote Dynapen as an "all-purpose" penicillin, creating a vastly wider market than the FDA's restrictions would make possible.

Two other drug concerns, Ayerst Laboratories and Wyeth Laboratories, accepted the FDA labeling restrictions.

Reports circulated within FDA and appeared in the drug trade press that Corcoran had carried Bristol's case to the White House. But one member of the politically active Corcoran law firm, Edward H. Foley, unequivocally denied this.

"Never, at any time, directly or indirectly," Foley told a reporter, "did anyone in our law firm go to or contact in any way any person in the White House about the Dynapen matter."

FDA physicians buttressed their position with recent reports, first circulated abroad and then in the United States, describing a threatened proliferation of staph germs resistant to the new class of penicillins.

Within the last few years medical publications had carried reports that in hospitals in Switzerland and other countries in Europe, between 10 and 18.5 percent of the staph infections encountered were resistant to the semi-synthetic penicillins. The significance of these reports was disputed by the FDA and Bristol.

But while the battle over labeling was being fought, reports were made of similar hospital episodes in the United States. Last September, the New England Journal of Medicine warned in an editorial about the threat of resistant staph strains in this country. And, Government personnel learned, in the year ending last February a single hospital in New England reported 18 cases of patients harboring strains of staph germs which were resistant to the new penicillins.

Widespread use of the new penicillins was believed in the FDA to be a major factor related to the increased frequency with which resistant staph strains were being found.

All of this hardened the determination of the FDA not to permit a replay of the mid-1950s, when staph infections started to break out in alarming, even epidemic proportions in hospitals throughout the Nation.

That crisis was dramatically relieved, thanks in large part to the isolation—by Bristol—of the first of the semi-synthetics, methicillin. By 1961, a British study showed, only 3 out of 5400 staph strains were resistant to the new class of penicillins.

With all of this in the background, the FDA refused to back away from its position that the semi-synthetics must be "reserve" anti-staph drugs and, finally, appeared to have won the labeling fight. Last May 6, with the labeling restricted as it demanded, it approved Dynapen for sale.

FDA authorized two uses. The primary one was to treat staph infections resistant to the older penicillins and "shown to be sensitive" to Dynapen. The second was the initial treatment of infections which did not respond to the older drugs, especially penicillin-G. But Dynapen therapy was to be halted

if tests showed the patient had staph strains not resistant to penicillin-G. The physician then was advised to switch to a drug other than Dynapen.

On May 16 Corcoran, accompanied by Foley and two other lawyers, met with Dr. Phillip R. Lee, Assistant Secretary of HEW for Health and Scientific Affairs. In an interview, Dr. Lee recalled that their complaint essentially was that the FDA was being unfair to Bristol, especially as to the labeling restrictions.

Dr. Lee checked with then FDA Commissioner James L. Goddard and was satisfied that the agency had handled the case properly.

"Anybody that the FDA deals with in a tough way—but I think in a fair way—thinks he's being discriminated against," Dr. Lee remarked.

In letters dated the next day, May 17, and in advertising copy that would soon appear, Bristol launched a promotional campaign making "all-purpose" claims for Dynapen.

But the claims were legally undermined the same day when in the Federal Register, the official Government journal, the FDA limited the uses to the two it had approved.

The final confrontation in the Dynapen affair was staged by Dr. Goddard, who summoned Bristol president Morris Weeden to his office on the morning of May 27.

In a telegram, Dr. Goddard also told Weeden that the FDA was withdrawing the certification of safety and efficacy it had given to the millions of doses of Dynapen already shipped to retail outlets.

The result was an unprecedented EDA embargo on shipments and sales of Dynapen.

On hand for the confrontation in Goddard's office were the top officers of Bristol and four attorneys from the Corcoran firm, including Corcoran and Foley. Also present were FDA's top medical administrators.

The result of the meeting was to ratify Bristol's surrender. FDA's terms, to which the firm assented, were that it mail a "corrective letter" individually to 306,000 physicians and hospital pharmacists.

The letter said that the FDA "has expressed concern" that Bristol had "created misleading impressions concerning the proper use of Dynapen in its limited appropriate indications."

The letter went on to say, "We have discontinued the advertising in question. Future advertising will be appropriately modified. The drug is not available for prescription at this time. We will notify you when it becomes available."

New regulatory ground was broken when Bristol consented to send the "corrective letter" air mail. The FDA insisted on this because air mail had been used by Bristol for its promotional letter to the medical profession announcing the imminent availability of Dynapen.

Another precedent was set by Bristol's agreement to the publication of "corrective" ads. One appeared in Medical Tribune last Monday. The second is scheduled for the June 21 Medical World News. After the second ad has appeared the FDA will rule whether the corrections are adequate and whether to lift the embargo.

### COST OF RESURRECTION CITY

Mr. BYRD of West Virginia. Mr. President, the total cost of Resurrection City to the District of Columbia may never be known when one thinks in terms of the real and intangible losses that the Federal City has suffered as a result.

The estimates of the out-of-pocket loss to the District government, however, are being supplied to me and they continue to mount. I have kept close watch in this area because of my responsibilities as chairman of the Appropriations Subcommittee on the District of Columbia.

Through June 22, the total cost to the District was \$497,695, not including an additional \$92,163 in Federal funds that have been spent.

The largest single item of cost is that for the additional police protection that was necessary during the 6 weeks that Resurrection City existed as a potential and actual trouble spot in the Nation's Capital.

The costs for the additional policing that became necessary with the arrival of the participants in the campaign runs well over \$300,000.

The final figures are not yet available, but they will run the overall cost of the campaign to the District government well over half a million dollars, an amount that must come directly out of District revenues.

When these direct costs are added to the losses suffered by merchants, motels and hotels, restaurants, the transportation services, sightseeing businesses, and so on, all of which have suffered because of this year's greatly reduced tourist activity, then one begins to get some idea of just how serious an economic setback this campaign really was for the District of Columbia.

Had the campaign produced substantive good results for the poor, the losses suffered might be somewhat less painful. But in view of the very dubious end results of the campaign, the cost to the city of Washington becomes even worse.

I have had prepared for me a breakdown of the direct expenses incurred by the District government as a result of the campaign, and I ask unanimous consent that the summary of these costs through June 22 be printed in the RECORD.

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

#### GOVERNMENT OF THE DISTRICT OF COLUMBIA, Washington, D.C., June 27, 1968.

HON. ROBERT C. BYRD,  
Chairman, Subcommittee on Appropriations  
for the District of Columbia, U.S. Senate,  
Washington, D.C.

DEAR SENATOR BYRD: The estimated cost to the District of Columbia for the Poor People's Campaign through June 22, 1968 is as follows:

Agency or department	Total cost week ending June 22	Prior reported costs	Total cost through June 22, 1968
General Administration		\$100	\$100
Death Investigations	\$104		104
Council of Governments	216	1,476	1,692
Buildings and Grounds	270		270
Corporation Counsel	750	4,626	5,376
Metropolitan Police	201,466	137,404	338,870
Fire Department	2,898	12,912	15,810
Juvenile Court		9	9
Court of General Sessions	1,214		1,214
Bail Agency	53	221	274
Department of Corrections	2,185	1,376	3,561
Licenses and Inspections		523	523
National Park Service, National Capital Region	18,220	27,862	46,082
Public Health	11,119	52,670	63,789
Public Welfare	331	1,902	2,233
Highways and Traffic	2,473	4,050	6,523
Motor Vehicles	86	48	134
Sanitary Engineering	3,524	6,621	10,145
Washington Aqueduct	48	938	986
Grand total	244,966	252,729	497,695

1 In addition it is estimated that \$92,163 in Federal funds have been spent to date.

No attempt has been made to prorate the cost of the Executive Office or the City Council for the Poor People's Campaign.

This is the fifth report. We are now in the process of reviewing the cost to the District of Columbia of the Poor People's Campaign. The current schedule calls for an interim-final report to be submitted to you by Friday, July 5, 1968.

Sincerely yours,

D. P. HERMAN,  
Budget Officer, D.C.

#### Poor people's campaign cost for June 19

Death Investigations	\$104
Metropolitan Washington Council of Governments	104
Buildings and Grounds	152
Corporation Counsel	
Metropolitan Police	130,809
Fire Department	2,640
Court of General Sessions	165
Juvenile Court	
Bail Agency	
Department of Corrections	125
Licenses and Inspections	
National Park Service, National Capital Region	4,869
Public Health	3,797
Public Welfare	83
Highways and Traffic	827
Motor Vehicles	80
Sanitary Engineering	2,659
Washington Aqueduct	26
Total	146,440

### THE REAL GUN MENACE

Mr. WILLIAMS of Delaware. Mr. President, in the Evening Star of June 26 there appeared an excellent editorial entitled "The Real Gun Menace."

This editorial very properly points out the danger of going too far in requiring the licensing of all guns in the hands of law-abiding citizens while at the same time the courts continue to hand out minimum sentences to criminals using guns in the commitment of the crimes.

I quote from one paragraph of this editorial:

The President urges that any person who fails to register any kind of gun be subject to a fine of \$2,000 and a two-year jail term. Under existing law in Washington, however, the maximum first-offense penalty for carrying a concealed hand gun on the street is only one year in jail and a \$1,000 fine. Yet the person who carries a concealed gun is the potential murderer or robber.

This editorial very graphically points out that the real gun menace in America today is a lack of rigid enforcement of existing laws and that what we need in America is a mandatory jail sentence for anyone who has in his possession or uses a gun while committing a felony.

I ask unanimous consent to have the editorial printed in the RECORD.

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

#### THE REAL GUN MENACE

The President's latest message to Congress on gun controls is noteworthy in at least two respects.

It goes well beyond his former proposals and also beyond proposals offered by such ardent gun control people as Maryland's Senator Tydings. It is also more noteworthy for its emotional content than for any deterrent effect it could be expected to have on the use of guns by criminals—the real source of the gun menace.

When Mr. Johnson signed the omnibus

crime bill on June 6 he said that its ban on mail order sales of hand guns, though it is stringent, was inadequate. He was right about that. He urged that there be a ban on mail order sales of shotguns and rifles. Again, he was right, and he pressed for legislation to forbid such sales.

While that proposal was pending, however, and before Congress could act, he sent up another message this week. In it, he called for the registration and licensing of all firearms—applying to new purchases as well as to guns already possessed by individuals. He called for monetary punishment of any state which did not fall into line.

Is there anything wrong with this? Let's take a look. Mr. Johnson said of the registration and licensing proposals: "Surely the slight inconvenience for the few is minimal when measured against protection for all." The "few" are the owners of the estimated 50 to 100 million guns in this country today. How would registration and licensing provide "protection for all?" This would be true only if it is assumed—an unwarranted assumption—that criminals as well as law-abiding citizens would come in and register their guns and apply for licenses to possess them.

The President gave some examples. Last Tuesday, he said, a filling station attendant was shot to death in the course of a \$75 armed robbery. The robber was violating the law by using the gun in the commission of a felony. Is Mr. Johnson seriously suggesting that this robber, and the thousands of others like him, would have registered the gun and applied for a license? He also said that in 1967 there were 71,000 robberies with guns. How many of those victims would have been protected by a registration and licensing law? One other thing. Mr. Johnson said that with registration under modern computer systems "the owner of a gun anywhere in the country can be identified in a matter of seconds." True, if the gun owner had obeyed the law and registered his gun. Untrue if he had not registered.

Another interesting point: The President urges that any person who fails to register any kind of gun be subject to a fine of \$2,000 and a two-year jail term. Under existing law in Washington, however, the maximum first-offense penalty for carrying a concealed hand gun on the street is only one year in jail and a \$1,000 fine. Yet the person who carries a concealed gun is the potential murderer or robber.

It may be that registration and licensing would be of some help in discouraging improper sales or transfers of guns. But they are not going to stop the armed criminals or provide any appreciable "protection for all." As we suggested several days ago, the best way to achieve this protection is to provide really tough and if necessary mandatory jail sentences for anyone caught carrying an unlicensed gun or using a gun while committing a felony.

Why doesn't the President, as a companion piece to his appeal, get behind something of this nature?

#### SUPREME COURT NOMINATIONS

Mr. WILLIAMS of Delaware. Mr. President, in yesterday's Wall Street Journal and in last night's Evening Star there appeared excellent articles calling attention to the danger of turning the Supreme Court into a political arm of the Government in power.

The Wall Street editorial very properly points out that politics and cronyism should not be the basis of the selection of its members while the article by David Lawrence in the Washington Evening Star points out how the Supreme Court is being cynically manipulated.

I ask unanimous consent that this edi-

torial, entitled "The Political Court," and the article by David Lawrence entitled "High Court Cynically Manipulated" both be printed in the RECORD.

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

[From the Wall Street Journal, June 7, 1968]

#### THE POLITICAL COURT

The appointment of Abe Fortas as Chief Justice may turn out to be a good one, even an outstanding one. Certainly in his brief time on the Supreme Court he has exhibited level-headedness and a commendable concern for law and order.

Yet the manner of the appointment carries an especially heavy aura of politics. And this we think most unfortunate.

The resignation of Chief Justice Warren at a time when President Johnson has only half a year or so left in office was bound to create the suspicion that the idea was to permit the President—and not, say, a President Nixon—to pick his own man.

Mr. Johnson was criticized for naming Mr. Fortas to the Court in the first place, not on the issue of the latter's merits but because he is a long-standing crony of the President. Such criticism is bound to be intensified now, especially with the simultaneous appointment of a relatively unknown fellow-Texan, and we believe with justification.

Politics, cronyism are nothing new in the history of the Court; indeed, in the nature of things the Court cannot be wholly immune from politics. So it comes down to a matter of degree. The circumstances of this particular shift must impress many as a fairly flagrant example of making the highest tribunal a political football.

Unhappily it is not an isolated instance. One of the more thoughtful objections to the Johnson Administration's general conduct of Government is that its excessive politicking has tended to undermine the institutions of Government—Congress, the Court, the Presidency and lesser entities.

We wish Mr. Fortas well, but we are constrained to say we consider it little service to the Supreme Court, at a time when it is under attack anyway, to have this impression generated. And while the Court cannot be entirely divorced from politics, it is little service to the nation to have politics so forcefully injected into what should be impartial institutions.

#### HIGH COURT CYNICALLY MANIPULATED

Once again the membership of the Supreme Court of the United States has been cynically made an instrument of personal and political manipulation. The audacity of presidents in giving judicial appointments to political cronies was pointed out by this correspondent in what he wrote at the time when the two men now being named to fill vacancies on the nation's highest court—Abe Fortas and Homer Thornberry—were first nominated to serve on the federal bench.

Back in July 1963, President Kennedy announced that he was naming to the federal district court Rep. Thornberry, a Texas Democrat and for many years a political ally of Lyndon Johnson, then vice president. On July 11, 1963, this correspondent wrote:

"It is reported on Capitol Hill that the administration plans to defer action in the Senate on the Thornberry nomination until some time toward the end of the present session in order to assure his vote for administration policies in the closing divided Rules Committee of the House while important legislation is being considered by the committee in the next few months. . . .

"But why should Rep. Thornberry be rewarded with a federal judgeship? He has never served on the bench in any court. Why

should the president of the United States give anyone a lifetime post in the judicial system on the basis of favors done of a political nature? How can there be confidence in the federal judiciary if judgeships become a matter of political patronage? Were there no lawyers or state judges in West Texas better qualified for the judgeship in question? . . .

"Does the system of using judgeships as a reward for past political favors mean that judges already on the bench can expect promotions to the United States Court of Appeals only if they 'play ball' with the administration in power?"

President Johnson in 1965 advanced Thornberry to the Court of Appeals and now has named him an associate justice of the Supreme Court of the United States.

Also, when Arthur Goldberg was persuaded to leave the high court to become U.S. ambassador to the United Nations, President Johnson promptly appointed his long-time personal adviser, Abe Fortas, as associate justice. This correspondent wrote then, on July 25, 1965:

"Small wonder that the Supreme Court of the United States has steadily fallen into disrepute in recent years as it has developed into an oligarchy of politically rather than judicially minded individuals. Now President Johnson has selected Abe Fortas—his personal friend of long standing who has never had a day's experience on the bench—to be one of the nine justices of the Supreme Court of the United States. This is in line with the unfortunate trend of the past several years.

"Other presidents besides Johnson, Republican as well as Democratic, have appointed to the Supreme Court political associates or partisan supporters with a controversial background. . . .

"It is surprising that spokesmen for the bar associations, who often stress the need for a 'rule of law,' are willing to sit by without protest as political rather than juridical training becomes the major qualification for appointment to the highest court of the land."

What redress do the American people have when there is such blatant politics in appointments to the nation's highest court? The voters cannot express themselves on this issue directly at the polls, but they can hold responsible the members of the Senate who may soon vote to confirm the appointments. One third of the senators will be seeking reelection in November, and the people will have a chance to reject those candidates who go along with the "packing" of the Supreme Court with lifetime appointments of political cronies by a "lame-duck" president.

Other senators of both parties who will be voting on whether or not to confirm and who happen not to be up for re-election this year will hardly be indifferent, moreover, to the way public opinion reacts to this strange episode. For when a president with just a few months left in office undertakes to deprive the next president of an opportunity to appoint a chief justice of the United States—a position vitally affecting the operation of the American Constitutional system—it is hardly likely that the American people will approve what appears to them to be a case of political manipulation. There may even be a filibuster in the Senate to prevent action until the convening of the newly elected Congress in January.

#### ADDRESS BY SENATOR JACKSON AT KEEL LAYING OF NUCLEAR AIRCRAFT CARRIER "NIMITZ"

Mr. PASTORE. Mr. President, on June 22, 1968, my distinguished colleague from the great State of Washington [Mr. JACKSON] delivered the major address on

the occasion of the keel laying of the nuclear aircraft carrier *Nimitz* at Newport News, Va. Senator JACKSON's speech clearly enunciated the importance of modern nuclear-powered warships. He stressed the importance of research and development in a field where this Nation faces one of the greatest challenges of modern time. It is an excellent speech and I commend it to each and every Member of the Senate.

Mr. President, I ask unanimous consent that Senator JACKSON's speech together with an introduction by Vice Adm. H. G. Rickover, be printed in the RECORD.

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

INTRODUCTION OF SENATOR HENRY M. JACKSON, WASHINGTON, BY VICE ADM. H. G. RICKOVER, USN, ON THE OCCASION OF THE KEEL LAYING OF U.S.S. "NIMITZ" (CVAN68) AT NEWPORT NEWS SHIPBUILDING & DRY DOCK CO., NEWPORT NEWS, VA., JUNE 22, 1968

It gives me great pleasure to introduce to you a truly great American, the Honorable Henry M. Jackson, Senator from the State of Washington. He is Chairman of the Senate Committee on Interior and Insular Affairs. He is also Chairman of key subcommittees on armed services, government operations, and atomic energy.

He was elected to the House of Representatives in 1940, and to the Senate in 1952. In these three decades of public service, his foresight, wisdom, judgment, common sense, and stamina have allowed him to make major contributions to our national security and to many important areas of government. He is particularly well-known for his work on conservation of our land, our wildlife, and the creation of national parks. He was author of the bills and responsible for passage of laws for the Indiana Dunes Park, the Redwoods National Park, and most recently the 1 million acre Cascades National Park. Future generations will, I am sure, remember him more for these than for anything else he has done.

As a member of the Joint Committee on Atomic Energy and the Senate Armed Services Committee, he oversees the work being done in the atomic energy field, civilian and military.

I speak from personal experience when I say that without the support he and other members of Congress have unfailingly given to the Navy, conversion of our fleet to atomic energy would have been delayed and might have come too late to be of use to the United States.

We now have in operation a nuclear fleet composed of 76 submarines, a nuclear aircraft carrier, a cruiser, and two frigates. In addition, there are authorized 29 submarines, one nuclear aircraft carrier, two frigates, and small submarines capable of exploring the ocean bottom. Much credit for this must be given to Senator Jackson and his colleagues. In fact, he contributed in great measure toward obtaining authorization for construction of the U.S.S. *Nimitz*.

Senator Jackson is one of the great men of the United States Senate. He is dedicated to peace, but aware of the awesome responsibilities our nation bears in defense of our freedom.

I would like to end my remarks about the Senator on a personal note. It has been my privilege to know him for many years; to know how much he has helped the Naval Nuclear Program; how often he has acted in my behalf. It has been a great comfort to me to be able to go to so fine a man for his help and kindly advice. I am grateful that the U.S. Senate has a man like Senator Jackson, who by his patriotism, intelligence, and hard work has done so much for the United States.

REMARKS BY SENATOR HENRY M. JACKSON

Mr. Holden, distinguished guests, my fellow Americans: I take great pleasure in participating with you in this important ceremony.

This keel laying is a significant event in the history of the Republic, as a tribute to a great American, Fleet Admiral Chester W. Nimitz, for whom the mighty ship we start building today is to be named, and as the start of the first new nuclear-powered surface ship since the keel of the nuclear-powered guided missile frigate *Truxtun* was laid down five years ago. Today marks the renaissance of a modern nuclear-powered surface Navy, a Navy Admiral Nimitz would have been proud to command.

As you may recall, Admiral Nimitz took charge of the U.S. Pacific Fleet on December 31, 1941, just 24 days after the attack on Pearl Harbor. Through his brilliant leadership and outstanding skill as a strategist, the forces under his command were able to defeat the Japanese off Midway—26 years ago this very month—and thereby reverse the course of the war in the Pacific. It was indeed, as General Marshall said, "the closest squeak and the greatest victory." The battle of Midway started the long march back across the Pacific that culminated September 1, 1945 on the deck of the battleship *Missouri* in Tokyo Bay when the Japanese surrender terms were signed. Fleet Admiral Nimitz was a signer for the United States.

Following the war, Admiral Nimitz relieved Admiral Ernest J. King as Chief of Naval Operations and served as the CNO until December 15, 1947. During his last few weeks as Chief of Naval Operations, Admiral Nimitz made a fateful decision that started the Navy down the road that has led to this keel-laying ceremony today. On the advice of a then little known captain named Hyman George Rickover, Admiral Nimitz recommended to the Secretary of the Navy on December 5, 1947 that the Navy initiate action to develop and build a nuclear-powered submarine. The Nimitz letter was the first top-level Navy support Captain Rickover had received and it started the nuclear propulsion program in the Navy.

As we lay the keel of the *Nimitz*, it is appropriate to take note of the progress made in the last year toward achieving a nuclear Navy. It is also important to recognize that today's progress is the product of yesterday's enterprising research and technological effort that went way beyond the atomic energy field itself.

We now have four nuclear-powered surface warships in operation. The aircraft carrier *Enterprise* escorted by the frigate *Truxtun* is currently engaged in air strikes over Vietnam. The *Enterprise* also did yeoman service in the crisis over the seizure of the *Pueblo*, when it moved very quickly into Korean waters to show the flag and to fortify our diplomatic hand. The cruiser *Long Beach* is performing a vital function in the Tonkin Gulf. The frigate *Bainbridge* has just completed her first refueling and overhaul after five years of intensive operations and is now ready to rejoin the fleet. These nuclear warships, in over a million miles of operation, have demonstrated their outstanding performance and reliability. In their operations they have illustrated the tremendous military advantages of nuclear propulsion for our naval striking forces. Nuclear warships can operate for years without refueling and are thus freed from the fuel oil logistic pipeline that is so vulnerable in wartime.

For some time Congress and the Navy have been urging the Department of Defense to recognize the need to build more modern nuclear-powered warships to replace our aging surface fleet. A building program has finally been started. The Department of Defense has agreed to build three new nuclear-powered aircraft carriers beginning with the U.S.S. *Nimitz*. Two additional nuclear frigates are authorized and funded and the De-

partment of Defense has agreed to request authorization for four more nuclear escorts—two each in fiscal years 1970 and 1971.

I am sure that Congress will see to it that more nuclear warships are built. I am also confident that Congress will promote a continuing construction program of nuclear submarines that are superior to any others in the world.

In a period when the Soviet Union is rapidly augmenting its strategic forces on land and at sea, and is making obvious progress qualitatively and quantitatively in its already vast submarine force, the proposal has been made to establish a ceiling on the number of our nuclear-powered submarines and to limit future construction to only four more nuclear submarines. This proposal is unrealistic and ill-advised. I am confident it will not be followed by the Secretary of Defense and the President.

Let me emphasize that we can build a nuclear-powered Navy now only because we built a strong research and technology base in the past. We must maintain such a strong base to meet future needs. Contrary to the notion of some people, there is no technological plateau nor is one anywhere in sight. In this era the unexpected in technology can happen overnight; a new scientific discovery can ignite a revolution in weapon systems, and known principles can be put together in new ways to outdate billion dollar systems. The safety of the people of America, and of millions of other people around the world, depends on the up-to-dateness of American research and technology.

Yet, after adjusting for inflation, our defense research and technology effort in fiscal year 1968 was about 70% that of the fiscal 1964 level—a critical 30% decline.

In periods of fiscal stringency, R&D is a likely victim; its funding appears deferrable without causing immediate adverse results. The full impact of cutbacks in research is only felt later—when it may be too late.

In plain words, we will need to exert ourselves during the next few years to rally strong support for this country's research and exploratory development programs to insure enough options against technological challenge.

In our time the one thing certain is rapid change. Since change is the first law of nature, we have to reckon with it, and America needs to manage well in handling it.

Ours must be a steady hand in an unsteady world. And a great nation that would be steady in a tumultuous and dangerous world must be strong.

In relations with expansionist adversaries the United States needs to follow two consonant courses of action: to encourage peaceful change by working with them where interests converge, and at the same time to create and maintain, in cooperation with our allies, a relationship of forces favorable to the deterrence of adventurism and aggression. Nothing would more surely pave the way for a third world war than to permit an unfavorable relationship of forces to arise.

This ship whose keel we lay today, and her sister nuclear ships, will sail the seas as a reminder that a sovereign America is determined to do what she can to preserve the peace and to keep open the possibilities of peaceful and constructive change, that America can be relied upon, that America will stay the course.

NEGOTIATIONS WITH RUSSIA ON OFFENSIVE AND DEFENSIVE NUCLEAR WEAPONS

Mr. PASTORE. Mr. President, I was pleased to read yesterday the announcement that the Russians, at long last, are now inclined to discuss with us negotiations on offensive and de-

fensive nuclear weapons. The President of the United States has been trying, without success, to bring this about for some time.

I hope that the action the Senate took last Monday, when it voted 52 to 34 to support a U.S. ABM system, influenced this decision. As I said in my speech last Monday:

I live and yearn and pray for that day when we have complete disarmament.

I believe that these negotiations, when they become fruitful, will be another step in the direction of peace and harmony.

#### 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 a joint resolution (H.J. Res. 1368) making continuing appropriations for the fiscal year 1969, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 18038) making appropriations for the legislative branch for the fiscal year ending June 30, 1969, and for other purposes, in which it requested the concurrence of the Senate.

#### HOUSE BILL REFERRED

The bill (H.R. 18038) making appropriations for the legislative branch for the fiscal year ending June 30, 1969, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

#### PRESIDENT JOHNSON'S SUPREME COURT NOMINATIONS

Mr. PROXMIRE. Mr. President, President Johnson will leave office on January 20, 1969. There are some in the Senate who obviously need to be reminded of this fact. They need to be reminded that the office of the Presidency has not been vacated, and that as long as America has a President, he has an obligation to fulfill the functions of his office.

The President has been doing just that. He is perfectly within his rights to nominate jurists to the Supreme Court. Yet, a few Senate colleagues seem to believe otherwise and are threatening to filibuster any attempt at confirmation.

This is a totally unsupportable position. A filibuster would defy the constitutional rights of the President to nominate and appoint Federal officials, and would also impede the right of the Senate to confirm or deny those nominees.

I deeply regret this attitude. I hope some of my colleagues will reconsider their position in the light of reason and rationality. There is simply no excuse for what they propose to do other than crass political expediency—as Governor Rockefeller said so well today. I believe that the Supreme Court should be removed from such a taint of politics.

All of us would like to leave Washington, with Congress adjourning in early August. But I would be willing to stay

until Christmas, if necessary, to break a filibuster designed to deprive the President of the United States of his constitutional right and duty.

Mr. President, an editorial in yesterday's Washington Post deals thoughtfully and penetratingly with President Johnson's actions concerning the Supreme Court. Of retiring Chief Justice Earl Warren, the editorial says:

He has given vigorous and wise leadership to its deliberations while adding immensely to the stature of the office he has held.

With respect to the nomination of Associate Justice Abe Fortas to be Chief Justice of the United States, the Post says:

Justice Fortas is unquestionably one of the ablest lawyers ever to sit on the Supreme Court.

Then the editorial refers to Federal Judge Homer Thornberry's performance in the Federal judiciary in these words:

In three years on the Federal bench, he has established a reputation for careful and workmanlike opinions. He has generally been regarded as one of the better new judges on the Federal circuit courts . . .

A very important collateral issue is discussed in the final section of the editorial. The Post states:

The Senate ought not to seriously consider seriously for a minute the argument of a handful of Republicans that any appointment ought to be rejected so that the next President could fill the vacancy in the office of Chief Justice. The Court and the Nation should not be deprived of a Chief Justice until next spring on such a political maneuver. Nor should a candidate for President be forced to suffer the temptations that would surely arise if he knew he had so prized an appointment to make immediately upon assuming office. Justice Fortas and Judge Thornberry deserve to be judged on their qualifications and no one has raised any substantial objections to the nominations on that ground.

I am in complete agreement with this assessment of the situation, and I am sure my thoughtful colleagues will agree with me. I therefore ask unanimous consent to have the editorial printed in the RECORD.

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

#### FORTAS AND THORNBERRY STEP UP

The nominations of Abe Fortas to be Chief Justice of the United States and Homer Thornberry to replace him as an Associate Justice can hardly be classified as surprising. Both are old friends of President Johnson and it has long been known that the President greatly esteemed their abilities. While the first reaction is to damn the appointments on the grounds that they are cronyism at its worst, the two men deserve to be judged on the qualifications they have for the posts to which they have been appointed. No man should be denied an office merely because he happens to be a friend of the President.

Justice Fortas is unquestionably one of the ablest lawyers ever to sit on the Supreme Court. His opinions in his three years on the Court have been well-reasoned and thoughtful. While his views on the constitutional issues the Court must face are yet to be fully delineated, he appears to walk boldly in the same general philosophy that marked the work of Chief Justice Warren. It remains

to be seen how Justice Fortas will fill the tasks that are solely those of a Chief Justice—running the Court's operations, supervising the work of all Federal courts, representing the judicial system. But his earlier career as a Government official and as a private attorney indicate he can fill those roles well.

Justice Fortas was one of the most successful lawyers in the Nation before he went on the bench but he still found the time and had the daring to undertake difficult and controversial cases as a matter of public service. He defended Owen Lattimore and others whose security was suspect during the peak of the witch-hunting days. He argued the case that gave the District of Columbia its famed breakthrough in the area of criminal insanity. And he prepared the brilliant brief and argued the case of Clarence Gideon in which the Supreme Court reversed precedent to declare that all those charged with serious crimes are entitled to have a lawyer represent them.

Much less is known of Judge Thornberry but it must be said that he is not one of the towering figures in American law. In three years on the Federal bench, he has established a reputation for careful and workmanlike opinions. He has generally been regarded as one of the better new judges on the Federal circuit courts although insufficient time has passed for him to have left much behind in terms of major judicial opinions. In his years on Capitol Hill, he was known as a hard-working, friendly Congressman who made no enemies and many friends. Presumably, Senate confirmation of his appointment, as well as that of Justice Fortas, will come quickly and easily.

The Senate ought not to seriously consider seriously for a minute the argument of a handful of Republicans that any appointment ought to be rejected so that the next President could fill the vacancy in the office of Chief Justice. The Court and the Nation should not be deprived of a Chief Justice until next spring on such a political maneuver. Nor should a candidate for President be forced to suffer the temptations that would surely arise if he knew he had so prized an appointment to make immediately upon assuming office. Justice Fortas and Judge Thornberry deserve to be judged on their qualifications and no one has raised any substantial objections to the nominations on that ground.

#### THE PRESIDENT PROPOSES BROADENING OF THE ELECTORATE

Mr. PROXMIRE, Mr. President, I support the proposed constitutional amendment giving 18-year-olds the right to vote. Voting is a fundamental act of self-government. It is the hallmark of a free society by which the members can express their judgment, and their choice. This great right of our country should be extended to all those who have reached age 18.

Today's young people are achieving physical, emotional, and mental maturity at an earlier age than ever before. They are far better informed and educated. They are able and willing to evaluate the issues which are before this country today. Their maturity and judgment at age 18 have been tested on the battlefield and not been found wanting.

Educational psychologists have stated that the ability to grasp new ideas reaches its peak at the age of 18, and then it proceeds on a plateau. This, of course, does not mean that wisdom does not increase throughout life—it does. But the capacity to grasp new ideas and de-

velopments readily in this so rapidly changing world was never more essential. Obviously, it would greatly help the cause of the American electorate if those who were most able to understand this changing world were entitled to vote.

There is also the need to establish the habit of voting. By preventing young people from voting at the most propitious time, we are creating a situation which will stagnate their incentive and interest in voting. By postponing this right at a time when they are beginning to raise families and becoming involved in various activities, they will be far less likely to contribute to the political life of America as they would be if they were entitled to discharge full responsibilities as a voting citizen.

The question is not whether 18-year-olds are mature enough, intelligent enough, or interested enough to participate in the political process. The question is whether these persons are to have the right to choose the Government leaders who tax them, who regulate their lives, and who can send them to war. I think the answer is clear: They should have this right.

Let me also emphasize that the idealism and enthusiasm of youthful voters would have a beneficial influence on the conduct of the Government and lead toward future good citizenship. As the Government needs the steady sureness and stability of our older population, so too it needs the enthusiasm and direction of its youth. As new problems and new challenges arise, new thoughts and ideas are needed. I think all would agree that the traditional student liberalism is a necessary and healthy element in our society—always has been and, I hope, always will be. The situations on many of our college campuses today, alarming as they are, raise this question: Why not allow students the right to make a positive choice as an alternative to a negative protest?

I commend the President for submitting this proposal to Congress—not as a gesture but as a right. I urge my colleagues to support this constitutional amendment.

I ask unanimous consent to have the President's message to Congress on this subject printed in the RECORD.

There being no objection, the President's message to Congress was ordered to be printed in the RECORD, as follows:

TO VOTE AT 18—DEMOCRACY FULFILLED AND ENRICHED

To the Congress of the United States:

The ballot box is the great anvil of democracy, where government is shaped by the will of the people. It is through the ballot that democracy draws its strength, renews its processes, and assures its survival.

Throughout the life of our republic, no single, enduring question has so engaged generation after generation of Americans as this: Who among our citizens shall be eligible to participate as voters in determining the course of our public affairs?

On four occasions we have amended our Constitution to enlarge or to protect that participation. In recent years, Congress itself has been attentive to sheltering and assuring the free exercise of the right to vote.

Such a concern is altogether fitting. Under a government of, by and for the people, the right to vote is the most basic right of all. It is the right on which all others finally stand.

Such a right is not to be idly conferred or blindly withheld. But the stability of our Republic from the beginning has been served—well and faithfully—by the willingness of Americans to lay aside the constraints of custom and tradition and heed the appeals of reason and reality to welcome into the American electorate those of our citizens fitted by the precepts of our society's values to participate in the exercise of the ultimate right of citizenship.

At the inception of the Republic, the promise of the new Nation was strengthened because our forefathers cast aside tests of religion and property.

At midpassage, America's moral strength was fortified when the test of color was removed by the Fifteenth Amendment. The Voting Right Act of 1965 has reinforced this principle for all time.

At the beginning of the modern era in this twentieth century, reason and reality wisely prevailed when the women of America—through the Nineteenth Amendment to the Constitution—were granted the equality of citizenship so long denied them.

In 1961, the Twenty-Third Amendment to the Constitution gave citizens of the Nation's capital the right to vote for President and Vice President.

Four years ago, the Twenty-Fourth Amendment struck down the tests of the poll tax which had for almost a century disenfranchised thousands of Americans.

#### ENLARGING THE AMERICAN FRANCHISE

In all these instances time has affirmed the wisdom and the right of these decisions to enlarge participation in the Nation's affairs. Time, too, has already affirmed the wisdom and justice of our continuing efforts in the last decade to perfect, protect and shelter the right of all citizens to vote and to put an end to the unconscionable techniques of studied discrimination.

Today, I believe it is time once more for Americans to measure the constraints of custom and tradition against the compelling force of reason and reality in regard to the test of age. The hour has come to take the next great step in the march of democracy. We should now extend the right to vote to more than ten million citizens unjustly denied that right. They are the young men and women of America between the ages of 18 and 21.

The practice of admitting young Americans to the electorate at the age of twenty-one has its roots in the dim and distant mists of medieval England—but it is a practice and limitation without roots in the American experience.

Throughout our history as a young Nation, young people have been called upon by the age of eighteen to shoulder family responsibilities and civic duties identical with their elders.

At the age of eighteen, young Americans are called upon to bear arms.

At the age of eighteen, young Americans are treated as adults before many courts of law and are held responsible for their acts.

The age of eighteen, far more than the age of twenty-one, has been and is the age of maturity in America—and never more than now.

Reason does not permit us to ignore any longer the reality that eighteen year old young Americans are prepared—by education, by experience, by exposure to public affairs of their own land and all the world—to assume and exercise the privilege of voting.

The essential stability of our system is not served, the moral integrity of our cause is not strengthened, the value we place on the worth of the individual is not honored by denying to more than ten million citizens—solely because of their age—the right to full participation in determining our country's course.

This denial of the right to vote limits our

democracy. It diminishes every modern concept of citizenship.

The young people of America in this decade are far more ready, far better qualified, far more able to discharge the highest duty of citizenship than any generations of the past.

We know—and the young men and women know also—that this is so.

They are better educated than their counterparts of a generation ago. They graduate from high school and enter college in greater proportions. Already this group—although many have not yet completed their schooling—have a higher educational level than the general electorate.

Mass communication and greater opportunities for travel expose them earlier and more frequently to the issues of the day than the young men and women of the 1940's or even the 1950's.

The young men of today serve their Nation in uniform with the same devotion as their fathers and brothers of earlier days showed. But duties unknown a decade ago have summoned the devotion of young men and women alike, by the tens of thousands. Their participation in the Peace Corps, in VISTA, and in other community ventures has elevated our national life and brought new meaning to the concept of service.

For myself, I deeply believe that America can only prosper from the infusion of youthful energy, initiative, vigor and intelligence into our political processes.

We live in a world that is young and growing younger each year. Of all nations, none has more generously invested in preparing its young people for constructive citizenship and none has been more faithfully served by its young than has America.

Today, the young people of America are asking the opportunity to give of their talents and abilities, their energies and enthusiasms, to the greater tasks of their times. I believe their proper request can and must be properly answered by a national affirmation of our faith in them. For a nation without faith in its sons and daughters is a nation without faith in itself.

#### WHAT I PROPOSE

I accordingly propose that the Congress of the United States approve and submit for ratification of the legislatures of three-fourths of the States an amendment to the Constitution of the United States to provide, as follows:

"The right of any citizen of the United States to vote shall not be denied or abridged by the United States or by any State on account of age if a citizen is eighteen years of age or older."

In proposing submission of such an amendment I am mindful that:

The State of Georgia since 1943, and the State of Kentucky, since 1955, have permitted eighteen year old residents to vote.

The two new States of Alaska and Hawaii have permitted nineteen and twenty year old residents, respectively, to vote.

The first proposal for such an amendment was advanced in 1942 by Senator Arthur Vandenberg.

President Dwight D. Eisenhower, in his 1954 State of the Union Address, urged an Amendment to lower the voting age to eighteen.

In the 90th Congress, more than fifty proposed Constitutional Amendments to extend voting rights to eighteen year old citizens have been introduced, and many of these measures have broad bi-partisan support.

The concept has been tried and tested. Its merit has been established. Its rightness is now beyond dispute.

#### FULL PARTICIPATION IN OUR AMERICAN DEMOCRACY

The time has come to grant our youth what we ask of them but still deny to them—full and responsible participation in our American democracy.

In this year of national decision, as Americans in every State prepare to choose their leadership for the decisive and fateful years before us, the Congress has a rare opportunity through the submission of this amendment to signify to our young people that they are respected, that they are trusted, that their commitment to America is honored and that the day is soon to come when they are to be participants, not spectators, in the adventure of self-government.

Every time before, when America has extended the vote to citizens whose hour has come, new vitality has been infused into the lifeblood of the Nation, and America has emerged the richer.

Now the hour has come again to take another step in Democracy's great journey.

LYNDON B. JOHNSON.

THE WHITE HOUSE, June 27, 1968.

### FISCAL CRISIS IN HIGHER EDUCATION

Mr. PROXMIRE. Mr. President, in the next few years, one of the most significant issues which this Nation will face concerns the growing financial crisis in higher education. Currently, annual expenditures for higher education are \$15 billion or 2 percent of gross national product. However, both economists and professional educators inform us that the share of the Nation's fiscal output devoted to higher education must increase to at least 3 percent if the equality and diversity of American higher education is to be preserved. Because of the severe constraints on the funding ability of State and private sources of support for higher education, the demands made on the Federal budget will be substantial.

At present, Mr. President, the impact on the economy and on the Federal budget of this reallocation of resources is not clearly understood. Neither do we clearly perceive the issues involved in the many alternative proposals for meeting the Nation's higher education needs. These issues involve the maintenance of autonomy and diversity in higher education, the growing conflict between private and public institutions, the need to expand higher education opportunities to all citizens, irrespective of income level, the need to encourage increased efficiency in the use of higher education facilities and many more.

In keeping with its mandate to make continuing studies of matters relating to the training and utilization of the Nation's manpower, the Joint Economic Committee intends to make a study of the fiscal crisis in higher education and the potential role of the Federal Government in aiding this sector. Clearly, the maintenance of vitality in higher education is essential to the Nation's continued economic growth and progress. In explaining the basis of this growing crisis, the American Association of Universities has prepared a document entitled "The Federal Financing of Higher Education." I ask unanimous consent that the following news article appearing in the New York Times of June 24, 1968, which reports the highlights of this report, be printed in the RECORD.

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

UNIVERSITY HEADS UNITE IN APPEAL FOR MORE U.S. AID—SEEK BROAD RANGE OF HELP TO ALL TYPES OF INSTITUTIONS TO OFFSET RISING DEFICITS—WARNING TO CANDIDATES—EDUCATORS HOPING TO MAKE INCREASING COSTS AN ISSUE TO THEM AND TO CONGRESS

(By Fred M. Hechinger)

The nation's leading university presidents have united in a call for a dramatic increase in Federal support for higher education. Their appeal also seeks to alert the candidates to the educational task, which, they believe, confronts the next President and Congress.

The appeal, contained in a 30-page paper is endorsed by the heads of the 42 institutions that make up the Association of American Universities.

Although no price tag was put on the demands, estimates for the total annual increase in funds required from all sources run as high as \$8-billion by 1975.

For the first time, moreover, spokesmen for public as well as private universities are asking the government for general, across-the-board support for all types of institutions—from junior colleges to graduate schools.

#### NATIONAL STANDARDS

To attain such general aid, the university spokesmen concede, colleges and universities would have to meet national standards.

Pointing to the widening gap between incomes and expenditures, the university presidents warned:

"The Association of American Universities is convinced that these pressures constitute a threat to the nature and vitality of American higher education and are therefore a cause for national concern."

They added that the "substantial, even staggering" budget deficits in private institutions were matched by "an equally serious and growing quality deficit in public institutions."

#### FEAR DECLINE IN QUALITY

Moreover, they indicated that the inability of state legislatures to meet the need would result in the increasing exclusion of out-of-state and foreign students, with the growing threat of provincialism and decline in quality.

The presidents said that "few institutions will do anything as dramatic as closing down," but that lack of substantial new sources of funds would lead to serious deterioration of higher education.

The statement said:

"Outlays will be cut back . . . Such retrenchment inevitably would mean fewer faculty to teach more students, reduced library acquisitions and cultural programs, curtailed opportunities for the disadvantaged, slowed movement into new fields, less competent and productive research, loss of faculty, delayed maintenance, and adherence to the status quo instead of vigorous movement into new aspects of education or public service—in short, the slow stifling of higher education as a vital creative, productive force in American life."

The statement also warns that plans to meet the growing needs of higher education cannot wait until "after the resolution of matters in Southeast Asia."

It says the need is heightened by the fact that the universities are expected to meet new national demands—in urban affairs, in improving the conditions of the Negro minority, in dealing with problems of air and water pollution and in the general improvement of the schools.

The appeal was prepared by a committee headed by Robert F. Goheen, president of Princeton University. The other members were William C. Friday, president of the University of North Carolina; Fred H. Harrington, president of the University of Wisconsin; G. Alexander Heard, chancellor of

Vanderbilt University, and Nathan M. Pusey, president of Harvard.

When the executive committee of the association met here at the Carnegie Corporation of New York last Friday, the university leaders said that the timing of their statement was intended to alert the next Administration and Congress.

"We would not be unhappy if some of what we have drafted showed up in the party platforms," Mr. Pusey said. His colleagues agreed that it was vital that the campaign concern itself with higher education.

The presidents stressed that their appeal for general aid was being made in addition to, and not to replace, existing specific aid, such as scholarships, research grants and construction subsidy.

Their principal recommendations called for the following:

Expanded undergraduate scholarships and loans. At present the Federal Government provides about \$1.1 billion annually to 1.2 million students.

Expanded graduate and professional fellowships beyond the present annual Federal contribution of \$441 million, combined with increased "cost-of-education supplements" to make up the difference between each fellowship and the actual cost of the student's education.

Increased subsidies for construction to permit expanded enrollments.

Strong support for research, with the assurance that Federal funds pay for "the full costs of Federally sponsored research."

New funding for instruction, research and programs to deal with the problems of the inner city, air and water pollution, and the improvement of the schools.

The initiation of "broadly based" general aid, with consideration of the special needs of all types and levels of higher education.

The 42 universities that endorsed the position paper together award 52 percent of the nation's graduate and professional degrees and 75 percent of all Ph.D.s.

They carry out over three-fourths of all federally sponsored research performed in universities. Thus, they constitute a powerful voice among the country's 2,300 institutions of higher learning.

The members of the executive committee stressed that, besides the fiscal pressures that confront privately financed universities, graduate education costs pose a special problem for state universities.

State legislatures, they said, tend to support undergraduate education, for which there is a demand by the public. But, the presidents added, graduate education is national in character, purpose and enrollment and therefore gets far less support.

Thus, the common plight of public and private institutions has hastened the creation of a common front.

In explaining the fiscal crisis, the document called "The Federal Financing of Higher Education," which will be widely distributed this week, provides the following statistics:

The total of annual expenditures in higher education increased from \$3.4-billion to \$15-billion in the last 10 years.

Enrollments, which stood at 2.6 million in 1955, have now reached 7 million and may double by the end of the century.

The most important increases, however, are in the most expensive sector of higher education—graduate studies. Graduate enrollment in 1960 was about 314,000. Today it stands at nearly 700,000. But by 1975, it will increase to one million, only to double or more by the end of the century.

Yet, the cost of educating a graduate student is estimated to be between three and six times that of educating an undergraduate.

This accounts for estimates that the total annual operating expenditures for higher

education may have to increase by anywhere up to \$6-billion by 1975.

Moreover, the university leaders warn that new areas of study will require extraordinary initial expenditures. They pointed to fields such as African studies and other foreign area programs, new sciences such as molecular biology and oceanography, and new techniques, such as the introduction of quantitative methods into the social sciences.

#### CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1969

Mr. HAYDEN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 1368.

The PRESIDING OFFICER laid before the Senate House Joint Resolution 1368, making continuing appropriations for the fiscal year 1969, and for other purposes, which was read twice by its title.

Mr. HAYDEN. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. HAYDEN. Mr. President, House Joint Resolution 1368 provides appropriations for the continuation of those programs and activities of the Federal Government for which appropriations for the fiscal year ending June 30, 1969, have not been enacted. In this respect, the resolution is similar to previous resolutions for this purpose. All authority granted in the House version of this resolution terminates on July 31, 1968.

In those instances where a bill has passed only one House of the Congress or where an appropriation for a project or activity is included in only one version of the bill as passed by both Houses, the pertinent project or activity continues under the appropriation, fund, or authority granted by the one House but at a rate for operations not exceeding the current rate or the rate permitted by the one House, whichever is lower.

In those instances where neither House has passed the applicable appropriation bill for the fiscal year 1969, appropriations are provided for the continuing projects or activities conducted during the preceding fiscal year at the current rate or the rate provided for in the budget estimate for fiscal year 1969, whichever is lower or under the more restrictive authority. Any obligations and expenditures incurred pursuant to the authority granted in this resolution will be charged against the applicable appropriations.

In this regard, I was asked by the committee to caution all departments and agencies of the Government to reduce expenditures which are authorized under this continuing resolution to a minimum in view of the \$6 billion expenditure reduction which was voted by the Congress in the tax bill. It will be necessary, in order to comply with the overall Government expenditure limitation, for severe reductions to be made in many programs. Other programs for which appropriations eventually will be provided for fiscal year 1969 are not authorized

and undoubtedly will be provided for at a much lower level than the preceding fiscal year. This is true in the case of foreign aid. These factors must be taken into consideration by all agencies since expenditures authorized under this continuing resolution will have to be charged against any eventual ceilings agencies or departments may receive.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Arizona yield?

Mr. HAYDEN. I yield.

Mr. WILLIAMS of Delaware. It is my understanding that this continuing resolution takes recognition of the fact that we did pass a tax bill with a mandatory \$6 billion spending cut and we are now placing the agencies on notice that with this continuing resolution, they are supposed to make provision for absorbing their proportionate part of that reduction during this 1-month period.

Mr. HAYDEN. It proposes to leave things just as they are, until the House and Senate act.

Mr. WILLIAMS of Delaware. But it alerts the agencies to the fact that the \$6 billion spending cut must be taken into consideration in their allocations of spending reductions which, on a pro rata basis, would amount to about \$500 million a month.

Mr. HOLLAND. Mr. President, if the distinguished Senator from Arizona wishes me to do so, I shall be glad to discuss this matter, since I have been familiarized with it by the staff of the Senate committee.

Mr. HAYDEN. I yield to the Senator from Florida.

Mr. HOLLAND. The resolution now before us contains special wording which I shall read into the RECORD at this time:

Nothing herein shall be construed to waive any other provision of law governing the apportionment of funds or to permit the use, including the expenditure, of appropriations, funds or authority in any manner which would contravene the provisions of title II of the Revenue and Expenditure Control Act of 1968.

In my judgment, that makes it very clear that the provision which the Senator from Delaware refers to—and of which he has every reason to be justly proud, since he was one of the two sponsors of that provision—will be protected completely by the passage of this temporary continuing resolution.

In order that that fact may be more clearly shown, I wonder if the Senator would allow me to place in the RECORD at this time the discussion of this bill as it appears in the House Committee report.

Mr. WILLIAMS of Delaware. Mr. President, I appreciate that. I thank the Senator for his assurance. I think that makes it clear.

Mr. HOLLAND. I thank the Senator.

Mr. President, I ask unanimous consent that the portion of the committee report of the other body, beginning at the middle of page 3, and including the rest of that report, be included in the RECORD in full, so that it may be doubly clear in this discussion that the reduction of \$6 billion in expenditures for 1969, already voted by both Houses of the Congress in a law which has been

approved by the President, shall be completely protected by the adoption of this temporary continuing resolution.

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

#### EXPENDITURE CONTROL ACT REDUCTION PROVISIONS

The provisions of title II of the Revenue and Expenditure Control Act of 1968 concern reductions in civilian employment, require a reduction of not less than \$10 billion in new budget (obligational) authority for 1969, a reduction of not less than \$6 billion in budgeted 1969 outlays (expenditures and net lending), and specific recommendations for rescissions of \$8 billion of previously granted obligational authority. These provisions introduce a new dimension to budgets of the departments and agencies of government in the fiscal year 1969 beginning on July 1 next. They cast something of a shadow over not only the unexpended carryover balances in innumerable accounts across the government but also over many of the specific appropriation and fund amounts now pending consideration at various stages in the legislative process. This underscores and emphasizes the fact that, whereas in previous years departments and agencies operating under a continuing resolution were required to hold obligations and expenditures to not in excess of the lowest of one of two or three rates, those minimums, with the aforementioned title II in the picture, take on something of the nature of "maximum minimums."

In this general connection, section 103 of the joint resolution follows the stereotyped form of previous continuing resolutions in waiving the time periods set forth in 31 U.S.C. 665(d)(2) for the submission and approval of papers on the apportionments of funds. This in nowise waives the basic requirement in the law for the apportionment of funds over the year by the Director of the Bureau of the Budget, but merely dispenses with considerable paper work that as a practical matter cannot be usefully applied to 31-day temporary appropriation provisions. But in view of the title II reduction provisions applicable to fiscal 1969, the committee has attached to section 103 a proviso that—

"Nothing herein shall be construed to waive any other provision of law governing the apportionment of funds or to permit the use, including the expenditure, of appropriations, funds or authority in any manner which would contravene the provisions of title II of the Revenue and Expenditure Control Act of 1968."

The basic law (31 U.S.C. 665) on apportionment of funds reads, in pertinent parts, as follows:

"(c) (1) \* \* \* all appropriations or funds available for obligation for a definite period of time shall be so apportioned as to prevent obligation or expenditure thereof in a manner which would indicate a necessity for deficiency or supplemental appropriations for such period; and all appropriations or funds not limited to a definite period of time, and all authorizations to create obligations by contract in advance of appropriations, shall be so apportioned as to achieve the most effective and economical use thereof. As used hereafter in this section, the term "appropriation" means appropriations, funds, and authorizations to create obligations by contract in advance of appropriation.

"(3) Any appropriation subject to apportionment shall be distributed by months, calendar quarters, operating seasons, or other time periods, or by activities, functions, projects, or objects, or by a combination thereof, as may be deemed appropriate by the officers designated in subsection (d) of this section to make apportionments and reapportionments. \* \* \*"

Furthermore, in reference to the \$6 billion expenditure reduction provision in section 202 of the Revenue and Expenditure Control Act of 1968, subsection (b) of that section provides that—

"The President shall reserve from expenditure and net lending, from appropriations or other obligational authority heretofore or hereafter made available, such amounts as may be necessary to effectuate the provisions of subsection (a)."

The PRESIDING OFFICER. If no amendment is to be offered, the question is on the third reading of the joint resolution.

The joint resolution was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

The joint resolution (H.J. Res. 1368) was passed.

#### ORDER OF BUSINESS

Mr. JACKSON. Mr. President, without losing my right to the floor or losing any of the time previously allocated to me, I yield to the Senator from Vermont [Mr. AIKEN].

#### FREEDING OF SEVEN AMERICAN PRISONERS IN EAST GERMANY

Mr. AIKEN. Mr. President, one of the most interesting human interest stories of the year relates to the release of seven American prisoners by the East German Government.

An article by Henry Raymont, in the New York Times for Sunday, June 16, 1968, contains the story of how a New York lawyer known to most of us, Maxwell Rabb, personally negotiated with the East German Government for the release of these prisoners.

This story demonstrates quite emphatically, I think, how sometimes you can accomplish more by sitting down to informal discussions person to person in shirtsleeve diplomacy, if you want to call it that, than you can with stiff-shirt, striped-pants formalities, with which we are grossly afflicted, I would say, along with some other countries. It seems to me if we had more negotiations similar to that carried on by Maxwell Rabb in securing the freedom of American prisoners from East Germany, our standing with countries and people of the world would rise considerably. At least, I would like to see it tried.

I ask unanimous consent that the article from the New York Times be inserted in the RECORD at this point.

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

LAWYER RELATES EAST GERMAN TIE—A NEW YORKER HELPED FREE SEVEN U.S. PRISONERS  
(By Henry Raymont)

At the crossing point between East and West Berlin on Friedrichstrasse, where West Berlin tour buses pull up for a glimpse into the East, an odd scene took place one recent afternoon.

A bearded young man, looking somewhat bewildered, escorted by a stocky Wall Street lawyer and trailed by two East German security officials, was greeted on the Western side by a United States embassy aide.

The young man was Ronald V. Wieden-

hoeft, 30 years old, a Columbia University art history instructor who 20 minutes earlier was released from an East German prison where he spent nine months awaiting trial on espionage charges. His rescuer was Maxwell M. Rabb, a lawyer and president of the United States Committee for Refugees, a private organization at 20 West 40th Street, New York.

The quiet crossing at 2:21 P.M. on June 3 ended an unusual three-year campaign to free seven American prisoners in East Germany. Because Washington does not recognize East Germany, the effort was carried out through quiet and informal collaboration between American private citizens and the two governments.

#### DETAILS ARE RELATED

Mr. Rabb and others involved in the effort related last week the details of the negotiations, indicating the skill, patience and tactful but dogged determination required.

In contrast to past exchanges of spies with the Soviet Union and the ransom payments for Cuban exiles seized by the Havana regime during the Bay of Pigs invasion in 1961, no quid pro quo was involved.

The campaign was set in motion after the State Department had made a series of futile approaches to the East German Government for the lease of a young American, John Van Altena, 22 years old, of Milton Junction, Wis., who had been sentenced to eight years, in January, 1965, for helping East Germans flee to West Berlin.

The East Germans made plain that they would negotiate with Washington only if they obtained diplomatic recognition, a condition unacceptable to the United States, which is still officially committed to the reunification of Germany on the basis of free, democratic elections.

The State Department began to search for other channels to obtain the release of Mr. Van Altena. According to Mr. Rabb, his involvement came almost by accident.

The Boston-born lawyer had been asked by several clients to visit the 1965 Leipzig Trade Fair to determine whether an American boycott of the fair was in the national interest. There he developed close personal relations with a number of East German trade officials who had expressed interest in a normalization of relations.

#### ENLISTED BY U.S. OFFICIALS

When he subsequently went to Washington to tell the State Department that other Western nations were using the fair to sell machinery and other goods to the detriment of American industry, American officials asked whether he could use his connections in East Germany to intercede on behalf of the young American prisoner. Mr. Rabb agreed to try, and returned to Leipzig accompanied by his wife, Ruth.

The decision to take along his wife reflected Mr. Rabb's conviction that personal relationships counted more in international talks than textbooks on diplomacy might be willing to admit. Two years later he repeated the personal touch by enlisting the help of his son Bruce, 26-year-old lawyer who has joined his father in the Wall Street law firm of Strook & Strook & Lavan, in the negotiations that led to the release of Mr. Wiedenhoeft.

"The fact that I returned with Ruth had a startling effect," he recalled during an interview. "It seemed to suggest to the East Germans that we were vaulting the diplomatic wall and were interested in them as human beings. This immediately created a more relaxed and friendly atmosphere for the talks that were to follow."

Mr. Rabb, an affable man of 57 with the ready smile of a practical politician, is a former Presidential assistant and secretary to the Cabinet under the Eisenhower Administration and has held a number of international appointments.

From the outset, the lawyer made it clear that he was not in a position to offer any commitment and that the negotiations had to be based on mutual good faith. He suggested that East German willingness to release American prisoners would help reduce cold war tensions and perhaps ease the way to improve trade relations with the United States.

"They quickly became aware that the release of Mr. Van Altena and the six other prisoners that were to follow amounted to a demonstration of a desire to normalize relations," Mr. Rabb said.

"I believe that it is significant that since the first prisoner was freed more than two years ago there has been a reduction of incidents with the United States military and a palpable increase in trade relations, entirely to our advantage."

The new East German extension of transit-visa and road-toll requirements to West Germans are not viewed as a threat to the American military presence in West Berlin.

The lawyer said the United States had exported oranges, coal, textiles and some machinery totaling \$10-million. He characterized the sales as "clearly helping our balance-of-payments problem."

After the initial meetings in Leipzig, Mr. Rabb made four unpublicized trips to Berlin where he conferred with a Deputy Premier and members of the state police before he obtained the release of Mr. Van Altena. He said he could not disclose the names of the officials.

#### TWO BERLIN LAWYERS

His command post was a West Berlin hotel. Since there is no direct telephone communication between East and West Berlin, the arrangements were worked out by two lawyers, Jürgen Stange of West Berlin and Wolfgang Vogel of East Berlin. Mr. Vogel had participated in the trade of Francis Gary Powers, the American U-2 pilot, and Col. Rudolf Abel, the Soviet spy.

Mr. Van Altena was released in 1966 without publicity. By that time four other Americans had been arrested in East Berlin and Mr. Rabb agreed to work for their freedom also.

They were: Mary Ellen Battle of Oak Ridge, Tenn.; Moses Reese Herrin of Akron, Ohio; Frederick Matthews of Ellwood City, Pa., and William W. Lovett of San Francisco. The first three were charged with having helped East Germans escape to the West; Mr. Lovett was arrested in connection with a traffic accident and on charges of carrying a concealed weapon.

Working with Messrs. Stange and Vogel, the two Berlin lawyers, Mr. Rabb obtained the release of the four in February, 1967. He had arranged coded Telex communications between his Wall Street Office and Mr. Vogel's office in East Berlin to speed the long and complicated negotiations.

The seventh American released through Mr. Rabb's mediation effort was Peter T. Feinauer of Providence, R.I., who was arrested in October, 1966, on charges of espionage for the Central Intelligence Agency and of helping East Germans to flee to the West. He was freed last month.

Mr. Rabb has received a personal note from Secretary of State Dean Rusk extending "warm appreciation and congratulations" for the effort. The lawyer said he paid for all of his travels to Berlin on his own and accepted no fees from the prisoners.

#### GROMYKO'S DECLARATION THAT RUSSIANS ARE READY FOR MISSILE TALK

Mr. JACKSON. Mr. President, in the recent Senate debate on our Sentinel ABM system certain Senators argued that a vote to go forward with the Sentinel system would make more re-

mote the possibility of talks with the Soviets on strategic armaments, and that efforts to secure any agreement on strategic armaments limitations would be seriously prejudiced.

At the same time, a number of newspaper, TV and radio commentators argued that to proceed with the deployment of the Sentinel ABM system was inconsistent with the search for an agreement with Moscow to limit strategic weapons, and that a vote for the Sentinel ABM was a vote to undermine the American diplomatic efforts to persuade Moscow to start talks with us on the mutual limitation of offensive and defensive missile systems.

The Senate, as you know, rejected these suggestions that we must weaken ourselves in order to open talks with Moscow about arms control. On Monday, June 24, by the overwhelming votes of 52 to 34 and 72 to 12 the Senate notified the world that we would continue to maintain a position of strength and that we would proceed with the deployment of the Sentinel ABM system.

This notification to the world was further emphasized a day later in the final 78-to-3 Senate vote on the military construction authorization bill which includes the authorization for starting Sentinel deployment.

The judgment of the Senate on this matter has been proved right. Not only has the Senate's decision to go forward with Sentinel deployment not been a hindrance to the furtherance of discussions: I call your attention to the fact that on Thursday, June 27, 3 days after the Senate ABM votes, Foreign Minister Gromyko announced that "the Soviet Union is ready to enter an exchange of opinions" on "the mutual limitation and later reduction of strategic weapons, both offensive and defensive, including antimissile missiles."

Gromyko's statement came as a welcome surprise to American officials. For more than 18 months the President has been trying to persuade the Soviets to open talks on this critical subject. At last we appear to be seeing some hopeful progress.

This was one of our objectives in the Senate debate which began on Wednesday, June 19. One of the compelling reasons for urging the Senate to vote for the deployment of our ABM system was to strengthen the President's diplomatic hand vis-a-vis the Soviets and to improve the chances that Moscow would start talks with us on the limitation of strategic nuclear offensive and defensive systems.

Here is what I said on the Senate floor on Wednesday, June 19, 1968:

I am not suggesting, of course, that we suspend the effort to reach agreement with Moscow on reciprocal arrangements for the control and limitation of strategic nuclear offensive and defensive forces. I have long argued for such an effort and I have supported President Johnson in his initiatives to get discussions underway with Moscow on this range of issues. At the same time, it would be the height of irresponsibility for the Congress of the United States to imperil the present or future credibility of our nuclear deterrent.

All of us should have learned by now that the way to encourage a reasonable response

from Moscow is not through weakness but through strength. The way to negotiate successfully with Soviet leaders is to have the strong positions to bargain with—and to make negotiated agreements more attractive to them than continued disagreements—as in the case of the limited nuclear test-ban treaty.

I am confident that the Administration's decision to proceed with Sentinel deployment will strengthen our diplomatic hand—not weaken it—and that this program can actually improve the chances for starting meaningful discussions with Moscow on strategic armaments control and limitation.

Here is what Secretary of Defense Clifford said on Thursday, June 20, 1968:

... if the Soviets are developing an ABM system, and we know they are developing it, and we know that they are deploying it, I believe we are in a better posture to reach agreement with them on an ultimate step toward disarming if we also go about the deployment of a system.

I think our negotiations over the past decades would indicate that this is the better position for us to be in if we hope to achieve some type of resolution of this problem with the Soviets. . . .

What I am saying is that from a psychological standpoint, I believe that if we proceed with the deployment because they are—I think it places us in a better posture in negotiating with them and ultimately, hopefully, reaching a broader arms agreement.

Here is what I said on the Senate floor on Monday, June 24, 1968, just prior to the Senate's overwhelming rejection of the amendments that would have delayed or ended our ABM Sentinel system:

The argument has been made over and over again by the supporters of this amendment that if this country goes ahead with the ABM, we will somehow add fuel and fire to the arms race. If we do not go ahead, the argument goes, there is some hope then of getting the Soviet Union to reach an agreement to dispense with the anti-ballistic missile system. . . .

It does not make any sense to say that if we reduce our strength unilaterally, if we decide not to go ahead with the ABM program, the Soviet Union will drop its ABM program. On what basis would we negotiate? Are we assuming that because we do nothing, Moscow will suddenly drop its ABM program? It does not add up.

Are the Soviets apt to sit down and talk with us about the ABM if we do not do anything about an ABM system? They are doing very well. I do not know why they would ever want to talk with us on this issue if we do not go ahead with our program. There is nothing about which to bargain. They have it, and they have had one kind of a program deployed since 1962. We have been sitting by for 6 long years without any deployment.

Does the Senate want to send a message to the Soviet Union and say, "Look, you go right ahead with your program, because the United States is not going to bargain on this issue, by their decision here today to cut out the program"? With this approach, what do the Senators on the other side of this argument believe they are going to accomplish in the way of negotiations or agreement with Soviet leaders on the control or elimination of strategic weapons?

I am delighted that the Soviets have now flashed a green light to President Johnson's longstanding proposal to discuss limiting strategic nuclear offensive and defensive weapons systems, including the ABM.

Talks on this range of issues, of course, will raise fundamental problems of de-

ference, relationship of East-West forces, inspection, and compliance. What we are after is a system of limitation and control of arms that will reduce the risks in the world, without adding to them. All the experience we have had makes it obvious that this aim is not an easy one to achieve. In any event, we can expect some of the old, familiar disarmament ploys from the other side, as well as some new Soviet propaganda escapades.

What is needed on our side is a realization that discussions and negotiations are likely to extend over a long period, and may not bear early fruit. We are going to want to keep talking but, at the same time, positions of strength that fortify our diplomatic hand are necessary. That lesson, I hope, is now clear.

I was very pleased to see that the editors of the Washington Post in their editorial today move in this general direction. I ask unanimous consent that this editorial be included at this point in the RECORD.

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

[From the Washington Post, June 28, 1968]

#### IALOG OF HOPE

The Soviet announcement of readiness to "exchange opinions" on limiting strategic weapons keeps alive the great-power dialogue on which the security of mankind depends. Whether talks will follow, and succeed, only events will tell. Heavy fears and powerful interests in both countries constantly press them to build ever greater and more menacing arsenals; the Kremlin and White House never lack substantial reasons to seek security in arms. Yet without talks—without their indication of mutual interest in stabilizing the balance of terror—there can be no reasonable prospect of a safer world.

The important consideration should be to prevent the clamor for passing political advantage from drowning out the continuing strategic dialogue.

That the Soviet announcement closely followed the Senate vote for Sentinel deployment will suggest to some that the vote forced the Soviet hand. Perhaps it did. Undeniably, the United States suggested talks only after learning that Moscow was making its first ABM deployment. It may be equally true that the Soviet Union accepted talks only after becoming convinced that Washington would make its first ABM deployment. Three days is not much time for such a big decision but, at least, the symmetry is appealing.

In fact, we do not know what combination of signals from Washington and arguments and alignments in Moscow produced the Soviet nod. The most that can be said with certainty is that in both capitals the struggle over ABM is close, and the side in favor of holding back and of pursuing a dialogue is always in need of reinforcement from the other capital. The tension over ABM in Washington is evident. To see how tight it is in Moscow, one need only look at the ABM deployment around Moscow and the work on an orbital bomb system (FOBS), as well as at the delay in answering the President.

It remains for the diplomats to discover what Moscow has in mind. Mr. Gromyko referred to limiting and reducing strategic weapons—this is of first importance. But he also suggested an international conference to outlaw the use of nuclear arms—this is an old propaganda ploy, exposed as such by, among others, Nikita Khrushchev. It would be uncharacteristic if the Kremlin did not

try, at least at the outset, to condition its cooperation on American concessions in Vietnam. But all that is in the future. Today men everywhere can take heart that the dialogue of hope goes on.

Mr. STENNIS. Mr. President, I want to support the views expressed by the Senator from Washington [Mr. JACKSON]. I welcome the indication from the Soviets that they are prepared to talk with us about the limitation of offensive and defensive strategic armaments. This was one of the considerations we had in mind in our effort on the floor of the Senate to assure the authorization for construction of our Sentinel anti-ballistic-missile system. This was among the main reasons some of us sought to persuade this body to give its strong support to the authorization for Sentinel deployment—to strengthen our bargaining position on strategic armaments, offensive and defensive.

On Wednesday, June 19, the opening day of the Senate ABM debate, I said:

I want to be frank about it. I do not think now that this ABM system is an absolute defense. I doubt if we will ever have an absolute defense against incoming nuclear weapons—that is, the ability to blot them out and totally cancel all of their effect.

But I do know that if we do not have one, and let Red China or the Soviets build one, it could be effective against our power. They would know that we do not have any. It would eliminate the uncertainty in their minds as to what we had. They would know we do not have any, and we would not fare well at the negotiating table, or in any other way.

During our Senate ABM debate on Friday, June 21, I said:

I think the stronger we are the better we will be at the conference table. I think that is the psychology of the matter. . . . We have to negotiate at this time from a position of strength. I think they (the Soviets) understand that and would not be aroused any more by the construction of this (ABM) system than they would be by our offensive system.

Again, during the debate before the ABM votes on Monday, June 24, I said:

It has also been widely argued that our deployment of an ABM system of any kind will generate a new arms race and that our purpose should be to reach an accommodation with the Soviets which would slow down rather than increase the arms race. Conceding that this is a desirable goal, the basic fact is that we cannot bring about or negotiate international agreements of this kind on the floor of the Senate. Such agreements have to be negotiated and reached through the process of diplomacy and then presented to us for ratification or rejection. If this course is to be embarked upon, it would certainly be far better for our negotiators to deal from strength than of weakness and, in my judgment, the approval of Sentinel would add force to our bargaining position.

I am proud to have been associated with my colleagues, the Senator from Georgia [Mr. RUSSELL] and the Senator from Washington [Mr. JACKSON] in the effort to assure authorization for Sentinel deployment. The large Senate votes of 53 to 34 and 72 to 12 in favor of the ABM authorization, and the final vote of 78 to 3 for the full military construction authorization bill, were the right signal to give to Moscow.

Mr. President, I hope we will hear more of these indications from the Soviet

Union that they mean business and that they are prepared to talk and prepared to talk about the limitations on these armaments. However, it must be a mutual limitation and not a unilateral limitation. It must be that we negotiate from strength rather than weakness or inadequacy at any time.

#### NO HUNGER IN WIBAUX COUNTY, MONT.

Mr. MANSFIELD. Mr. President, some weeks ago, when the national report on hunger was released, a small county in eastern Montana was listed among those small isolated areas of poverty. Wibaux County has received this unjustified publicity because of statistical information which is used on a national basis and does not necessarily reflect the true picture of a small rural area of small population, especially when it is compared statistically with large urban areas.

Just recently, the Department of Agriculture again has given this county what it considers to be adverse publicity. Because of the 1960 census and per capita income report, the departmental officials have made an effort to implement the program of distributing USDA donated foods to low-income families in the county. According to the information provided by local officials, there are no families who need this food. The departmental determination was based on an old statistical report and, apparently, it did not attempt to make an on-the-spot survey to determine whether there was such a need at this time. While I certainly support the Department's efforts to bring this program to needy families, I also think it should be a little more careful and a little more thorough in checking out the local situations.

My colleague, Senator LEE METCALF, and I have asked that the Department withdraw its personnel until such time as there is a real demonstration of need.

Mr. President, I ask that three news stories appearing in the Montana press and a report from the Department of Agriculture be printed at the conclusion of my remarks.

There being no objection, the news stories and departmental report were ordered to be printed in the RECORD, as follows:

[From the Missoulian, June 18, 1968]

GOVERNMENT SENDING FOOD DESPITE COUNTY'S PROTESTS—WIBAUX MAY BE FORCE-FED

(By J. D. Holmes)

A federal agency indicated Monday it will set up a food distribution program in eastern Montana's Wibaux County despite the protests of local officials that the county has no underfed residents.

Indication that the program may be set up anyway came from Charles M. Ernst, western director of the Consumer and Food Marketing Service of the U.S. Department of Agriculture.

This was after the Wibaux County Board of Commissioners had flatly refused Ernst's offer to establish a commodity distribution program to provide food products to persons who would be certified as needy.

Using county welfare figures for April, Ernst said 34 people would have qualified for the food program because they already were on the welfare roll.

Ernst and Bernice Canata, administrative

officer in the West for the USDA's consumer food program, flew from San Francisco to meet in the Wibaux County Courthouse with county officials and others in the community of about 800 population.

Representing Montana's government at the two-hour session were State Controller Ralph C. Kenyon, head of the Department of Administration, and his agency's commodity supervisor, M. E. Mocabee, both of Helena.

Others at the meeting included the county extension agent, county superintendent of schools, county assessor, county health and welfare officials, bankers and members of an economic development group.

All insisted no one in the county can be considered hungry or undernourished beyond those currently being taken care of through the regular welfare program.

Kenyon, whose department supervises the distribution of foodstuffs made available by the federal government, said the local people at the meeting agreed they are "strongly interested in receiving assistance that would in turn aid the members of the community to help themselves.

"However, they do not want to make their citizens dependent upon a handout."

He said the USDA officials offered to pay the administrative and transportation costs of the food distribution program. These are costs usually paid by the counties or institutions involved.

The meeting came as the House Agriculture Committee reported there is very little actual hunger in the nation but there is widespread malnutrition caused largely by poor people's ignorance.

The committee study was made after a citizens' group said last April there is evidence of hunger and malnutrition in all parts of the nation.

Wibaux was one of 256 counties listed in that April report. No other Montana county was listed and Wibaux officials promptly denied the report and asked for details of how the survey was made.

At Monday's meeting, local officials continued to insist they would like more facts—this time about a federal survey Ernst said was made of 1,000 counties across the nation. Of this group, he said, Wibaux County was No. 835.

No further explanation was available, other than the statement that the survey was based on the 1960 census.

Those at the meeting were told that Wibaux County now is among 331 counties in the nation in which the USDA plans to set up food programs.

Kenyon said he and Mocabee decided to attend the meeting, apparently set up by Ernst, after being advised the federal officials feel they have a mandate to set up the food program if the county does not.

[From the Billings Gazette June 19, 1968]

GET HUNGRY, WIBAUX

Wibaux County was a happy land until it was discovered by the statisticians, mostly federal.

Earlier this year, the so-called Citizens Board of Inquiry Into Hunger and Malnutrition reported to the House Agriculture Committee that it had uncovered 256 "hunger counties" in the U.S.A.

Wibaux County residents, as they munched their bacon and eggs, spooned oatmeal mush or toyed with crispy crackles or whatever their breakfast tastes of the day were, read with dismay that they were among the "hunger" group. That was earlier this year.

Wibauxites scoffed at the idea of their county being listed in the 256. Some of them even got peeved at this newspaper for printing the news stories. Then they went back to minding their own business.

But not so the "hunger hunters."

Monday of this week the Consumer and Food Marketing Service of the U.S. Department of Agriculture announced it plans to

set up a food distribution program in Wibaux.

Two officials from San Francisco came by plane to inform the "uninformed" Wibaux area officials that hunger exists in their midst. And, like it or not, they will be fed surplus foods.

It must all seem like some weird dream to the people of Wibaux. It is especially astonishing to the health officer, who likely knows everyone in the county by his first name.

He has offered a \$100 reward to anyone who can produce an honest-to-goodness, unintentional hunger or neglect case in his jurisdiction.

But, then, statistics don't lie. Wibaux County, you've been listed as a hunger case. Now be a good county and sit right up and take your surplus foods dosage so the Citizens Board of Inquiry Into Hunger and Malnutrition can chalk up another victory and march on to new counties to dehunger.

[From the Butte-Anaconda (Mont.) Standard, June 23, 1968]

#### ARBITRARY ACTION

It appears Wibaux County in eastern Montana is going to get a federal food distribution program despite loud and insistent protests that the county has no underfed residents.

According to the Associated Press, Charles M. Ernst, western director of the Consumer and Food Marketing Service of the Department of Agriculture, indicated the program may be set up in Wibaux County even though the county's Board of Commissioners, and other local officials refused the federal assistance.

Wibaux officials want to know why their county was one of 256 counties listed in the report "Hunger: U.S.A." issued last April by the Citizens Board of Inquiry Into Hunger and Malnutrition in the United States. The only explanation they have received is that the survey was based on the 1960 census. Wibaux is entitled to more information than that.

Unilateral action by the federal agency is an imposition and Wibaux should resent it.

Federal officials feel they have a mandate to set up the food program. Such mandates have been carried out or are planned in the South. But in those instances hunger and malnutrition are very evident.

At a recent meeting of officials and leading citizens in Wibaux, the people were reported as "strongly interested in receiving assistance that would in turn aid the members of the community to help themselves. However, they do not want to make their citizens dependent upon a handout."

It should be noted that Wibaux was the only Montana county listed. We, too, would like to know why that county.

In their protest, Wibaux officials have the support of Rep. W. R. Poage of Texas, chairman of the House Agriculture Committee, who believes the hunger report is at best exaggerating.

Poage wrote to the health officers in the 256 "emergency hunger counties." He wrote "From my limited knowledge of nutrition I would assume that it was true that many Americans suffer from an improper diet, but the problem there is one of education and of personal decisions. It differs greatly from the inability of citizens to obtain the needed nutrients either through gainful employment or public relief."

Many county health officials evidently agreed with Poage. The House committee reported there is very little actual hunger in the nation but there is widespread malnutrition caused largely by poor people's ignorance.

We could fall into a serious error here if we, seeking comfort, were to accept this committee report as the definitive word on the subject—to conclude that "Hunger: U.S.A." and other similar findings are wrong.

Wibaux can well be an exception and the federal arbitrary imposition unjustified. Nevertheless, we can't shift the blame for hunger to the hungry, nor can we shift the blame for malnutrition to those ignorant of its meaning, in other sections of the country, particularly the South.

DEPARTMENT OF AGRICULTURE,  
Washington, D.C., June 25, 1968.

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

DEAR SENATOR MANSFIELD: For the past year this Department has maintained a concerted effort to assist low-income families by encouraging counties to distribute USDA-donated foods to them. Recognizing that some counties could not store and distribute our foods because of limited or inelastic budgets, we offered to share the cost of starting distribution programs with counties in the lowest 1,000 when ranked by per capita income reported in the 1960 census.

This week our representatives were in Wibaux County to offer local authorities the financial aid necessary for them to start a food program. We learned that local authorities are very concerned that Wibaux County was considered for this aid. They firmly believe that there are no families in need of additional food assistance and protest, sincerely, the establishment of a food assistance program.

Local authorities have suggested that USDA make a survey to establish with certainty whether or not there is now need for food assistance in the county. We believe that the best way to make such a determination is to offer to accept applications in the county from persons who feel they are in need of more food than they can buy and to use the standards for evaluation of need for food assistance commonly used in other counties by the Montana Department of Administration. We propose to start this testing in the next two weeks. If by mid-July there is an established list of families that are eligible for food assistance, we will prepare to distribute foods with USDA personnel if county authorities do not then want to share in this effort.

I know that you share my concern that the food resources of this Department be shared wherever they are needed. I think that this proposal for Wibaux County can remove all doubt about need for food assistance among families in the county and will appreciate your understanding and support.

Sincerely yours,

ORVILLE L. FREEMAN.

#### SUPREME COURT APPOINTMENTS

Mr. MOSS. Mr. President, I rise to offer some views with respect to appointments to the Supreme Court of the United States. My observations will be restricted to recent suggestions that President Johnson should not fill the vacancy which now exists on the Court because he is a "lame duck" President.

An extension of this position, different only in span of time, would mean that any President would be a "lame duck" President on the first day of his second term in office because the law prohibits the person from serving more than two terms.

But what is described as the "lame duck" position of the President of the United States is not the point at all. The point is that the President is required by the Constitution of the United States to fill vacancies on the Supreme Court.

I quote from article II of the Constitution of the United States:

He (the President) shall nominate, and by and with the Advice and Consent of the

Senate, shall appoint . . . judges of the Supreme Court.

Note that the language in this section of the Constitution says the President "shall nominate" and "shall appoint." It does not say he may nominate or may appoint. In other words, the language is not permissive, it is mandatory.

The reason the language is mandatory is apparent and can be simply illustrated by this hypothesis:

Even though it is unlikely, suppose that all nine Justices were no longer available for service by virtue of death, incapacitation, or resignation. In that event, if a President were not required by the Constitution to fill the vacancies, and if he refused to fill the vacancies, then this Nation would be without a Supreme Court. In my judgment if any President consistently refused to fulfill his responsibility to fill vacancies on the Supreme Court, such refusal would be grounds for impeachment.

The point I am attempting to bring into focus is that it is a constitutional requirement, and the President's duty, to nominate individuals within a reasonable period of time to fill vacancies on the Supreme Court, and to appoint such nominees with the approval of the Senate of the United States. He has no choice, and failure to fill such vacancies within a reasonable period of time would be a dereliction of duty.

These constitutional responsibilities rest with the President as long as he is in office, and they are not affected by any so-called lame duck status. Therefore, it is my opinion that "lame duck" status is not germane to any discussion of Presidential nominations to the Supreme Court of the United States.

The "politics" of the objections stated by those opposed to the nominations are so blatant and transparent that they should be disregarded in toto.

#### OUR CROWDED NATIONAL PARKS

Mr. MOSS. Mr. President, for almost 10 years now, ever since the Outdoor Recreation Resources Review Commission warned us of the impending crisis in outdoor recreation facilities, we in the Congress have been trying to do something about it. We have established a handful of new national parks and monuments, and recreation areas and lakeshores and seashores, and have made money available to States for the development of State parks and other local recreational facilities. We have also spurred on private enterprise to do all it can. But we have not done nearly enough. And our national parks, the "crown jewels" of our outdoor recreational system, are particularly feeling the pinch.

I ask unanimous consent to have printed in the RECORD an article entitled "Crowding Looms as United States Heeds Call of Wild," written by William J. Stanfield, and published in the Salt Lake Tribune of Sunday, June 23, 1968, which gives us an idea of the dimensions of the problem we are facing—a problem about which I hope to have more to say to the Senate at a later date.

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

[From the Salt Lake Tribune, June 23, 1968]  
CROWDING LOOMS AS UNITED STATES HEEDS  
CALL OF WILD

(By William J. Stanfield)

For millions of Americans the vacation days now beginning mean just one thing—heading for the great outdoors to spend a few days or weeks fishing, hiking along wilderness trails or just lazing in some cool, secluded forest glen.

There's not a section of the country that doesn't offer camping or tramping grounds, but increasingly in recent years Americans in search of a return to nature have sought the western outdoors.

With its towering mountain peaks, its lush valleys, cool, clear, fishing streams and spectacular vistas, the west has become such a lure for holiday campers that in some cases there is grave concern among recreation and conservation officials for the preservation of the same natural wonders that bring the vacationers in their millions.

#### BACK HUNDRED YEARS

Camping for pleasure in the United States dates back at least 100 years.

As early as July 24, 1856, some 450 Utah pioneers camped in Big Cottonwood Canyon southeast of Salt Lake City. The occasion was a "pic-nic party" organized by Brigham Young to celebrate the ninth anniversary of the settling of the land of Deseret by the Mormons.

In the latter half of the 19th Century, famed naturalist John Muir and other early-day outdoor enthusiasts were exploring the Sierra Nevada of California, laying out trails and discovering the sheer granite cliffs and spectacular waterfalls that now attract the summer travelers.

It's the size of the throngs of visitors overrunning some of the better known resorts that is beginning to worry some outdoor recreation officials.

#### SAVE THE PARKS

Yosemite National Park, which attracted more than two million visitors last year, and Yellowstone National Park, the nation's oldest and most popular park are both undergoing changes designed to protect the natural attractions from being ruined by overcrowding.

Other popular areas, such as Grand Canyon National Park and the famed Salmon River in Idaho, also are subjects of concern.

At Yosemite, the spectacular fireball, a nightly attraction from the top of Glacier Point overlooking Yosemite Valley, was discontinued last January at the orders of park service director George B. Hartzog Jr., in an attempt to cut down on the overcrowding which has threatened the natural beauty of the valley.

#### OTHER RESTRICTIONS

At the same time, the park service redesigned campsites in the valley to keep campers spaced out, instituted a one-way road system and cut the camping limit from 14 to 7 days in the valley.

According to Park Supt. Lawrence C. Hadley, "we may eventually have to eliminate cars from the valley—or convert the valley into an expanse of pavement just to handle cars."

At Yellowstone, some one-way roads were put in around the congested and popular area of Old Faithful and park officials are considering cutting down the length of camping visits.

#### ON THE SALMON

The Salmon River, Idaho's famed "river of no return," so named because most boat traffic can go only one way—downstream—has also become so popular that forest service officials are considering some restrictions.

Says John Herbert, chief of recreation and lands at the district office in Ogden, Utah:

"We think the day is rapidly coming when we may have to ration float trips down the

Salmon. We may have to require people to sign up as much as a year in advance in order to maintain some sense of quality."

Robert Moore, assistant regional director of the National Park Service in San Francisco, also agrees that tighter controls—"in a sense, a rationing of use"—will be required as camping demands increase.

#### CAMPING PROBLEMS

"Camping is one of our major problems in trying to meet ever-increasing demands" Moore says. "The concern is that overcrowding may destroy the very thing we are trying to preserve."

Use of new facilities, such as Lake Powell on the Arizona-Utah border, is increasing as much as 500 percent a year and there's no sign that there will be any slackening of demand at other spots.

In fact, the Forest Service anticipates a 300 percent increase in camping use by the year 2000 and is now planning to build in the next 10 years 21,000 new campgrounds containing 210,000 family units.

But even though some areas are overcrowded, recreation officials point out there is more than enough public land in the West to handle the nation's camping needs for years to come.

#### UNTAPPED POTENTIAL

The Bureau of Land Management alone, for example, administers 450 million acres of public land ranging from arid deserts to Arctic tundra. Most of its beauty is relatively unknown and its potential for recreation virtually unlimited.

Nearly every western state has huge blocks of such land offering hiking, fishing, rock hunting, mountain climbing, historic old trails such as the Oregon Trail, and Indian petroglyphs as well as Indian dances, powwows and ceremonies.

The forest service, next to the park service in popularity among many campers, controls 186 million acres including 14 million acres of wilderness and primitive areas which can be entered only on foot or on horseback—a near guarantee against overcrowding in the near future.

#### FISHING, HIKING

National forests boast more than 100,000 miles of trails, 81,000 miles of fishing streams and rivers and more than three million acres of lakes and impounded waters.

Among the most spectacular of national forest attractions is Hells Canyon, a 7,900-foot-deep chasm cut by the Snake River along the Oregon-Idaho border. At places, the canyon is 10 miles from rim to rim and approaches the Grand Canyon of the Colorado in sheer awesomeness.

National forest lands also hold other tourist attractions, such as Grasshopper Glacier in Montana's Custer National Forest, where thousands of grasshoppers were entombed millions of years ago; gold panning at German Gulch in Deerlodge National Forest in Montana, and the historic trails, still visible in places, of Jim Bridger, Lewis and Clark, Gen. John C. Fremont and Kit Carson as they opened the west.

#### THE REAL ENTHUSIAST

And for the ambitious and young in heart, there are the thousands of miles of trails and millions of acres open only for the backpacker and horseback rider.

#### ORDER FOR RECOGNITION OF SENATOR DOMINICK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the vote on the International Coffee Agreement of 1968, the distinguished Senator from Colorado [Mr. DOMINICK] be permitted to proceed for not to exceed 25 minutes.

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

#### MAURITZ A. STERNER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1158, H.R. 3865.

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

The LEGISLATIVE CLERK. A bill (H.R. 3865) for the relief of Mauritz A. Sterner.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 5, after the word "of" strike out "\$25,000" and insert "\$50,000".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1179), explaining the purposes of the bill.

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

#### PURPOSE

The purpose of the proposed legislation, as amended, is to pay Mauritz A. Sterner \$50,000 in full settlement of his claim against the United States to compensate him for the use of his original idea of a paper blanket and for his development of that idea.

#### STATEMENT

The claim embodied in this legislation was the subject of a hearing held by this committee's Subcommittee on Patents, Trademarks, and Copyrights on August 31, 1967. This hearing was held on S. 530, introduced by Senator Philip A. Hart, for the relief of Mauritz A. Sterner. S. 530 provides for the payment to Mr. Sterner of \$50,000 in full settlement of his claim against the United States.

The committee adopts in substance the facts of this claim as set forth in the report filed by the House of Representatives Committee on the Judiciary. The testimony presented at the hearing and the additional information supplied to the committee in the form of departmental reports and other information indicate that Mr. Mauritz A. Sterner evolved the idea of a paper blanket for use by the military services in the early 1940's. In that period, he attempted to interest the various military services in the use of these blankets. Mr. Sterner's idea was to use a crepe kraft paper which would be water and fire resistant. Two layers of this paper would be stitched together so as to form a paper blanket which would be suitable for use in the field by military forces and also serve as a waterproof extra blanket to cover a litter. The military services obtained quantities of the blankets from Mr. Sterner for experimentation and evaluation. The Navy purchased about 50,000 of the blankets in 1945 for the use of the Marine Corps. As a result of the evaluation conducted in this manner, specifications were established and a stock number was assigned to the paper blanket; however, the services did not adopt the blanket as an item of supply. As is noted in the Department of the Army report on a bill introduced in the 88th

Congress, the Quartermaster Corps Climatic Research Laboratory in a report dated January 29, 1947, found that the paper blanket may have about 65 percent of the insulating value of a wool blanket. The laboratory further determined that when a paper blanket and a wool blanket are used together, the insulating properties of the combination were not significantly different from those of two wool blankets.

After the establishment of the Federal Civil Defense Administration in 1950, Mr. Sterner brought his paper blankets to the attention of civil defense officials. That Administration requested that the Armed Services Medical Procurement Agency procure blankets from Mr. Sterner's company. The information submitted to the committee indicates that the Federal Civil Defense Administration was faced with a problem of the storage of blankets where wool blankets would be subjected to moth and other storage hazards and would cost a considerable amount more than would the paper blanket originated by Mr. Sterner. These considerations were the ones that led the Federal Civil Defense Administration to request the Armed Services Medical Procurement Agency to procure the paper blankets. A contract was negotiated for this purpose in January 1952, with Mr. Sterner, calling for the delivery of 177,300 paper blankets. The Sterner Co. encountered difficulty in producing the blankets equivalent to the sample originally submitted by Mr. Sterner. Mr. Sterner explained that in his negotiations with the paper manufacturer, he found that the chemicals he had originally designated for use as a fireproofing substance were not available in 1952, and the mill substituted another and cheaper chemical.

The result was that the samples furnished would not meet the contract specifications. The situation developed to the point that Mr. Sterner was unable to furnish additional samples which would meet the specifications with the result that the contract was terminated without any deliveries having been made.

In June of 1952, contracts for paper blankets were awarded to two other companies. Since then and at various times, a total of 3,769,304 paper blankets were purchased for the use of the Federal Civil Defense Administration. These purchases were made in the period from 1952 through 1961 at a total cost of \$2,492,545.72. In order to compare the cost of wool blankets, the Army report states that the average unit price of blankets sold to the Army during the same period was about \$8. The committee notes that the purchase of paper blankets in lieu of a comparable wool product resulted in a very considerable saving to the United States.

The testimony before the Senate subcommittee indicated that Mr. Sterner has received no compensation for the many years of effort he devoted to conducting experiments on his idea, in developing a flame and water resistant paper suitable for blanket use and in fabricating and proving useful his idea. He has spent over \$51,000 of his money for such purposes.

The Department of the Army in its report dated August 30, 1967, on S. 530 opposed relief on the ground that the military services received many proposals offering new products and ideas and that many of these unsolicited proposals were made by individuals seeking Government contracts. The Army further stated that if an item is one which is readily available from a number of suppliers, "the individual making the suggestion stands in the same position as any other prospective supplier." The report stated that:

"Mr. Sterner was more fortunate than many who submit unsolicited proposals as he sold some blankets to the Government and was awarded a contract to supply a substantial additional quantity. As he was unable to supply blankets of the specified

quality, his contract was terminated. There is no apparent reason for giving Mr. Sterner a monetary reward when others who lose a contract through their inability to comply with its terms receive no such consideration."

After considering this claim, the committee concurs in the statement in the report of the House of Representatives Committee on the Judiciary "that the technical position adopted by the Department of the Army fails to note the essential issue in this case and that is whether Mr. Sterner's contribution was such that it creates a moral obligation on the part of the Congress to compensate him. It appears from the material set forth in the Army report that Mr. Sterner has no legally enforceable right to recover on the basis of his original idea and its subsequent use by the United States. However, the committee feels that this is a case which merits legislative relief. Not only was the idea of a paper blanket originated by Mr. Sterner, but he made continued efforts to bring it to the attention of the Government and those efforts ultimately resulted in substantial purchases by the United States of paper blankets based on his specifications with consequent savings to the United States."

The committee recommends that Mr. Sterner be granted a payment of \$50,000. In view of the considerable investment of his funds which he made in the development of his idea, such an award appears warranted.

In view of the unusual circumstances of this case, the committee recommends that the bill, as amended to provide for a payment of \$50,000, be favorably considered.

Mr. MANSFIELD. Mr. President, I also ask unanimous consent to have printed in the RECORD a list of measures of a somewhat similar nature which have been passed in the past.

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

The 74th Congress, H.R. 5564, for the relief of Captain Russell Willson. Private Law 79—\$15,000.

The 75th Congress, S. 1453, for the relief of Maude P. Gresham and Agnes M. Driscoll. Private Law 267—\$14,940.55.

The 84th Congress, H.R. 2068, for the relief of William F. Friedman. Private Law 625—\$100,000.

The 85th Congress, S. 1524, for the relief of Lawrence F. Safford. Private Law 494—\$100,000.

The 86th Congress, S. 2353, for the relief of Col. John A. Ryan, Jr. Private Law 492—\$100,000.

The 87th Congress, S. 149, for the relief of the estate of Gregory J. Kessenich. Private Law 578—\$100,000.

The 88th Congress, H.R. 7348, for the relief of Frank B. Rowlet. Private Law 358—\$100,000.

#### THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration, in numerical order, of measures on the calendar beginning with Calendar No. 1302, S. 2960.

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

#### ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 1968

The Senate proceeded to consider the bill (S. 2960) to provide for the appointment, promotion, separation, and retirement of commissioned officers of the

Environmental Science Services Administration, and for other purposes which had been reported from the Committee on Commerce, with amendments, on page 2, line 1, after the word "in" insert "the active service of"; in line 2, after the word "service" where it appears the second time, strike out "of the United States"; "on"; on page 4, line 1, after the word "result" strike out "on" and insert on page 5, line 7, after the word "which" strike out "appointed" and insert "appointment"; on page 6, after line 4, strike out:

(b) Each person receiving an original appointment shall be placed on the lineal list in a position commensurate with his age, education, experience, and other qualifications, and shall be credited for purposes of basic pay with such years of service as are determined appropriate, in accordance with regulations prescribed by the Secretary.

And, in lieu thereof, insert:

(b) Each person receiving an original appointment shall be placed on the lineal list in a position commensurate with his age, education, experience, and other qualifications, in accordance with regulations prescribed by the Secretary, and shall be credited for purposes of basic pay with one and one-half years service if appointed to the grade of lieutenant (junior grade) and three years service if appointed to a higher grade. If such appointee is entitled to a greater amount of service for purposes of basic pay under other provision of law, he shall be credited with that service in lieu of the credit provided herein.

On page 7, line 3, after the word "on" strike out "its effective date, as determined by the Secretary" and insert "the date such appointment is made"; on page 8, at the beginning of line 9, strike out "appoint" and insert "appointed"; on page 11, line 3, after the word "ensign" strike out "or"; in line 4 after the word "grade," insert "or lieutenant"; after line 7, strike out:

(2) Each officer in the grade of lieutenant shall be honorably discharged unless on the date specified for his discharge under this section he is eligible under any law to be retired, in which case he shall be retired on that date. If on the date specified for his discharge he will have completed at least eighteen years of active service, he shall be retained on active duty and retired upon completion of twenty years of active service, unless earlier removed under another provision of law.

At the beginning of line 17, strike out "(3)" and insert "(2)"; on page 12, line 4, after the word "payment" strike out "computed on the basis of two months' basic pay at the time of separation for each year of active service, but not to exceed two years' basic pay." and insert "computed by multiplying his years of active service (as defined in section 30), but not more than twelve, by two months' basic pay of the grade in which he is serving on the date of his discharge. However, no person is entitled to a severance payment under this section that is more than \$15,000."; in line 14, after the word "such" strike out "lump sum" and insert "severance"; at the beginning of line 22, strike out "lump sum" and insert "severance"; on page 13, after line 7, strike out:

Sec. 17. (a) The Secretary may remove any officer from active duty for such cause as will, in the Secretary's discretion, promote

the efficiency of the service. Such cause shall include, but not be limited to, deficiencies in performance of duty, conduct, character, or fitness, or a determination that the officer's retention is not clearly consistent with the interest of national security.

(b) An officer removed from active duty under subsection (a), whether or not eligible for retirement from the Commissioned Officer Corps of the Administration under any law on the date of such removal, shall be either—

(1) separated from the service at the convenience of the Government; at the discretion of the Secretary an officer so separated may be paid a lump sum severance payment, equal to one-half the amount of that specified in section 16(b), but not to exceed one year's basic pay. If a person receives any subsequent retirement benefits from the United States that are based on the same years of service, there shall be deducted from each of his retirement payments so much thereof as is based on the service for which he has received payment under this section until the total amount deducted equals the amount of the lump sum payment; or

(2) if eligible for retirement, retired at the discretion of the Secretary in the grade and with the pay authorized by law if retired at his request: *Provided, however*, That if so retired he shall not be paid a lump-sum severance payment.

(c) The provisions of this section shall be implemented only after a fair and impartial hearing held in accordance with such regulations as the Secretary may provide.

And, in lieu thereof, insert:

SEC. 17. (a) The Secretary may at any time convene a board of officers to review the record of any officer to determine whether he shall be required to show cause for his retention on active duty—

(1) because his performance of duty has fallen below the standards prescribed by the Secretary, or

(2) because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with the interests of national security.

(b) Boards of inquiry shall be convened as the Secretary may prescribe to receive evidence and make findings and recommendations whether an officer who is required to show cause for retention under subsection (a) should be retained on active duty.

(1) A fair and impartial hearing before a board of inquiry shall be given to each officer so required to show cause for retention.

(2) If a board of inquiry determines that the officer has failed to establish that he should be retained, it shall send the records of its proceedings to a board of review.

(3) If a board of inquiry determines that the officer has established that he should be retained, his case is closed. However, at any time after one year from the date of the determination in a case arising under clause (1) of subsection (a), and at any time after the date of the determination in a case arising under clause (2) of that subsection, an officer may again be required to show cause for retention.

(c) Boards of review shall be convened as the Secretary may prescribe to review the records of cases of officers recommended by boards of inquiry for removal.

(1) If, after reviewing the record of the case, a board of review determines that the officer has failed to establish that he should be retained, it shall send its recommendation to the Secretary for his action.

(2) If, after reviewing the record of the case, a board of review determines that the officer has established that he should be retained on active duty, his case is closed. However, at any time after one year from the date of the determination in a case arising under clause (1) of subsection (a) and at any time after the date of the determination in a case arising under clause (2) of that

subsection, an officer may again be required to show cause for retention.

(d) A board convened under this section shall consist of at least three officers of the grade of commander or above, all of whom are senior to any officer considered by the board. No officer may be a member of more than one board convened under this section to consider the same officer.

(e) Each officer under consideration for removal under this section shall be—

(1) notified in writing at least thirty days before the hearing of the case by a board of inquiry of the reasons for which the officer is being required to show cause for retention;

(2) allowed reasonable time, as determined by the board of inquiry under regulations of the Secretary, to prepare his defense;

(3) allowed to appear in person and by counsel at proceedings before a board of inquiry; and

(4) allowed full access to, and furnished copies of, records relevant to the case at all stages of the proceeding, except that a board shall withhold any records that the Secretary determines should be withheld in the interests of national security. In any case where any records are withheld under this clause, the officer whose case is under consideration shall, to the extent that the national security permits, be furnished a summary of the records so withheld.

(f) The Secretary may remove an officer from active duty if his removal is recommended by a board of review under this section. The Secretary's action in such a case is final and conclusive.

(1) At any time during proceedings under subsections (b) or (c), and before the removal of an officer, the Secretary may grant a request—

(A) for voluntary retirement, if the officer is otherwise qualified therefor; or

(B) for honorable discharge with severance benefits in those cases arising under clause (1) of subsection (a); or

(C) for discharge with severance benefits in those cases arising under clause (2) of subsection (a).

(2) Each officer removed from active duty under this section shall—

(A) if on the date of removal the officer is eligible for voluntary retirement under any law, be retired in the grade and with the pay for which he would be eligible if retired at his request; or

(B) if on that date the officer is ineligible for voluntary retirement under any law, be honorably discharged in the grade then held with severance pay computed by multiplying his years of active service (as defined in section 30), but not more than twelve, by one month's basic pay of that grade, in those cases arising under clause (1) of subsection (a); or

(C) if on that date the officer is ineligible for voluntary retirement under any law, be discharged in the grade then held with severance pay computed by multiplying his years of active service (as defined in section 30), but not more than twelve, by one month's basic pay of that grade, in those cases arising under clause (2) of subsection (a).

No person is entitled to a severance payment under this section that is more than \$15,000. A fractional year of six months or more shall be considered a full year in computing the number of years of service upon which to base such retirement or severance pay, and a fractional year of less than six months shall be disregarded. If a person separated with severance pay under this section receives any subsequent retirement benefits from the United States that are based on the same years of service, there shall be deducted from each of his retirement payments so much thereof as is based on the service for which he has received payment under this section until the total amount deducted equals the amount of the severance payment.

(g) An individual, or his survivor or beneficiary, may not be paid severance pay, retired pay, or annuity otherwise creditable in connection with separation for cause under this section if such separation is based on an offense or offenses which are punishable by confinement in a penal institution for five years or more, and for which he has been convicted in a State or Federal court.

On page 22, line 22, after the word "Administration;" strike out "or" and insert "and"; on page 26, line 24, after the word "the" where it appears the second time, strike out "rank" and insert "grade"; on page 27, line 10, after the word "a" strike out "uniform" and insert "uniformed"; in line 19, after the word "the" where it appears the second time, strike out "Armed Forces" and insert "armed forces"; on page 28, line 9, after the word "the" strike out "Armed Forces" and insert "armed forces."; in line 13, after the word "the" strike out "Armed Forces" and insert "armed forces"; on page 29, line 8, after the word "the" where it appears the second time, strike out "Armed Forces" and insert "armed forces"; in line 15, after the word "authorized" strike out the comma and "whenever in his judgment a sufficient national emergency exists" insert a comma and "in time of war or national emergency declared by the Congress or the President,."; in line 20, after the word "authorized" strike out the comma and "whenever in his judgment a sufficient national emergency exists" insert a comma and "in time of war or national emergency declared by the Congress or the President,."; on page 30, line 21, after the word "after" strike out "consultation" and insert "approval"; on page 31, line 8, after the word "the" strike out "Armed Forces" and insert "armed forces"; on page 32, after line 18, strike out:

#### TRANSPORTATION OF DECEASED OFFICER'S EFFECTS

SEC. 35. The Administration is authorized to provide for the transportation (including packing, unpacking, crating, and uncrating) of personal and household effects of commissioned officers who die on active duty to the official residence of record for such officers or, upon application by their dependents, to such other location as may be determined by the Secretary or by such person as he may designate.

On page 33, line 2, change the section number from "36" to "35"; in line 9, change the section number from "37" to "36"; in the same line after the word "under" strike out "sections" and insert "section"; in line 10, after "5512" strike out "and 5513"; in line 16, change the section number from "38" to "37"; on page 34, line 1, strike out "in Alaska and places beyond the continental limits of the United States" and insert "outside the contiguous forty-eight States and the District of Columbia"; in line 14, change the section number from "39" to "38"; in line 17, after the word "the" strike out "Armed Forces" and insert "armed forces"; on page 35, in line 5, change the section number from "40" to "39"; in line 13, change the section number from "41" to "40"; in line 19, change the section number from "42" to "41"; on page 36, line 2, change the section number from "43" to "42"; in line 6, change the section number from "44" to "43"; in line 11

after the word "the" strike out Armed Forces and insert "armed forces"; in line 13, change the section number from "45" to "44"; on page 37, line 19, change the section number from "46" to "45"; on page 38, line 4, change the section number from "47" to "46"; after line 5, insert "(1) Section 4101 (2) is amended to read:"; in line 25, change the section number from "48" to "47"; on page 39, line 9, change the section number from "49" to "48"; in line 12, after the word "An" insert "initial"; and in the same line after the word "allowance" strike out "not to exceed" and insert "of not more than"; in line 13, after the word "each" strike out "individual serving on active duty as a"; in line 15, after the word "Administration" strike out the period and "An individual" and insert "who is serving on active duty. An officer"; in line 17, after the word "than" strike out "\$200 for such uniforms and equipment" and insert "one allowance" in line 18, after the word "under" strike out "any provision of law" and insert "this subsection."; in line 19, change the section number from "50" to "49"; on page 40, line 16, change the section number from "51" to "50"; on page 41, line 9, after the word "the" where it appears the first time, strike out "Armed Forces" and insert "armed forces"; in line 10, after the word "families" insert "servicemen in the United States Coast Guard and their families"; in line 11, after the word "servicemen" strike out "of" and insert "in"; in line 24, after the word "the" strike out "Armed Forces" and insert "armed forces"; on page 43, at the beginning of line 21, strike out "a" and insert "each"; on page 44, at the beginning of line 17, strike out "fund," and insert "Fund"; in the same line after the word "or" strike out "mutual mortgage insurance fund," and insert "Mutual Mortgage Insurance Fund"; in line 18, after the word "the" strike out "general insurance fund" and insert "General Insurance Fund"; and in line 22, change the section number from "52" to "51"; so as to make the bill read:

#### SHORT TITLE

SECTION 1. That this Act may be cited as the "Environmental Science Services Administration Commissioned Officer Corps Act of 1968."

#### DEFINITIONS

SEC. 2. Definitions listed in section 101 of title 10, United States Code, apply to this Act except as noted below:

- (1) "active duty" means full-time duty in the active service of a uniformed service;
- (2) "active list" means the list of officers, other than retired officers serving under permanent appointments;
- (3) "Administration" means the Environmental Science Services Administration;
- (4) "Department" means the Department of Commerce;
- (5) "grade" means a step or degree, in a graduated scale of office or rank, that is established and designated as a grade by law or regulation;
- (6) "lineal list" means active list, arranged in order of precedence;
- (7) "officer" means a commissioned officer;
- (8) "rank" means the order of precedence among members of the uniformed services;
- (9) "Secretary" means the Secretary of Commerce;
- (10) "Secretary concerned" is defined in section 101 of title 37, United States Code;

(11) "uniformed services" is defined in section 101 of title 37, United States Code.

#### AUTHORIZATION FOR CORPS

SEC. 3. (a) There shall be in the Administration a commissioned officer corps composed of commissioned officers appointed in the Administration in grades authorized commissioned officers of the Navy.

(b) The Secretary shall establish the authorized number of commissioned officers on the active list.

(c) The authorized number of officers on the active list established under subsection (b) shall be distributed in permanent grades, in relative rank with officers of the Navy, in the proportion of 0.25 per centum in the grade of rear admiral (upper half), to 0.50 per centum in the grade of rear admiral (lower half), to 8 per centum in the grade of captain, to 14 per centum in the grade of commander, to 19 per centum in the grade of lieutenant commander, to 23 per centum in the grade of lieutenant, to 18 per centum in the grade of lieutenant (junior grade), to the remaining per centum in the grade of ensign.

(d) Whenever a final fraction occurs in computing the authorized number of officers in any grade, the nearest whole number shall be taken, and if such fraction be one-half, the next higher whole number shall be taken. However, the authorized number established under subsection (b) shall not be increased as a result of the computations prescribed herein, and if necessary the number of officers in the lowest grade shall be reduced accordingly.

(e) No officer shall be reduced in grade or pay or separated from the active list as the result of any computations made to determine the authorized number of officers in the various grades.

(f) Nothing in this section shall be construed as requiring the filling of any vacancy or as prohibiting additional numbers in any grade to compensate for vacancies existing in higher grades.

(g) The authorized number established under subsection (b) may be temporarily exceeded: *Provided*, That the average number for the fiscal year shall not exceed the authorized number.

#### OFFICER PERSONNEL BOARD

SEC. 4. At least once a year, and at such other times as may be necessary, the Secretary shall appoint an Officer Personnel Board consisting of not less than five officers not below the permanent grade of captain on the active list, and such other Administration officials as he deems desirable, to recommend such changes in the lineal list as the Board may determine, and to make selections and recommendations for the promotion, separation, and retirement of officers in accordance with this Act. In case any recommendation by the Board is not acceptable to the Secretary or to the President, the Board shall make such further recommendations as shall be acceptable.

#### APPOINTMENTS

##### QUALIFICATIONS

SEC. 5. No person shall be appointed to any grade as an officer under this Act unless he is a citizen of the United States and until his mental, moral, physical, and professional fitness to perform the duties of a commissioned officer in the grade to which appointment is considered has been established under such regulations as the Secretary may prescribe.

##### PERMANENT APPOINTMENTS

SEC. 6. Permanent original appointments and permanent appointments for promotion of officers shall be made by the President, by and with the advice and consent of the Senate.

##### TEMPORARY APPOINTMENTS

SEC. 7. (a) Temporary original appointments and temporary appointments for pro-

motion of officers shall be made by the President.

(b) Temporary appointments may be vacated by the President at any time.

(c) Temporary appointments do not change the permanent, probationary, or acting status of members so appointed, prejudice them in regard to promotion or appointment, or abridge their rights or benefits.

#### ORIGINAL APPOINTMENTS

SEC. 8. (a) Original appointments, whether permanent or temporary, may be made in all grades up to and including captain.

(b) Each person receiving an original appointment shall be placed on the lineal list in a position commensurate with his age, education, experience, and other qualifications, in accordance with regulations prescribed by the Secretary, and shall be credited for purposes of basic pay with one and one-half years service if appointed to the grade of lieutenant (junior grade) and three years service if appointed to a higher grade. If such appointee is entitled to a greater amount of service for purposes of basic pay under other provision of law, he shall be credited with that service in lieu of the credit provided herein.

#### DATE OF APPOINTMENT; OATH OF OFFICE

SEC. 9. (a) An original appointment, whether permanent or temporary, otherwise meeting all provisions of law, shall be valid and effective on the date of acceptance thereof.

(b) Any appointment subsequent to an original appointment, whether permanent or temporary, shall be considered to have been accepted on the date such appointment is made unless expressly declined by the officer.

(c) Any officer who has served continuously in the Administration since he subscribed to the oath of office set forth in section 3331 of title 5, United States Code, is not required to take a new oath for any subsequent appointment as an officer unless, in the opinion of the Secretary, it is required in the public interest.

#### PROMOTION

##### PERMANENT PROMOTION

SEC. 10. Permanent promotion to any grade up to and including captain shall be made by selection from officers holding permanent appointments in the next lower grade, upon recommendation of the Officer Personnel Board. Permanent promotion to any grade above captain shall be made by selection from officers holding permanent appointments in the next lower grade under such regulations as the Secretary shall prescribe.

SEC. 11. (a) Whenever a vacancy exists in any grade it shall be construed to exist at that or any lower grade, and it may be filled by permanent appointment.

(b) Without regard to vacancies, each officer who is fully qualified, as determined by the Secretary, may be given a permanent promotion upon completion of the following years of active service:

Promotion to:	Years
Lieutenant (junior grade).....	3
Lieutenant .....	7
Lieutenant commander.....	14
Commander .....	21
Captain .....	28

Each promotion based on such length of service shall be construed to fill a vacancy at a higher grade if a vacancy exists. In the event no such vacancy exists, the promotion shall constitute an extra number in the grade to which appointed; however, the creation of such extra number shall not constitute an increase in the authorized number established under section 3(b).

##### TEMPORARY PROMOTION

SEC. 12. (a) Temporary promotion to any grade up to and including captain shall, except as provided in section 34, be made by

selection from officers holding permanent appointments in the next lower grade upon recommendation of the Officer Personnel Board. Temporary promotions to any grade above captain shall be made by selection from officers holding permanent appointments in the next lower grade under such regulations as the Secretary shall prescribe.

(b) Any qualified ensign may be given a temporary promotion to the grade of lieutenant (junior grade) whenever a vacancy exists in that or a higher grade.

(c) Any qualified officer may be given a temporary promotion to the next higher grade, but not in excess of rear admiral (lower half), providing such temporary promotion is commensurate with assigned duties. Such temporary promotion shall terminate upon transfer of the officer to a new assignment, or upon permanent promotion to the same grade, whichever occurs first. The number of temporary promotions to the grade of rear admiral (lower half) authorized by this subsection may not exceed 0.25 per centum of the authorized number of officers established by the Secretary under section 3(b). However, when deemed desirable by the Secretary, additional officers may be given temporary promotions to the grade of rear admiral in lieu of permanent promotions to fill vacancies authorized under section 3(c).

#### LENGTH OF SERVICE FOR PROMOTION AND PRECEDENCE

SEC. 13. (a) For purposes of promotion and precedence each officer shall be assumed to have at least the same length of service as any officer below him on the lineal list, except that an officer whose position on the lineal list has been lowered by administrative action shall be assumed to have no greater service than the officer next above him in his new position on the lineal list.

(b) For purposes of promotion and precedence each officer shall be credited with active service as a deck officer or junior engineer in addition to active commissioned service and service credited under section 8(b).

SEC. 14. (a) Each officer shall be given a date of rank, in accordance with regulations to be prescribed by the Secretary, based on the provisions of section 13.

(b) Officers of the Administration within each grade shall take precedence among each other in accordance with their date of rank. Officers of the Administration serving with military departments shall rank with and after officers of such departments of corresponding grade and date of rank.

#### REVOCACTION, SEPARATION, RETIREMENT REVOCATION

SEC. 15. The Secretary, under such regulations as he may prescribe, may revoke the commission of any officer during his first three years of service as a commissioned officer in the Administration if he is found not qualified for the service.

#### SEPARATION FOR FAILURE OF PROMOTION

SEC. 16. (a) Each officer serving under a permanent appointment in any grade below captain who has more than three years of commissioned service in the Administration and who has twice failed of selection for permanent promotion to the next higher grade shall be removed from active duty in the following manner.

(1) Each officer in the grade of ensign, lieutenant (junior grade), or lieutenant shall be honorably discharged unless on the date specified for his discharge under this section he is eligible for retirement under any law, in which case he shall be retired on that date.

(2) Each officer in the grade of lieutenant commander or commander shall be retired if eligible for retirement under any law. If not eligible for retirement such officer shall be retained on active duty and retired upon completion of twenty years of active service,

unless earlier removed under another provision of law.

(b) Each officer to be discharged under subsection (a) shall be separated from the service on the first day of the sixth month following the date of approval of such separation, or sooner, if requested by the officer and found to be in the best interest of the administration, and shall be paid a lump-sum severance payment computed by multiplying his years of active service (as defined in section 30), but not more than twelve, by two months' basic pay of the grade in which he is serving on the date of his discharge. However, no person is entitled to a severance payment under this section that is more than \$15,000. A fractional year of six months or more shall be considered a full year in computing the number of years of service upon which to base such severance payment, and a fractional year of less than six months shall be disregarded. If a person separated under this section receives any subsequent retirement benefits from the United States that are based on the same years of service, there shall be deducted from each of his retirement payments so much thereof as is based on the service for which he has received payment under this section until the total amount deducted equals the amount of the severance payment.

(c) Each officer to be retired under subsection (a) shall, if eligible, be retired on the first day of the sixth month following the date of approval of such retirement, or sooner if requested by the officer and found to be in the interest of the administration. An officer retained on active duty under subsection (a) may, if he so requests, with the approval of the Secretary, be separated from the service at any time prior to his retirement and be paid the lump-sum severance payment authorized in subsection (b).

#### SEPARATION FOR CAUSE

SEC. 17. (a) The Secretary may at any time convene a board of officers to review the record of any officer to determine whether he shall be required to show cause for his retention on active duty—

(1) because his performance of duty has fallen below the standards prescribed by the Secretary, or

(2) because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with the interests of national security.

(b) Boards of inquiry shall be convened as the Secretary may prescribe to receive evidence and make findings and recommendations whether an officer who is required to show cause for retention under subsection (a) should be retained on active duty.

(1) A fair and impartial hearing before a board of inquiry shall be given to each officer so required to show cause for retention.

(2) If a board of inquiry determines that the officer has failed to establish that he should be retained, it shall send the records of its proceedings to a board of review.

(3) If a board of inquiry determines that the officer has established that he should be retained, his case is closed. However, at any time after one year from the date of the determination in a case arising under clause (1) of subsection (a), and at any time after the date of the determination in a case arising under clause (2) of that subsection, an officer may again be required to show cause for retention.

(c) Boards of review shall be convened as the Secretary may prescribe to review the records of cases of officers recommended by boards of inquiry for removal.

(1) If, after reviewing the record of the case, a board of review determines that the officer has failed to establish that he should be retained, it shall send its recommendation to the Secretary for his action.

(2) If, after reviewing the record of the

case, a board of review determines that the officer has established that he should be retained on active duty, his case is closed. However, at any time after one year from the date of the determination in a case arising under clause (1) of subsection (a) and at any time after the date of the determination in a case arising under clause (2) of that subsection, an officer may again be required to show cause for retention.

(d) A board convened under this section shall consist of at least three officers of the grade of commander or above, all of whom are senior to any officer considered by the board. No officer may be a member of more than one board convened under this section to consider the same officer.

(e) Each officer under consideration for removal under this section shall be—

(1) notified in writing at least thirty days before the hearing of the case by a board of inquiry of the reasons for which the officer is being required to show cause for retention;

(2) allowed reasonable time, as determined by the board of inquiry under regulations of the Secretary, to prepare his defense;

(3) allowed to appear in person and by counsel at proceedings before a board of inquiry; and

(4) allowed full access to, and furnished copies of, records relevant to the case at all stages of the proceeding, except that a board shall withhold any records that the Secretary determines should be withheld in the interests of national security. In any case where any records are withheld under this clause, the officer whose case is under consideration shall, to the extent that the national security permits, be furnished a summary of the records so withheld.

(f) The Secretary may remove an officer from active duty if his removal is recommended by a board of review under this section. The Secretary's action in such a case is final and conclusive.

(1) At any time during proceedings under subsections (b) or (c), and before the removal of an officer, the Secretary may grant a request—

(A) for voluntary retirement, if the officer is otherwise qualified therefor; or

(B) for honorable discharge with severance benefits in those cases arising under clause (1) of subsection (a); or

(C) for discharge with severance benefits in those cases arising under clause (2) of subsection (a).

(2) Each officer removed from active duty under this section shall—

(A) if on the date of removal the officer is eligible for voluntary retirement under any law, be retired in the grade and with the pay for which he would be eligible if retired at his request; or

(B) if on that date the officer is ineligible for voluntary retirement under any law, be honorably discharged in the grade then held with severance pay computed by multiplying his years of active service (as defined in section 30), but not more than twelve, by one month's basic pay of that grade, in those cases arising under clause (1) of subsection (a); or

(C) if on that date the officer is ineligible for voluntary retirement under any law, be discharged in the grade then held with severance pay computed by multiplying his years of active service (as defined in section 30), but not more than twelve, by one month's basic pay of that grade, in those cases arising under clause (2) of subsection (a).

No person is entitled to a severance payment under this section that is more than \$15,000. A fractional year of six months or more shall be considered a full year in computing the number of years of service upon which to base such retirement or severance pay.

and a fractional year of less than six months shall be disregarded. If a person separated with severance pay under this section receives any subsequent retirement benefits from the United States that are based on the same years of service, there shall be deducted from each of his retirement payments so much thereof as is based on the service for which he has received payment under this section until the total amount deducted equals the amount of the severance payment.

(g) An individual, or his survivor or beneficiary, may not be paid severance pay, retired pay, or annuity otherwise creditable in connection with separation for cause under this section if such separation is based on an offense or offenses which are punishable by confinement in a penal institution for five years or more, and for which he has been convicted in a State or Federal court.

#### RETIREMENT AT OWN REQUEST

SEC. 18. When an officer has completed twenty years of active service, as defined in section 30(c), of which at least ten years was service as a commissioned officer, he may at any time thereafter, upon his own application, in the discretion of the President, be placed on the retired list.

#### RETIREMENT FOR AGE

SEC. 19. (a) When any officer holding a permanent appointment in a grade below that of rear admiral has attained the age of sixty years, he shall be placed on the retired list.

(b) When any officer holding a permanent appointment in a grade above that of captain has attained the age of sixty-two years, he shall be placed on the retired list. The President may, in his discretion, defer placing any such officer on the retired list for the length of time he deems advisable but not later than the date upon which the officer attains the age of sixty-four years.

#### RETIREMENT IN HIGHEST GRADE

SEC. 20. Each officer retired pursuant to any provision of law shall be placed on the retired list with the highest grade held by him while on active duty, including active duty pursuant to recall, under permanent or temporary appointment in any of the uniformed services, and he shall receive retired pay based on such highest grade: *Provided*, That, in the case of temporary appointment, his performance of duty in such highest grade has been satisfactory, as determined by the Secretary of the department or departments under whose jurisdiction the officer served, and, unless retired for disability, his length of service in such highest grade is no less than that required by the Secretary of officers retiring under permanent appointment in that grade.

#### RECALL TO ACTIVE DUTY

SEC. 21. (a) In time of peace any officer on the retired list who has not yet reached the age of sixty years may, with his consent, be recalled to active duty by the Secretary.

(b) In time of national emergency declared by the President or the Congress, or in time of war, any officer on the retired list may be recalled to active duty by the Secretary.

(c) Officers recalled to active duty under this section shall be counted against the authorized number of officers established under section 3(b) and may be an extra number in grade.

#### DETAIL OF OFFICERS

SEC. 22. The President may upon application from foreign governments or international organizations concerned, whenever in his discretion the public interest renders such a course advisable, detail officers of the Administration to assist such foreign governments or organizations in matters concerning which the Administration may be of

assistance. An officer so detailed to a foreign government may, with the prior approval of the President, accept an office or position with the foreign government where acceptance of such office or position does not involve the taking of an oath of allegiance to another government. The pay, allowances, and travel expenses authorized such officers shall be borne in such manner as agreed upon by the President and the foreign government or international organization concerned, with reimbursement to the Administration authorized.

SEC. 23. The Secretary may, upon application from public or private agencies of the United States, its territories and possessions, including Government agencies of the United States or any of its political subdivisions, whenever in his discretion the public interest renders such a course advisable, detail officers of the Administration to such agencies. The pay, allowances, and travel expenses authorized such officers shall be borne in such manner as agreed upon by the Secretary and the agency concerned, with reimbursement to the Administration authorized.

SEC. 24. While an officer is detailed to another agency, or to a foreign government, or international organization as authorized by sections 22 and 23—

(1) for purposes of pay, allowances, retirement, retirement pay, and all other benefits, his service shall be considered the same as if he were serving with the Administration; and

(2) if by written agreement the detail is to extend the period for one year or longer, a vacancy shall be considered to exist in the grade of the officer detailed, or in a lower grade, during the period of detail, and the Secretary may fill it by temporary original appointment or by temporary promotion. Notwithstanding any other provision of this Act, an officer on such detail or transfer, at the discretion of the Secretary, may be returned to active duty in the Administration without regard to the authorized number of officers established under section 3(b).

#### TRANSFER OF OFFICERS

SEC. 25. Notwithstanding any other provision of law, the President may, within authorized strengths, transfer any commissioned officer with his consent from the Administration to, and appoint him in, any armed force.

SEC. 26. Notwithstanding any other provision of law, the President may, within authorized strengths, transfer any commissioned officer with his consent from any armed force to, and appoint him in, the Administration.

SEC. 27. An officer transferred under section 25 or 26 shall be transferred at the same grade and shall be credited with the same years of service for purposes of pay, retirement, and promotion that he was authorized prior to his transfer, and he shall be assigned precedence or relative rank in accordance therewith.

#### SPECIAL INSTRUCTION AND TRAINING

SEC. 28. (a) Officers may be assigned for special instruction at private or public colleges, universities, institutions or other facilities, and their expenses, including tuition fees, books, laboratory equipment and school supplies, may be defrayed by the Administration.

(b) The Secretary of Defense at the request of the Secretary of Commerce may, with or without reimbursement for the cost thereof, as agreed, receive officers of the Administration for instruction in any school or training facility, including any aviation school, maintained by a military department, and such officer shall be subject to the regulations governing such schools.

(c) The Secretary of the department under which the Coast Guard is operating, at the request of the Secretary of Commerce, may, with or without reimbursement for the cost

thereof, as agreed, receive officers of the Administration for instruction in any school or training facility maintained by the Coast Guard, and such officers shall be subject to the regulations governing such schools.

(d) Appropriations available for the pay and allowances of commissioned officers of the Administration shall be available for the pay and allowances of any such officer on active duty while attending any Federal or non-Federal educational institution or training program, and, subject to regulations of the President and to the limitation prescribed in such appropriations, for payment of his tuition, fees, and other necessary expenses incident to such attendance.

(e) Any officer whose tuition and fees are paid pursuant to subsection (a), (b), or (c) while attending an educational institution or training program for a period in excess of thirty days shall be obligated to reimburse the Administration for such tuition and fees if thereafter he voluntarily leaves the Administration within whichever of the following periods of active service is the greater: (1) six months, or (2) twice the period of such attendance, but in no event more than four years. Such subsequent period of service shall commence upon the cessation of such attendance and of any further continuous period of training duty for which no tuition and fees are paid by the Administration and which is part of the officer's prescribed formal training program, whether such further training is at an Administration facility or otherwise. The Secretary may waive, in whole or in part, any reimbursement which may be required by this subsection upon a determination that such reimbursement would be inequitable or would not be in the public interest.

#### ACTIVE DUTY: PAY AND ACTIVE SERVICE CREDIT

SEC. 29. (a) Except as otherwise provided by law, officers of the Administration shall receive the same active-duty pay and allowances as prescribed for officers of the Navy. Such active-duty compensation shall begin to accrue to an officer on the effective date of his original appointment or promotion, or as otherwise provided by law.

(b) For purposes of active-duty pay and allowances, active service shall include active service in a uniformed service, active service as a deck officer or junior engineer in the Administration, prior active service as a deck officer or junior engineer in the Coast and Geodetic Survey, and such service as is credited an officer at the time of his original appointment under section 8 which does not duplicate other creditable service.

#### RETIREMENT: PAY AND ACTIVE SERVICE CREDIT

SEC. 30. (a) Except as otherwise provided by law, all laws relating to the retirement of officers of the Navy shall apply to officers of the Administration, and officers of the Administration shall receive the same retirement pay and benefits as prescribed for officers of the Navy.

(b) Except as otherwise provide by law, each commissioned officer on the retired list shall receive retired pay at the rate of 2½ per centum of the basic pay of the grade in which retired, multiplied by the number of years of service that may be credited to him under section 1405 to title 10, United States Code, as if his service were service as a member of the armed forces, not to exceed a total of 75 per centum of said basic pay. A fractional year of six months or more shall be considered a full year in computing the number of years of service by which the rate of 2½ per centum is multiplied.

(c) For purposes of retirement, retirement pay, and severance pay, active service shall include active service in a uniformed service, active service as a deck officer or junior engineer in the Coast and Geodetic Survey.

#### UNIFORM

SEC. 31. (a) The President may prescribe the uniform of the Environmental Science

Service Administration Commission Officer Corps.

(b) The provisions of law relating to the protection of the uniform of the armed forces shall apply to the protection of the uniform of the Commissioned Officer Corps of the Administration.

(c) Any officer who has served honorably during a war shall, when not in active service, whether or not on the retired list, be entitled to bear the official title and upon occasions of ceremony to wear the uniform of the highest grade held by him.

(d) Any officer on the retired list shall be entitled to wear the uniform of his grade in accordance with regulations prescribed by the Secretary.

#### AWARDS AND DECORATIONS

SEC. 32. The President may prescribe the conditions under which officers may be awarded campaign ribbons and other decorations and medals of the armed forces.

#### RIGHTS AND BENEFITS

SEC. 33. Active service of officers of the Administration shall be deemed to be active military service in the armed forces of the United States for the purpose of all rights, privileges, immunities, and benefits now or hereafter provided by—

(1) laws administered by the Veterans' Administration;

(2) laws administered by the Interstate Commerce Commission;

(3) the Soldiers' and Sailors' Civil Relief Act of 1940, as amended; and

(4) laws administered by and regulations of the Civil Service Commission.

In the administration of these laws and regulations, with respect to the Environmental Science Services Administration, the authority vested in the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force and their respective departments shall be exercised by the Secretary of Commerce.

#### COOPERATION WITH ARMED FORCES

SEC. 34. (a) The Secretary is authorized at any time to detail officers of the Administration to any of the armed forces, to serve therewith for such time and under such conditions as are mutually agreeable to the Secretaries concerned. Expenses connected therewith shall be defrayed in such manner as agreed upon by the Secretaries concerned, with reimbursement to the Administration authorized.

(b) The President is authorized, in time of war or national emergency declared by the Congress or the President, to make the Commissioned Officer Corps an armed force.

(c) The President is authorized, in time of war or national emergency declared by the Congress or the President, to transfer to the service and jurisdiction of military departments such vessels, equipment, stations, and officers of the Administration as he may deem to be in the best interests of the country.

(1) Subsequent to such transfer all expenses connected therewith shall be defrayed out of the appropriations for the department to which the transfer is made;

(2) Vessels, equipment, stations, and officers shall be returned to the Administration when such national emergency ceases, in the opinion of the President, and nothing in this section shall be construed as transferring the Administration or any part of its functions from the Department of Commerce except in time of national emergency and to the extent herein provided;

(3) Any of the officers of the Administration who may be transferred as provided in this subsection shall, while under the jurisdiction of a military department, be subject to the laws, regulations, and orders for the government of the department to which transferred; and

(4) No officer of the Administration may

be dismissed or separated while serving under the jurisdiction of a military department pursuant to this subsection except after approval by the Secretaries concerned.

(d) The Secretary of Defense and the Secretary of Commerce shall jointly prescribe regulations governing the duties to be performed by the Administration in time of war or national emergency, and for the cooperation of that service with the military departments in time of peace in preparation for its duties in war, which regulations shall not be effective unless approved by each of those Secretaries, and included therein may be rules and regulations for making reports and communications between a military department and the Administration.

(e) While serving with any of the armed forces under the provisions of this section, either by transfer or by detail, or during such time as the Commissioned Officer Corps is designated an armed force, officers shall have proper military status and shall be subject to the Uniform Code of Military Justice under such jurisdictional arrangements as the Secretaries concerned shall mutually prescribe.

(f) In time of national emergency declared by the President or by the Congress—

(1) the President is authorized, in his discretion, to suspend the operation of all or any part or parts of the several provisions of law pertaining to original appointment, promotion, retirement, and separation of officers; and

(2) officers of the Administration shall be subject in like manner and to the same extent as officers of the Navy to all laws authorizing temporary appointment or advancement, subject to the following limitations:

(A) Officers in the service of a military department under the provisions of subsection (c) may, upon the recommendation of the Secretary of the military department concerned, be temporarily promoted to higher ranks or grades.

(B) Officers in the service of the Administration may be temporarily promoted to fill vacancies in ranks and grades caused by the transfer of officers to the service and jurisdiction of a military department under the provisions of subsection (c).

(C) Temporary appointments may be made in all grades to which original appointments in the Administration are authorized. However, the number of officers holding temporary appointments under this section shall not exceed the number of officers transferred to a military department under the provisions of subsection (c).

#### MISCELLANEOUS PROVISIONS

##### SETTLEMENT OF CLAIMS

SEC. 35. The Secretary may consider, ascertain, adjust, determine, and dispose of, either by full or partial allowance or disallowance, claims of officers against the United States under the same authority and within the same limits that a Secretary of a military department may settle claims of officers under his jurisdiction.

##### INDEBTEDNESS TO THE UNITED STATES

SEC. 36. Pay of officers may be withheld under section 5512 of title 5, United States Code, on account of an indebtedness to the United States admitted or shown by the judgment of a court, but not otherwise unless upon a special order issued according to the discretion of the Secretary.

##### ADMINISTRATION OF OATHS

SEC. 37. (a) Commanding officers of ships and such other officers as the Secretary designates may, pursuant to regulations prescribed by the Secretary, exercise the general powers of a notary public in the administration of oaths for the following purposes:

(1) execution, acknowledgment, and attestation of instruments and papers, oaths in connection with appointments, and all other notarial acts in connection with the proper execution of Administration functions;

(2) execution, acknowledgment, and attestation of instruments and papers and all other notarial acts outside the contiguous forty-eight States and the District of Columbia; and

(3) execution, acknowledgment, and attestation of instruments and papers, and all other notarial acts in time of war or national emergency.

(b) No fee of any kind shall be paid to any officer for the performance of any notarial act authorized by (a). The signature without seal together with indication of grade of any officer performing any notarial act shall be prima facie evidence of his authority.

##### PURCHASE OF SUPPLIES, STORES, UNIFORMS

SEC. 38. (a) Commissioned officers, ships' officers, and members of crews of vessels of the Administration shall be permitted to purchase commissary and quartermaster supplies as far as available from the armed forces at the prices charged officers and enlisted men of those services.

(b) The Secretary may purchase ration supplies for messes, stores, uniforms, accouterments, and related equipment for sale aboard ship and shore stations of the Administration to members of the uniformed services and to personnel assigned to such ships or shore stations. Sales shall be in accordance with regulations to be prescribed by the Secretary, and proceeds therefrom shall, as far as is practicable, fully reimburse the appropriations charged without regard to fiscal year.

##### EMERGENCY ASSISTANT TO OTHERS

SEC. 39. The Secretary may furnish clothing, subsistence, and medical supplies for emergency use to distressed persons in remote localities and to shipwrecked persons, and, under regulations prescribed by him, officers who have donated personal belongings for such purposes may be reimbursed. The Secretary may exercise this authority in addition to any other authority provided by law.

##### COMPENSATORY ABSENCE FROM DUTY

SEC. 40. The Secretary may, in accordance with regulations prescribed by him, grant compensatory absence from duty to officers serving at remote localities when conditions of duty result in confinement because of isolation or in long periods of continuous duty.

##### HIRING OF QUARTERS FOR OFFICERS

SEC. 41. Where sufficient quarters are not possessed by the United States, the Secretary may hire quarters for officers, and civilian employees, as he deems necessary in the interest of the Administration. Payment received from persons quartered therein shall reimburse the appropriation charge. Such accommodations shall not be available for occupancy by the dependents of such personnel.

##### PROCUREMENT OF OFFICERS

SEC. 42. The Secretary may make expenditures as necessary, including advertising, in order to obtain officer candidates.

##### AUTHORITY OF SECRETARY

SEC. 43. The Secretary is authorized to prescribe such regulations as he deems advisable to implement the provisions of this Act and any other provisions of law that govern the administration of the Commissioned Officer Corps. Whenever practicable, such regulations shall be uniform with regulations of the armed forces.

##### SAVINGS CLAUSE

SEC. 44. (a) All statutes that applied to commissioned officers of the Coast and Geodetic Survey on July 12, 1965, shall apply to officers of the Environmental Science Services Administration on that date and subsequent thereto, unless amended or repealed, and service as a commissioned officer in the Coast and Geodetic Survey shall constitute service as a commissioned officer in the Environmental Science Services Administration.

(b) The enactment of this Act does not increase or decrease the pay or allowances of any person.

(c) A reference to a law replaced by this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provisions enacted by this Act.

(d) An order, rule, or regulation in effect under a law replaced by this Act, continues in effect under the corresponding provisions enacted by this Act until repealed, amended, or suspended.

(e) An action taken or an offense committed under a law replaced by this Act is deemed to have been taken or committed under the corresponding provisions enacted by this Act.

(f) An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of the caption or catchline thereof.

(g) If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of act and the application of such provision to other persons or circumstances shall not be affected thereby.

#### AMENDMENTS

SEC. 45. Section 4(d) of Reorganization Plan Number 2 of 1965 is amended to read as follows:

"(d) Any principal constituent organizational entity of the Administration may, if the Secretary so elects, be headed by a commissioned officer of the Administration, who shall be designated by the Secretary. Such designation of an officer shall create a vacancy on the active list and while serving under this paragraph the officer shall have grade, pay, and allowances not exceeding those of a rear admiral (upper half)."

SEC. 46. Title 5, United States Code, is amended as follows:

(1) Section 4101(2) is amended to read: "(2) 'employee', subject to section 4102 of this title, means an individual employed in or under an agency;"

(2) Section 4102(a)(1)(C) is amended to read:

"(C) an individual who is a member of a uniformed service during a period in which he is entitled to pay under section 204 of title 37."

(3) Section 4109(a)(2)(A) is amended to read:

"(A) travel and per diem instead of subsistence under subchapter I of chapter 57 of this title;"

(4) Section 4109(a)(2)(B) is amended to read:

"(B) transportation of immediate family, household goods and personal effects, packing, crating, temporarily storing, draying, and unpacking under section 5724 of this title when the estimated costs of transportation and related services are less than the estimated aggregate per diem payments for the period of training;"

SEC. 47. Title 18, United States Code, is amended as follows:

(1) The catchline of section 702 and the corresponding item in the analysis are each amended by striking out "armed forces and Public Health Service" and inserting in place thereof "uniformed services".

(2) The text of section 702 is amended by striking out "armed forces of the United States, Public Health Service" and inserting in place thereof "uniformed services as defined in section 101(3) of title 37".

SEC. 48. Title 37, United States Code, is amended by adding a new subsection (f), to section 415 to read as follows:

"(f) An initial allowance of not more than \$200 for uniforms and equipment may be paid to each commissioned officer of the Environmental Science Services Administration who is serving on active duty. An officer is not entitled to more than one allowance under this subsection."

SEC. 49. (a) Title 38, United States Code, is amended as follows:

(1) Section 101(21)(C) of such title 38 is amended by inserting the words "the Environmental Science Services Administration or its predecessor organization" after "officer of" in the first line.

(2) Section 101(25)(F) of such title 38 is amended by inserting "the Environmental Science Services Administration or its predecessor organization" after "concerning".

(3) Section 3105 of such title 38 is amended by striking "Coast and Geodetic Survey" and substituting "Environmental Science Services Administration".

(b) The effective date of an award by the Veterans' Administration of disability compensation or dependency and indemnity compensation arising from an injury or death occurring prior to enactment of this Act and based on a claim filed by an individual who first became eligible for veteran's benefits by reason of the amendments made by the foregoing subsections shall be the date following the date of his discharge or release, or the first day of the month in which death occurred: *Provided*, That application therefor is filed within six months after the effective date of this Act.

SEC. 50. (a) Section 216 of title II of the National Housing Act, as amended, is amended to read as follows:

#### "WAIVER OF OCCUPANCY REQUIREMENTS FOR SERVICEMEN"

"SEC. 216. The Secretary is hereby authorized to insure any mortgage otherwise eligible for insurance under any of the provisions of this Act without regard to any requirement that the mortgagor be the occupant of the property at the time of insurance, where the Secretary is satisfied that the inability of the mortgagor to occupy the property is by reason of his entry on active duty in a uniformed service subsequent to the filing of an application for insurance and the mortgagor expresses an intent to occupy the property upon his release from active duty."

(b) Section 222 of title II of the National Housing Act, as amended, is amended to read as follows:

#### "MORTGAGE INSURANCE FOR SERVICEMEN"

"SEC. 222. (a) The purpose of this section is to aid in the provision of housing accommodations for servicemen in the armed forces of the United States and their families, servicemen in the United States Coast Guard and their families, and servicemen in the United States Environmental Science Services Administration and their families by supplementing the insurance of mortgages under section 203 of this title with a system of mortgage insurance specially designed to assist the financing required for the construction or purchase of dwellings by those persons. As used in this section, a 'serviceman' means a person to whom the Secretary of Defense (or any officer or employee designated by him), the Secretary of Transportation (or any officer or employee designated by him) or the Secretary of Commerce (or any officer or employee designated by him), as the case may be, has issued a certificate hereunder indicating that such person requires housing, is serving on active duty in the armed forces of the United States, in the United States Coast Guard or in the United States Environmental Science Services Administration and has served on active duty for more than two years, but a certificate shall not be issued hereunder to any person ordered to active duty for training purposes only. The Secretary of Defense, the Secretary of Transportation, and the Secretary of Commerce, respectively, are authorized to prescribe rules and regulations governing the issuance of such certificates and may withhold issuance of more than one such certificate to a serviceman whenever in his discretion issuance is not justified due to

circumstances resulting from military assignment, or, in the case of the United States Coast Guard or the United States Environmental Science Services Administration, other assignment.

"(b) To be eligible for insurance under this section a mortgage shall—

"(1) meet the requirements of section 203(b), 203(i), or 221(d)(2), except as such requirements are modified by this section;

"(2) involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve) in an amount not to exceed \$30,000, except that in the case of a mortgage meeting the requirements of section 203(i) or section 221(d)(2) such principal obligation shall not exceed the maximum limits prescribed for such section;

"(3) have a principal obligation not in excess of the sum of (i) 97 per centum of \$15,000 of the appraised value of the property as of the date the mortgage is accepted for insurance, (ii) 90 per centum of such value in excess of \$15,000 but not in excess of \$20,000, and (iii) 85 per centum of such value in excess of \$20,000; and

"(4) be executed by a mortgagor who at the time of application for insurance is certified as a 'serviceman' and who at the time of insurance is the owner of the property and either occupies the property or certifies that his failure to do so is the result of his military assignment, or, in the case of the United States Coast Guard or the United States Environmental Science Services Administration, other assignment.

"(c) The Secretary may prescribe the manner in which a mortgage may be accepted for insurance under this section. Premiums fixed by the Secretary under section 203 with respect to, or payable during, the period of ownership by a serviceman of the property involved shall not be payable by the mortgagee but shall be paid not less frequently than once each year, upon request of the Secretary to the Secretary of Defense, the Secretary of Transportation, or the Secretary of Commerce, as the case may be, from the respective appropriations available for pay and allowances of persons eligible for mortgage insurance under this section. As used herein, 'the period of ownership by a serviceman' means the period, for which premiums are fixed, prior to the date that the Secretary of Defense (or any officer or employee or other person designated by him), the Secretary of Transportation (or any officer or employee or other person designated by him), or the Secretary of Commerce (or any officer or employee or other person designated by him), as the case may be, furnishes the Secretary with a certification that such ownership (as defined by the Secretary) has terminated.

"(d) Any mortgagee under a mortgage insured under this section is entitled to the benefits of the insurance as provided in section 204(a) with respect to mortgages insured under section 203.

"(e) The provisions of subsections (b), (c), (d), (e), (f), (g), (h), (j), and (k) of section 204 shall apply to mortgages insured under this section, except that as applied to those mortgages (1) all references to the 'Fund', or 'Mutual Mortgage Insurance Fund', shall refer to the 'General Insurance Fund', and (2) all references to 'section 203' shall refer to this section."

#### REPEALS

SEC. 51. (a) The laws specified in the following schedule are repealed except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of this Act.

(b) The repeal of a law by this Act shall not be construed as a legislative inference that the provision was or was not in effect before its repeal.

STATUTES AT LARGE

Date	Chapter	Section	Volume	Page	Date	Chapter	Section	Volume	Page
1917					1955				
May 22	20	16	40	88	June 21	172	2(a)	69	169
					Do	172	2(b)	69	169
					Do	172	3(a)	69	169
1920					Do	172	3(b)	69	169
May 18	190	11	41	603	Do	172	4(a)	69	169
June 4	228	1 (first full paragraph)	41	825	Do	172	4(b)	69	170
June 5	235	1 (first proviso under "Pay, commissioned officers'")	41	929					
					1956				
1929					Apr. 1	837	V 501(d)(1)	70	883
Feb. 16	221	5	45	1187	Aug. 3	932	1	70	988
					Do	932	2	70	988
1936									
Mar. 18	147	1	49	1164	1958				
					May 20	Public Law 85-422	11(c)	72	132
1942									
Jan. 19	6	2(b) (the last proviso)	56	6	1960				
Do	6	8	56	8	June 30	Public Law 86-554	1 and 2	74	258
Do	6	10	56	8	July 12	Public Law 86-624	24	74	418
Dec. 3	670	1	56	1038					
Do	670	3	56	1039	1961				
					Sept. 14	Public Law 87-233	1(a)	75	506
1947					Do	do	1(b)	75	506
July 22	286	1	61	400	Do	do	1(c)	75	506
					Do	do	1(d)	75	506
1948					Do	do	1(e)	75	506
June 3	390	1	62	297	Do	do	1(f)	75	506
Do	390	2	62	297	Do	do	1(h)	75	506
Do	390	3	62	298					
Do	390	4	62	298	1962				
Do	390	5	62	298	Sept. 7	Public Law 87-649	9(b)(1)	76	495
Do	390	6	62	298	Do	do	9(b)(2)	76	495
Do	390	7	62	298	Do	do	9(c)	76	496
Do	390	8	62	298					
Do	390	9	62	299	1966				
Do	390	10	62	299	Oct. 14	Public Law 89-657	1(1)	80	907
Do	390	11	62	299	Do	do	1(2)	80	907
Do	390	12	62	299	Do	do	2	80	907
Do	390	13	62	299	Do	do	3	80	907
Do	390	16(a)	62	299					
Do	390	17	62	300					
Do	390	18	62	300					
Do	390	19	62	300					
Do	390	20(a)	62	300					
Do	390	20(b)	62	300					

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1323), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

S. 2960 would provide in one comprehensive act all of the basic statutory authorities that relate uniquely to the Commissioned Officer Corps of the Environmental Science Services Administration (ESSA). Included therein are authority for the existence of the corps, authority covering the appointment, promotion, separation, and retirement of its commissioned officers, and general authority for the management and utilization of the corps.

BACKGROUND OF THE LEGISLATION

The basic statutory authority under which the Commissioned Officer Corps is now operating is the Coast and Geodetic Survey Commissioned Officer's Act of 1948, as amended.

In 1965 the Coast and Geodetic Survey was consolidated with the Weather Bureau and the Central Radio Propagation Laboratory of the National Bureau of Standards by virtue of Reorganization Plan No. 2 and subsequent action by the Secretary of Commerce.

In his message transmitting the plan to Congress, the President stated:

"Commissioned officers of the Coast and Geodetic Survey will become commissioned officers of the Administration (ESSA) and may serve at the discretion of the Secretary of Commerce throughout the Administration."

Pursuant to this expanded role of the Commissioned Officer Corps, the Secretary of Commerce appointed an advisory committee<sup>1</sup> of

distinguished and knowledgeable citizens outside the Department of Commerce to conduct a study of the Commissioned Officer Corps and to make recommendations regarding its function within ESSA, its training and educational needs, career planning guidelines, and the development and effective utilization of the Corps' capabilities.

After a comprehensive study the advisory committee concluded that a commissioned officer corps offers the best mechanism for increasing the effectiveness of ESSA in meeting certain of its worldwide responsibilities in the environmental sciences.

The advisory committee also concluded that existing legislation does not clearly define the establishment, responsibilities, duties, procedures, and benefits of the Commissioned Officer Corps, and it made specific recommendations for legislation therefor.

It was determined that legislation to be proposed should be comprehensive and should include the updating of old legislation as well as the initiation of new legislation. Accordingly, a search of the United States Code was conducted by the Air Force utilizing their LITE (legal information through electronics) system to aid in the

ant Secretary of the Navy for Research and Development (chairman).

Dr. Lloyd V. Berkner, professor, Southwest Center for Advanced Studies; chairman of the board of trustees, Graduate Research Center of the Southwest; rear admiral, U.S. Navy Reserve.

Lt. General Thomas S. Moorman, Jr., Superintendent of the U.S. Air Force Academy, former Chief of the U.S. Air Force Air Weather Service.

Dr. Richard S. Morse, professor, Sloan School of Management, MIT, former Assistant Secretary of the Army for Research and Development.

Dr. Luther L. Terry, vice president for Medical Affairs, University of Pennsylvania, former Surgeon General of the U.S. Public Health Service.

identification of pertinent statutes for inclusion in the bill.

The Environmental Science Service Administration Commissioned Officer Corps Act of 1968, as proposed by this bill, provides a comprehensive statutory framework for the future operation and management of the corps.

SECTION-BY-SECTION ANALYSIS OF THE BILL

Short title

Section 1 states the name of the act.

Definitions

Section 2 assimilates definitions of title 10, United States Code, to this act. Definitions listed in the section are intended to supplement or be substituted for the definitions in title 10.

Authorization for the corps

Section 3 essentially restates existing law that provides for the number of officers in the corps in each of the various grades. New authority is added providing for 0.75 percent of the corps to be in the grade of rear admiral. In addition, new authority would permit the Secretary of Commerce to establish the size of the corps. Present authority relating to the size of the corps is found only in annual appropriation acts.

The Commissioned Officer Corps dates back to the act of May 22, 1917, "An act to temporarily increase the commissioned and warrant and enlisted strength of the Navy and the Marine Corps, and for other purposes." That act authorized the transfer of personnel and equipment to the service and jurisdiction of military departments during periods of national emergency. It provided that personnel transferred would have "proper military status." It also provided that "field officers of the Coast and Geodetic Survey" would become commissioned officers and would have ranks relative to officers of the military departments. Public Law 402 of the 77th Congress, which was enacted on January 19, 1942, to regulate the distribution and promotion of C. & G.S. commissioned officers referred to such officers without using the term "relative rank." The present act

<sup>1</sup> The Advisory Committee consisted of—  
Dr. James H. Wakelin, Jr., board chairman of Research Analysis Corp., former Assistant

would combine the statutory provisions of the act of 1917, which authorized the President to commission "field officers" of the C. & G.S. and the act of 1942, which acknowledged such commissioned officers to have the same titles as Navy officers. It would specifically authorize within ESSA "a commissioned officer corps composed of commissioned officers appointed in the administration in grades authorized commissioned officers of the Navy."

#### *Officer Personnel Board*

Section 4 revises existing law by changing the composition of the Officer Personnel Board to include captains instead of commanders and to provide additional membership to civilian officials as desired by the Secretary.

#### *Appointments*

Sections 5, 6, 7, 8, and 9 essentially restate existing law. Specific changes add the requirement that an officer must be a citizen of the United States and authority for the original appointment of officers in any grade, up to and including captain, with starting pay to be determined on the basis of the newly appointed officer's qualifications. Present law restricts original appointment and limits the starting pay of such appointees to the lowest three grades. To attract experienced and qualified officers from scientific and engineering fields related to the functions of ESSA, it is desirable to have increased appointment authority provided by this act, so that it will be possible to appoint new officers to positions commensurate with their educational and professional backgrounds.

#### *Promotions*

Sections 10, 11, 12, 13, and 14 cover all aspects of promotions, including permanent promotion and temporary promotion.

Permanent promotion authority remains essentially unchanged; however, the proposed language clarifies the role of the Officer Personnel Board in the promotion of officers up through the grade of captain and specifies that permanent promotions to flag rank shall be in accordance with regulations to be prescribed by the Secretary. Temporary promotion authority is changed by removing the limitation on the number of temporary promotions authorized. Existing law provides that not more than 1½ percent of the entire corps may be given temporary promotions; this act provides that any officer, up through the grade of commander, may be given a one-grade temporary promotion when he is assigned duties of a greater responsibility than would normally be expected. (It should be noted that in Senate hearings on Public Law 87-233, a Member of Congress suggested the 1½-percent limitation represented an unwarranted restriction.) Temporary promotion to flag rank would be restricted by this act so that the total number of officers serving in flag rank, both temporary and permanent, could not exceed 1 percent of the corps' size.

Provisions relating to length of service for promotion and precedence are added for purposes of clarification; they do not represent a departure from past practices although no statutory provisions existed in the past.

#### *Revocation, separation, and retirement*

Section 15 authorizes the revocation of an officer's commission within the first 3 years regardless of his grade. Present law restricts revocation to the lowest three grades, the only grades in which original appointments are authorized.

Sections 16 and 17 cover involuntary separation of officers from active service. Section 16 prescribes that any officer who falls twice consecutively to be selected for promotion shall be "selected out." Section 17 authorizes the Secretary to remove an officer from active duty for "cause," including deficiencies in performance of duty, conduct, character, and security.

Existing legislation authorizes separation but treats all separations equally. This legislation recognizes the difference between selection out for failure of promotion and selection out for cause, and treats them in essentially the same way the Armed Forces treat them.

Sections 18, 19, and 20 cover retirement of officers. No change is made with respect to 20-year voluntary (permissive) retirement or mandatory retirement for age except for clarifying language. Retirement in the highest grade satisfactorily held, whether permanent or temporary, is authorized in the new legislation as it is for the Armed Forces.

#### *Recall to active duty*

Section 21 authorizes recall to active duty of officers who have retired. In the past, recall has been accomplished by virtue of general authority which assimilates retirement of ESSA officers to laws of the Navy. The proposed legislation is specific and it clarifies authority pertaining to ESSA officers.

#### *Detail of officers*

Sections 22, 23, and 24 authorize the detaching of ESSA officers to foreign governments, international organizations, and private and public agencies within the United States. The present detaching of officers to such assignments is not specifically authorized by law and is accomplished by virtue of general authority to engage in cooperative operations. This legislation is specific and clarifies the authority. It also would serve to protect the rights of officers assigned or detailed to other organizations.

#### *Transfer of officers*

Sections 25, 26, and 27 permit the permanent voluntary transfer of officers between military departments and ESSA when it is advantageous to the Government.

#### *Special instruction and training*

Section 28 provides increased benefits to ESSA by authorizing attendance of ESSA officers in any school, institution, or facility which is deemed best suited to provide the proper instruction. Authority of the proposed legislation exceeds that of title 5 which presently applies. It is similar to the broad authority available to the members of the Armed Forces.

#### *Pay and active service credit*

Section 29 assimilates active duty pay and allowances of ESSA officers to Navy pay and allowances. Section 30 assimilates retirement pay and benefits of ESSA officers to retirement pay and benefits of Navy officers.

#### *Uniform*

Section 31 provides authority for the President to prescribe the ESSA uniform. ESSA officers presently wear the uniform formerly worn by C. & G.S. officers, which was never specifically authorized by law.

#### *Awards and decorations*

Section 32 provides authority for the President to prescribe conditions under which ESSA officers can be given awards and decorations. It is deemed appropriate ESSA officers serving under the same conditions and in the same areas should be entitled to wear the same decorations as the Armed Forces. This legislation would provide that authority.

#### *Rights and benefits*

Section 33 would place ESSA officers on a parity with officers of the Armed Forces in regard to certain laws and regulations. Over the years special rights and benefits have been awarded by statute to members of the Armed Forces to compensate them for specific losses or deprivations that result from their service. Such benefits are provided to solve specific problems that arise due to being in and conforming to the requirements of service. Many of those problems apply equally to officers of ESSA, and it is deemed appropriate that relief from such problems be provided

to them. This legislation would continue to provide equal treatment under laws of the Veterans' Administration, and, in addition, it would provide equal treatment with respect to the Soldiers' and Sailors' Civil Relief Act, laws administered by the Interstate Commerce Commission, and laws administered by and regulations of the Civil Service Commission.

#### *Cooperation with the Armed Forces*

Section 34 is intended to clarify the role of the ESSA Commissioned Officers Corps with respect to the Armed Forces both in peacetime and in periods of national emergency. Many functions of the C. & G.S. and its successor organization, ESSA, are closely related to functions of the Armed Forces. Army and Navy officers served on active duty with the C. & G.S. for many years. A statute enacted in 1832 and still in effect authorizes the President "in executing the provisions of the statutes relating to the coast survey, to \* \* \* employ all persons in the land and naval service of the United States, and such astronomers and other persons as he shall deem proper."

For the same reasons that military officers were useful in the C. & G.S., ESSA officers are useful on a wide variety of military projects. Military operations depend on expertise in geodesy, nautical and aeronautical charting, photogrammetry, geomagnetism, oceanography, and the atmospheric sciences. The act of 1917 established the Commissioned Officer Corps of the C. & G.S. for the primary purpose of making available to the military departments the talent and tools of that organization during periods of national emergency. The need is just as real today.

The proposed legislation restates essentially the 1917 act, as it has been amended over the years, and, in addition, authorizes the President to make the Commissioned Officer Corps an armed force during national emergency as he deems necessary.

The proposed legislation also clarifies the application of the Uniform Code of Military Justice to ESSA officers when they are detailed or transferred to the Armed Forces.

#### *Miscellaneous provisions*

Sections 35, 37, and 39 essentially restate existing law.

Section 36 would offer ESSA officers the same protection with respect to indebtedness to the United States that is offered officers of the Armed Forces.

Section 38 restates authority for ESSA personnel to purchase from Armed Forces commissaries and quartermaster supply stores. In addition, it provides new authority for the Secretary to purchase for resale to officers of ESSA and the Armed Forces specified supplies and equipment aboard ships and at remote stations.

Section 40 would authorize the Secretary to grant compensatory absence from duty to officers whose assignments would otherwise deprive them of reasonable opportunities for rest and relaxation over extended periods.

Section 41 would authorize the Secretary to lease and provide quarters where Government quarters are not available, such as military B.O.Q.'s.

Section 42 provides specific authority for the Secretary in connection with recruiting officers.

Section 43 provides general authority for the Secretary to prescribe regulations as necessary to implement the provisions of this act.

#### *Savings clause*

Section 44 is intended to protect ESSA and its commissioned officers during the transition from existing statutes to this new legislation.

#### *Amendments*

Section 45 would remove the existing restriction of Reorganization Plan No. 2 of

1965 which limits to one the number of officers who can serve as heads of ESSA's principal components.

Section 46 is a conforming amendment to implement section 33(4) so that ESSA officers will receive complete parity with Armed Forces officers with respect to civil service laws and regulations.

Section 47 would provide the same protection against improper, unauthorized wearing of the ESSA uniform as is provided for improper, unauthorized wearing of uniforms of the Armed Forces and the Public Health Service.

Section 48 would authorize the payment of a uniform allowance to ESSA officers. Uniform allowances of \$250 are presently paid under authority of title 5. That authority would be removed by virtue of section 33(4) which would provide ESSA officers parity with Armed Forces officers with regard to civil service laws and regulations.

Section 49 is a conforming amendment to assure continued coverage of ESSA officers under the same laws that apply to C. & G.S. officers with respect to benefits provided by the Veterans' Administration.

Section 50 provides the same coverage for ESSA officers that is now provided Armed Forces officers with regard to mortgage insurance under the National Housing Act. The "conditions of employment" of members of the Armed Forces and ESSA officers are identical with regard to their susceptibility to permanent change of station on short notice and on an involuntary basis, and the circumstances under which such officers buy and sell their homes are identical. For this reason it is appropriate that ESSA officers be provided the same housing benefits that are available to the Armed Forces.

#### Repeals

Section 51 is a tabulation of laws that are repealed pursuant to the enactment of the proposed legislation.

#### COST OF LEGISLATION

No additional cost is expected as a result of this legislation.

The amendments were agreed to.

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

#### LEILA F. GERRISH

The resolution (S. Res. 309) to pay a gratuity to Leila F. Gerrish was considered and agreed to, as follows:

#### S. RES. 309

*Resolved*, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Leila F. Gerrish, widow of Richard E. Gerrish, an employee of the Senate at the time of his death, a sum equal to ten and one-half months' compensation at the rate he was receiving by law at the time his death, said sum to be considered inclusive of funeral expenses and all other allowances.

#### PROGRESS IN THE PREVENTION AND CONTROL OF AIR POLLUTION

The resolution (S. Res. 305) to print as a Senate document "Progress in the Prevention and Control of Air Pollution" was considered and agreed to, as follows:

#### S. RES. 305

*Resolved*, That there be printed as a Senate document the first report of the Secretary of Health, Education, and Welfare, entitled "Progress in the Prevention and Control of Air Pollution", in accordance with section 306, Public Law 90-148, the Air Quality Act of 1967, together with illustrations;

and that there be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1324), explaining the purposes of the resolution.

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

Senate Resolution 305 would provide that the report of the Secretary of Health, Education, and Welfare entitled "Progress in the Prevention and Control of Air Pollution," submitted to Congress in accordance with section 306, Public Law 90-148, the Air Quality Act of 1967, be printed with illustrations as a Senate document; and that there be printed 2,500 additional copies of such document for the use of the Committee on Public Works.

The printing-cost estimate, supplied by the Public Printer, is as follows:

#### Printing-cost estimate

To print as a document (1,500 copies) .....	\$1,927.51
2,500 additional copies, at \$136.15 per thousand .....	340.37
Total estimated cost, S. Res. 305 .....	2,267.88

#### "RIOTS, CIVIL, AND CRIMINAL DISORDERS"

The resolution (S. Res. 303) authorizing the printing for the use of the Committee on Government Operations of additional copies of its hearings entitled "Riots, Civil, and Criminal Disorders" was considered and agreed to, as follows:

#### S. RES. 303

*Resolved*, That there be printed for the use of the Committee on Government Operations one thousand additional copies of part 8 of the hearings before its Permanent Subcommittee on Investigations during the Ninetieth Congress, second session, entitled "Riots, Civil and Criminal Disorders."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1325), explaining the purpose of the resolution.

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

Senate Resolution 303 would authorize the printing for the use of the Committee on Government Operations of 1,000 additional copies of part 8 of the hearings before its Permanent Subcommittee on Investigations during the 90th Congress, second session, entitled "Riots, Civil and Criminal Disorders."

The printing-cost estimate, supplied by the Public Printer, is as follows:

#### Printing cost estimate

1,000 additional copies .....	\$475.20
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#### "STATUS AND FUTURE OF SMALL BUSINESS"

The concurrent resolution (S. Con. Res. 77) authorizing the printing of additional copies of parts 1 and 2 of Senate hearings on "Status and Future of Small Business" was considered and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed, with illustrations, for the use of the

Senate Select Committee on Small Business three thousand additional copies each of parts 1 and 2 of hearings before the committee during the Ninetieth Congress, first session, entitled "Status and Future of Small Business."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1326), explaining the purposes of the resolution.

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

Senate Concurrent Resolution 77 would authorize the printing for the use of the Senate Select Committee on Small Business of 3,000 additional copies each of parts 1 and 2 of the hearings, before the committee during the 90th Congress, first session, entitled "Status and Future of Small Business."

The printing-cost estimate, supplied by the Public Printer, is as follows:

#### Printing cost estimate

Part 1:	
Back to press, first 1,000 copies..	\$2,260.32
2,000 additional copies, at \$492.55 per thousand .....	985.10
Total estimated cost, part 1 .....	3,245.42
Part 2:	
Back to press, first 1,000 copies..	2,166.84
2,000 additional copies, at \$447.75 per thousand .....	895.50
Total estimated cost, part 2 .....	3,062.34
Total estimated cost, S. Con. Res. 77 .....	6,307.76

#### NATIONAL STATUARY HALL COLLECTION

The concurrent resolution (S. Con. Res. 75) authorizing acceptance for the National Statuary Hall collection of statues of Father Damien and King Kamehameha I, presented by the State of Hawaii was considered and agreed to, as follows:

#### S. CON. RES. 75

*Resolved by the Senate (the House of Representatives concurring)*, That the statues of Father Damien and King Kamehameha I, presented by the State of Hawaii for the National Statuary Hall collection, are accepted in the name of the United States, and that the appreciation of the Congress is expressed to the State for the contribution of the statues of two of its most eminent personages, illustrious for their historic renown and distinguished civic services.

Sec. 2. The State of Hawaii is hereby authorized to place temporarily in the rotunda of the Capitol the statues of Father Damien and King Kamehameha I referred to in the first section of this concurrent resolution, and to hold ceremonies in the rotunda on said occasion. The Architect of the Capitol is hereby authorized to make the necessary arrangements therefor.

Sec. 3. (a) The proceedings authorized by section 2 of this concurrent resolution to be held in the rotunda of the Capitol, together with appropriate illustrations and other pertinent matter, shall be printed as a Senate document. The copy for such document shall be prepared under the direction of the Joint Committee on Printing.

(b) There shall be printed five thousand additional copies of such document, which shall be bound in such style as the Joint Committee on Printing shall direct, of which one hundred and three copies shall be for the use of the Senate and two thousand eight hundred and fifty-eight copies, shall be for

the use of the Members of the Senate from the State of Hawaii, and four hundred and thirty-nine copies shall be for the use of the House of Representatives and one thousand six hundred copies shall be for the use of the Members of the House of Representatives from the State of Hawaii.

Sec. 4. A copy of this concurrent resolution, suitably engrossed and duly authenticated, shall be transmitted to the Governor of Hawaii.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1327), explaining the purposes of the resolution.

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

EXPLANATION OF SENATE CONCURRENT RESOLUTION 75

The first section would provide that the statutes of Father Damien and King Kamehameha I, presented by the State of Hawaii for the National Statuary Hall collection, be accepted in the name of the United States, and that the appreciation of the Congress be expressed to the State for the contribution of the statutes of two of its most eminent personages, illustrious for their historic renown and distinguished civic services.

Section 2 would authorize the State of Hawaii to place temporarily in the rotunda of the Capitol the statues of Father Damien and King Kamehameha I referred to above and to hold ceremonies in the rotunda on said occasion. The Architect of the Capitol would be authorized to make the necessary arrangements therefor.

Section 3 would provide that the proceedings held in the rotunda of the Capitol be printed, together with appropriate illustrations and other pertinent matter, as a Senate document. The copy for such document would be prepared under the direction of the Joint Committee on Printing. There would be printed 5,000 additional copies of such document, which would be bound in such style as the Joint Committee on Printing shall direct, of which 103 copies would be for the use of the Senate (one per Member) and 2,858 copies would be for the use of the Members of the Senate from the State of Hawaii (1,429 each) and 439 copies would be for the use of the House of Representatives (one per Member) and 1,600 copies would be for the use of the Members of the House of Representatives from the State of Hawaii (800 each).

Section 4 would provide that a copy of this concurrent resolution, suitably engrossed and duly authenticated, be transmitted to the Governor of Hawaii.

U.S. CAPITOL POLICE FORCE

The Senate proceeded to consider the concurrent resolution (H. Con. Res. 785) relating to pay of U.S. Capitol Police force for duty performed in emergencies which had been reported from the Committee on Rules and Administration, with amendments, on page 1, line 2, after the word "between" strike out "the date of adoption of this resolution" and insert "May 1, 1968"; in line 5, after the word "determines" insert "(or determined)"; in line 6, after the word "exist" insert "(or existed)"; in the same line after the word "require" insert "(or required)"; on page 2, line 9, after the word "compensation" insert "For the purpose of this concurrent resolution only, the"; and after the amendment above stated, strike out "The".

The amendments were agreed to.

The concurrent resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1328), explaining the purposes of the resolution.

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

House Concurrent Resolution 785 as referred, would provide that during the period from the date of its adoption through September 1, 1968, on any occasions that the U.S. Capitol Police Board determines that emergency overtime duty is required of officers and members of the U.S. Capitol Police Force, each such officer and member shall, in lieu of compensatory time off, be paid for such additional duty at a rate equal to what his annual compensation would be if expressed in hourly rates. Such hourly rate would be determined by dividing his annual rate of compensation by 2,080 (40 hours times 52 weeks).

The Committee on Rules and Administration has amended House Concurrent Resolution 785 (1) to make its effective date retroactive to May 1, 1968, and (2) to provide that the hourly rate formula would be effective for the purposes of this concurrent resolution only. The latter amendment was adopted to emphasize that this is an emergency measure and to preclude any possibility of its being construed as a precedent for establishing hourly rates for Senate employment or a work day or week for Senate employees.

TRIBUTE TO SENATOR ROBERT F. KENNEDY

The resolution (S. Res. 304) authorizing the printing of the tribute by Senator EDWARD M. KENNEDY to his brother, the late Senator Robert F. Kennedy, as a Senate document was considered and agreed to, as follows:

S. RES 304

Resolved, That the tribute paid by Senator Edward M. Kennedy to his brother, the late Senator Robert F. Kennedy, at Saint Patrick's Cathedral, New York City, on Saturday, June 8, 1968, be printed as a Senate document.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1329), explaining the purposes of the resolution.

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

Senate Resolution 304 would provide that the tribute paid by Senator Edward M. Kennedy to his brother, the late Senator Robert F. Kennedy, at Saint Patrick's Cathedral, New York City, on Saturday, June 8, be printed as a Senate document.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing cost estimate

To print as a document (1,500 copies) ----- \$186.17

ROBERT S. McNAMARA, CITIZEN REGENT, BOARD OF REGENTS, SMITHSONIAN INSTITUTION

The joint resolution (S.J. Res. 171) to provide for the appointment of Robert Strange McNamara as Citizen Regent of the Board of Regents of the Smithsonian Institution was considered, ordered to be

engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 171

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which occurred by the death of Robert Vedder Fleming, of Washington, District of Columbia, be filled by the appointment of Robert Strange McNamara for the statutory term of six years.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1330), explaining the purposes of the resolution.

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

Senate Joint Resolution 171 would provide that the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, occasioned by the death of Robert Vedder Fleming, of Washington, District of Columbia, be filled by the appointment of Mr. McNamara for the statutory term of 6 years.

The Board of Regents, pursuant to 20 U.S.C. 42, is composed of the Vice President, the Chief Justice of the United States, three Members of the Senate, three Members of the House of Representatives, and six other persons other than Members of Congress. The six citizen regents, two of whom shall be residents of the District of Columbia and four of whom shall be inhabitants of some State (but no two of the same State), are appointed by joint resolution of Congress and serve 6-year terms.

EFFORTS OF THE URBAN COALITION ACTION COUNCIL FOR INCREASED ANTIPOVERTY ASSISTANCE

Mr. JAVITS. Mr. President, I call the attention of the Senate to the fact that the Honorable John W. Gardner, former Secretary of Health, Education, and Welfare and the Chairman of the Urban Coalition Action Council, has written to each Member of Congress urging approval of the \$75 million supplemental for summer jobs and the \$25 million summer supplemental for Headstart, which the Senate passed the day before yesterday.

It will be remembered that these two items characterize the struggle between the Senate and the House of Representatives. I deeply appreciate that the urgency which I have constantly reiterated in the Senate, and which has induced the Senate to act, is now supported by this very respected national organization on the most authoritative level.

It will be a shock indeed if we do not provide for rearrangements of our priorities at the level of \$200 million, of which this represents \$100 million and thus invoke all kinds of threats to domestic tranquility which we are trying so hard to avoid in many areas of the country.

I point out that this amount of money wisely appropriated would go a long way toward answering that most irritating problems existing in the slums and ghettos of America in 1968.

I cannot tell the Senate with what gratification I have received this communication from the urban Coalition Action Council.

Mr. President, I ask unanimous consent that the letter, together with a list of the members of the Urban Coalition Action Council—probably as distinguished a list of Americans as we could find in the country—be printed at this point in the RECORD.

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

THE URBAN COALITION  
ACTION COUNCIL,  
Washington, D.C., June 27, 1968.

HON. JACOB K. JAVITS,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR JAVITS: I am writing to you out of personal conviction and a deep concern for the future of our country. But also I write on the express instruction of 38 prominent Americans who form the Urban Coalition Action Council. A list of their names is attached.

We are united in the certainty that this nation is going through an unprecedented crisis—a crisis that could tear it apart.

No one has a perfect understanding of the crisis. No one knows all the answers. But there are some positive measures that we can take and it is of supreme importance that we take them promptly. We cannot allow this great nation to falter while things that can reasonably be done go undone. We must not bicker and equivocate when the nation's fate hangs in the balance.

We must act. And we must act in a constructive spirit. It is unthinkable that we would turn our backs on this nation's great tradition of positive problem-solving and retreat into fearful inaction.

We must face forward. We must do the things we can do now to solve real problems, correct real injustices, alleviate real suffering.

At this writing no group more surely holds the key to the nation's future than the Congress of the United States. Uniquely, Congress has the power to take immediate and effective action. It must not leave undone the significant things it can do.

The nation watches. This is not just any year. This is a year of sorrow, of confusion, of explosive anger. Congress must lead, and the only path compatible with our future greatness as a nation is the path of constructive action to combat known evils—crippling poverty, inadequate housing, educational disparities, discrimination and all the conditions that blight individual lives.

There are some measures that seem to us especially critical. The proposed \$75 million supplemental appropriation for summer jobs is one. Another is the \$25 million supplemental for Head Start.

The Congress should create at this session a public service employment program with the funding to make it effective. It should pass the Administration's housing bill. Budget cuts should not be made in programs aimed at helping the nation's deprived with jobs, housing and education.

The men who make up the Urban Coalition Action Council represent many different segments of American life. They are realists who know the costs of programs they are asking you to support. But they know the far greater costs to the nation of unproductive human beings and decaying cities. They appreciate as you do the vast range of requirements which you must consider as you set the priorities and allocate the resources of this country. But they believe that this is a time for extraordinary measures in behalf of the nation.

Sincerely,

JOHN W. GARDNER,  
Chairman.

THE URBAN COALITION ACTION COUNCIL  
I. W. Abel, President, United Steelworkers of America.

Honorable Ivan Allen, Jr., Mayor of Atlanta.  
Joseph H. Allen, President, McGraw-Hill Publications.

Arnold Aronson, Leadership Conference on Civil Rights, National Community Relations Advisory Council.

Roy Ash, President, Litton Industries.  
Jordan Band, Chairman, National Community Relations Advisory Council.

Honorable Joseph M. Barr, Mayor of Pittsburgh.

Honorable Jerome P. Cavanagh, Mayor of Detroit.

Frederick J. Close, Chairman of the Board, ALCOA.

Honorable John F. Collins, Massachusetts Institute of Technology.

Honorable Richard J. Daley, Mayor of Chicago.

Archbishop J. F. Dearden, Archbishop of Detroit.

Dr. Arthur Flemming, President, National Council of Churches; President, University of Oregon.

Henry Ford II, Chairman, Ford Motor Company.

Honorable Milton Graham, Mayor of Phoenix.

Bishop George Guilfoyle, Diocese of Camden.

Dr. Edler G. Hawkins, St. Augustine Presbyterian Church.

Andrew Hellsell, Chairman of the Board, Time, Inc.

John H. Johnson, President, Johnson Publishing Company.

Joseph D. Keenan, Secretary, International Brotherhood of Electrical Workers.

Honorable John V. Lindsay, Mayor of New York.

George Meany, President, AFL-CIO.  
J. Irwin Miller, President, Cummins Engine Company.

Honorable Arthur Naftalin, Mayor of Minneapolis.

James F. Oates, Chairman of the Board, Equitable Life Assurance Society.

Gerald L. Philippe, Chairman of the Board, General Electric Company.

A. Philip Randolph, International Brotherhood of Sleeping Car Porters.

Walter Reuther, United Auto Workers.  
David Rockefeller, President, Chase Manhattan Bank.

James Rouse, President, The Rouse Company.

Rabbi Jacob P. Rudin, President, Synagogue Council of America.

Theodore Schlesinger, President, Allied Stores Corporation.

Asa T. Spaulding, President, North Carolina Mutual Insurance Company.

David Sullivan, President, Building Service Employees International Union.

Honorable James H. J. Tate, Mayor of Philadelphia.

John Wheeler, President, Mechanics and Farmers Bank; President, Southern Regional Council.

Roy Wilkins, Executive Director, National Association for the Advancement of Colored People.

Whitney M. Young, Jr., Executive Director, National Urban League.

Interior to reinstate oil and gas lease Las Cruces 063610, which was, on page 1, line 11, strike out all after "amended" over through and including "(e):" in line 1, page 2, and insert "(U.S.C. 188(c)):".

Mr. ANDERSON. Mr. President, S. 823 is a private bill to authorize the Secretary of the Interior to reinstate a certain oil and gas lease in New Mexico. It passed the Senate on May 1, 1967, and the other body made a technical amendment to correct a citation. This amendment is, of course, acceptable to the author of the bill, and I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico.

The motion was agreed to.

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

The PRESIDING OFFICER (Mr. Moss in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION RECRUITS EMINENT LAW PROFESSORS AS SUMMER CONCILIATORS

Mr. JAVITS. Mr. President, I call the attention of the Senate to the fact that S. 3465, the bill to give the Equal Employment Opportunity Commission cease and desist order power remains on the Senate Calendar.

During the discussion in the Chamber the other day with the majority leader about the fact that he would not be acting upon bills which came from committees after July 9 and the fact that our calendar was bare—and we went over one day, yesterday—I called this bill to the attention of the majority leader and asked why he did not call it up since it is on the calendar. He said he would have to wait to see if the other body acts on it.

Mr. President, the fact is that 2 years ago, the other body passed a bill which would do substantially what we propose to do in this bill. This bill was reported by the Committee on Labor and Public Welfare, of which I am a member.

I call that to the attention of the Senate because I deeply believe that this bill deserves action, and there is every likelihood that it will be acted upon in the other body.

Mr. President, I am pleased to note that the Equal Employment Opportunity Commission has just added six eminent law professors from major law schools across the country as case conciliators during this summer. These six may be joined by other legal scholars whose applications are under consideration.

Since the Commission has a serious backlog in cases that remain unresolved, these six professors should be a welcome addition to the permanent staff of conciliators who are working hard to negotiate settlements with employers, unions,

AUTHORIZATION TO REINSTATE A CERTAIN OIL AND GAS LEASE

Mr. ANDERSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 823.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 823) to authorize the Secretary of the

or employment agencies who have been charged with employment discrimination. I commend the Commission on its foresight in obtaining the services of such outstanding scholars who will undoubtedly make a significant contribution to the achievement of many more successful conciliations and a more rapid disposition of pending cases.

I would like to point out to my colleagues, however, how serious the existing situation is with regard to Commission caseload. While the law provides for the entire process of dealing with a charge of discrimination to be concluded within 60 days, the Commission has had such an unexpectedly large number of charges that the average time for handling a case has grown, too, from 16 to 18 months. This matter will be further exacerbated when the Commission's jurisdiction expands on July 2, 1968, to cover some 200,000 more employers. I therefore urge my colleagues to give favorable consideration to the administration's request for a \$13.1 million budget for the Commission rather than a \$6.9 million budget approved by the House. The Senate Subcommittee on Departments of State, Justice, Commerce, the Judiciary, and Related Agencies, on which I serve as a member, should soon be marking up the bill containing the appropriation request for the Commission, and I am hopeful that it will restore the \$6.2 million cut made by the House. It is only in this way that we can provide the Commission with sufficient funds to reduce its awesome backlog.

Passage of title VII of the 1964 Civil Rights Act raised the expectations of millions of Americans in minority groups that employment discrimination would be eliminated, and we owe it to them to provide sufficient funds for the agency that has been created to accomplish this objective.

Mr. President, I ask unanimous consent to have printed in the RECORD a news release issued by the Equal Employment Opportunity Commission on these appointments.

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

Six eminent law professors from major law schools across the country will serve this summer as case conciliators for the Equal Employment Opportunity Commission, Chairman Clifford L. Alexander, Jr., announced today. The six may be joined by other legal scholars whose applications are under consideration.

The professors will supplement the Commission's permanent staff of conciliators in negotiating settlements with employers, unions, or employment agencies who have been charged with employment discrimination. EEOC administers Title VII of the 1964 Civil Rights Act, which forbids discrimination in employment on the basis of race, color, religion, sex or national origin.

One of the appointees is Clyde W. Summers, currently Professor of Law at Yale University. In addition to his chair at Yale, Professor Summers is chairman of the Connecticut Advisory Council on Unemployment Compensation and holds alternate memberships on the State Labor Relations Board and the State Board of Mediation for Connecticut.

The University of Wisconsin Law School is represented by Nathan P. Feinsinger and

Eleanor J. Roe who, in addition to their professorships, are also respectively the Director and Associate Director of the Center for Teaching and Research in Disputes Settlement. Professor Feinsinger has previously taught at the Schools of Law of the University of Michigan, University of Chicago, and Stanford University and has served as chairman of the National Wage Stabilization Board.

Others comprising the six initial appointees are:

William Cohen, Professor of Law at the University of California at Los Angeles and formerly with the University of Minnesota School of Law; in 1956-57, Professor Cohen served as Law Clerk to Supreme Court Justice William O. Douglas.

Robert J. Affeldt, Visiting Professor of Law at the University of Kentucky; Professor Affeldt has received law degrees from the University of Notre Dame and Yale University and has practiced labor law for the past ten years before the National Labor Relations Board and State and Federal Courts.

David B. Goshien, Assistant Professor of Law at the University of Oklahoma; Professor Goshien received his Doctor of Law degree from the University of Chicago, where he was a member of Phi Beta Kappa. He will assume the post of Associate Professor of Law at Cleveland-Marshall Law School next fall.

In making the announcement, Chairman Alexander commented, "The assistance of these legal scholars will be invaluable in our efforts to shorten the time minority people and women must wait to secure relief from employment injustice." The Commission continues to labor under an overload of complaints far in excess of Congress' expectations. This backlog is expected to increase after July 2, 1968, when EEOC's jurisdiction expands to cover smaller employers, employment agencies and under union organizations.

Mr. JAVITS. Mr. President, I also ask unanimous consent to have printed in the RECORD a recent speech given by the Chairman of the Commission, Clifford L. Alexander, Jr., before the National Newspaper Publishers Association.

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

REMARKS BY CHAIRMAN CLIFFORD L. ALEXANDER, JR., EQUAL EMPLOYMENT OPPORTUNITY COMMISSION AT MEETING OF NATIONAL NEWSPAPER PUBLISHERS ASSOCIATION

(NOTE: The following remarks were made at the Association meeting in New York on June 20, 1968.)

It is a particular pleasure to be here with so many good friends because our basic responsibilities are so basically interrelated. In a very real sense, how well the Equal Employment Opportunity Commission can do its job depends on how well you serve the black community in this nation. And the well-being of that community depends in no small part on the Commission's work. We at the EEOC must assure opportunity for the fulfillment of black aspirations. And in doing that we must assure that white America recognizes fully the abilities and accomplishments that only you, the black press, have been able to express. You have taken the "trouble" to understand and report in depth the activities of the Negro community while others ignored it or only looked at its surface.

When EEOC prevails on employers to advertise job openings in the minority press we do so because the minority media do strike responsive chords in the communities to which word of job openings must be transmitted. You have established your believability over the years.

Each of your readers who responds to these

advertisements can, in so doing, chip away at the myth that qualified minorities are not available to fill these jobs. And any of your readers who finds himself discriminated against in a job situation must be aware that a means of redress exists under the law. Central to that means is EEOC. It is up to you to assure that your audience knows of us, and up to us to assure as best we are able that redress in such circumstances is prompt and equitable.

I say "as best we are able" to be honest; not to be hedging. I am honestly proud of what this Commission has been able to accomplish in the past year and honestly humble at how much more needs to be done. I want to be sure you—and more importantly your readers—know what we have done because it is a sign of what we can do to help them. And we want them and you to be heard in the struggle to secure the funds and the legislation we need to do the massive job still before us.

The EEOC investigates charges of job discrimination based on race, color, religion, sex or national origin by employers, unions, employment agencies and joint labor-management apprenticeship programs. Where investigation turns up facts indicating the charge is a valid one, the Commission undertakes to secure redress for the people who have been discriminated against, and to change the employment practices found discriminatory, through the process of conciliation.

In the eleven months ending May 31, 1968, the Commission has investigated charges against a total of 3,069 respondents. This compares to a total of 1,740 in the preceding twelve months. In these same most recent eleven months we have secured successful conciliations with a total of 272 employers, labor unions and employment agencies. This compares to the 88 such conciliations in the twelve months previous. We have achieved these results with a number of investigators and conciliators only slightly larger than we had in the earlier year and we are proud of them. They represent benefits for about 30,000 persons achieved through conciliation in the past ten months. But when we compare these results to the size of the problem—millions of minority and women workers and job applicants discriminated against annually, at a cost of over \$30 billion a year out of black pockets and white pockets alike—the size of the job that remains to be done is obvious.

And when we consider that even with the improvements in productivity we have been able to secure with our staff, the average complainant must now wait about eleven months to have his or her complaint investigated, and another five months or more to have conciliation completed, we also know what a long way we have to go.

Title VII of the 1964 Civil Rights Act created our Commission and directed that the entire case handling process be completed in sixty days. From the beginning we were underfunded and understaffed to handle the volume of complaints that came in. And two things have continually led to increases in that workload. The first is the automatic increase in our coverage: In 1965-66 we covered employers and unions with 100 or more workers; under the law this has continually scaled down until July 1st of this year we cover those with 25 or more. On July 1 we add almost 200,000 new employers to our jurisdiction—an increase of 150%—and some 6,000,000 additional employees.

The second thing that promises a continuing growth in our workload is that each time we successfully conciliate a complaint of job discrimination, word gets around that here is a channel of redress that provides justice. Sometimes the message gets around by word of mouth; sometimes by the coverage which many of you in this room have given to our successful conciliation efforts.

In either case we are glad to see it happen, and glad to see the volume of incoming complaints grow because of it. It means that more and more people perceive a way of eliminating discriminatory practices within the law. And this is something we all must do our best to make happen.

We at the Commission do more than process complaints of job discrimination—although that is our basic assignment—and let me mention just a few of our other programs. I think it's important that you here know about them because they are the kind of thing many of you have expressed interest in.

Some of them have been fairly well known, such as a series of private and public forums with leaders of the textile industries of North and South Carolina; the nation's drug industry; the country's largest white collar employers in New York last January during our New York City Hearings on Discrimination in White Collar employment; and most recently, this month, with about 100 top level executives in the country's largest utility companies. At each of these confrontations we laid bare the hard statistics of minority exclusion and underutilization in the industry concerned—statistics supplied by the employers themselves in their annual reports to us.

Following these meetings and hearings we initiated a variety of actions to change the abysmal picture we saw in these industries. We have referred cases to the Attorney General for suit where a pattern or practice of discrimination appeared at work. We have initiated our own investigations via commissioner charges in other instances. We have undertaken technical assistance visits to companies covered in these meetings and hearings. The purpose of these visits has been to put employers together with the great resource of minority manpower. Sometimes these visits have been independent and sometimes in conjunction with other government agencies whose support we enlisted in helping change the underutilization our data showed to exist in these companies. And change *has* occurred in a number of these instances.

These efforts have been joined by others less publicized. One is our "New Plants Program," in which we identify sites where new manufacturing facilities are being built or old ones expanded, and work with local plant management and the local minority community to assure fair employment practices and affirmative hiring at the early stages of plant development. We thus catch potentially discriminatory practices before they have a chance to take root.

Other programs include work with joint labor-management apprenticeship programs in "Operation Outreach" now underway in some 35 cities. This effort is designed to open apprenticeships to and recruit members from the minority communities in each of the cities involved. EEOC acts as catalyst between the minority community, the unions and the Department of Labor which provides training funds.

All these programs, plus others carried on by state and local FEP's under grants from EEOC have resulted in placement or upgrading during the past year for some 13,000 individuals. Again we are proud of these results, but again they are only a beginning. We all know much remains to be done.

We must do more. And you can help us do it.

You can help by supporting our current effort to restore in the Senate the appropriations cut made by the House of Representatives in our budget for the year beginning July 1. The President's request for EEOC was \$13.1 million. The House cut this to \$6.5 million; this despite the increase in coverage that occurs July 1 and the consequent greater workload. And this despite the backlog which means individuals now must wait almost a

year and a half for redress, and would have to wait even longer in the next year because the volume of incoming charges will continue to grow. Without adequate funding our basic compliance machinery will continue to be overtaxed even with the productivity increases we have instituted and expect to continue. And certainly our ability to undertake the kinds of affirmative action programs I mentioned a moment ago will be jeopardized by an overwhelming complaint backlog. I hope you will want to make your voices and those of your readers heard to avoid such an outcome.

I hope too you would support legislation to grant the Commission cease-and-desist powers when conciliation fails. For we must realize that while our successful conciliations have been increasing in number and significance, there are still over 40% of the cases we attempt to conciliate when our efforts fail. And in such cases the only recourse now available to individual charging parties is to file suit in Federal Court. This is time consuming and expensive. We would like to see greater enforcement power for EEOC rather than see this route.

There is another major way the black press can help us help the communities you serve. I alluded to it earlier but it bears repetition now because, unlike supporting our appropriation and legislation, it is something which can be done in the normal day-to-day running of your publications.

This is to make sure your readers know of and make use of the Equal Employment Opportunity Commission. We at the Commission stand ready to provide you with whatever information you need. We hope your readers would be continuously told how to get in contact with us, how to file charges of job discrimination, how to handle them, and what some of our successes in redressing legitimate grievances have been.

Those of us who acknowledge the importance of law and order in the fullest sense are talking about a legal system that provides for fulfillment, not suppression. If we who pursue law and order in that fullest sense do not speak out, then those who pursue it in the narrow and retrogressive sense of suppression will have too attentive an audience. I submit that each of you has an obligation to let your readers know of every existing peaceful channel for redress of discrimination and to exhort them to use such channels. You should and do, of course, shout loud and clear when those channels are unresponsive.

I can guarantee that the Commission I serve will do the absolute best it can in being responsive and productive, and we hope we will get your help in so doing. And I expect there'll be times when I'll hear shouts instead of support. We will gladly live with the shouts if we get the support. Both are needed if the task we face is to be accomplished as fast as its urgency so clearly demands.

Mr. BYRD of West Virginia. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. BYRD of West Virginia. I was present when the distinguished majority leader discussed this bill, to which the Senator has referred, with the leadership in the other body. The leadership in the other body indicated that there was no prospect for action by the other body on the bill this year. I believe that I have recalled this discussion correctly.

Mr. JAVITS. I thank my colleague. I shall do my best to make some inquiries on that question, too, and perhaps we can match both positions at a later date.

I am very grateful to my colleague from West Virginia for giving me that

information, which is very important, of course, in respect to what I have just said.

#### RECESS SUBJECT TO CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess will not extend beyond 1:45 p.m. today.

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

Thereupon (at 1 o'clock and 21 minutes p.m.), the Senate took a recess subject to the call of the Chair.

(At 1 o'clock and 24 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. BYRD of West Virginia in the chair).)

#### ORDER OF BUSINESS

Mr. CLARK. Mr. President, I ask unanimous consent that I may be permitted to speak for no more than 15 minutes.

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

#### CHIEF JUSTICE EARL WARREN

Mr. CLARK. Mr. President, an extraordinary era in the history of American law, in some ways, perhaps, our most wonderful era, has come to an end with the resignation of Chief Justice Earl Warren from the Supreme Court of the United States. I realize that it is an oversimplification to say that John Marshall converted a group of semi-independent States into a Federal Union and that Earl Warren made us a compassionate Nation. But like many such simplifications, there is more than a grain of truth in it.

Earl Warren has brought to the Supreme Court of the United States a greatness of heart and a spirit which have left their mark on the face of America. He, more than any other single human being, was our teacher in the field of human rights. It was he who awakened the conscience of the American people to the evil of racial segregation and started us on the path to "Equal Justice Under Law," the motto which for so long has been engraved on the face of our Supreme Court Building, but which for too long was frequently honored more in its breach than in its observance.

It has long been my view that within the Federal Government it is Congress which has suffered most from cultural and political lag. Some years ago I wrote a book which was received, naturally enough, without much enthusiasm by many Senators. It was entitled "Congress, the Sapless Branch." In that book I said that the Presidency tended to be more attuned to the real needs and desires of the people in America than Congress, and that the Warren court, the Court presided over with such distinction by Chief Justice Earl Warren, was, of the three branches of the Federal Government, the most responsive to the Nation's long-range national interests.

In my judgment, the Court has been, since Chief Justice Warren became its head, the least shackled to what Abraham Lincoln called "the outmoded dogmas of the quiet past."

I believe that when the history of our era comes to be written, the retiring Chief Justice will go down in history with that other great Chief Justice, John Marshall, as the architect of our National Union, from the bench of that arm of our Government, which in the past has been considered the least likely in many ways to contribute to national union, national well-being, and a national sense of compassion. I hope that the historians who write the biography of Chief Justice Warren will have the opportunity to know not only Earl Warren the judge, but Earl Warren the man, as well.

It has been my privilege for the past several years to come to know this massive, impressive, and towering man as a friend. Shortly after I came to Washington, I met him and his charming wife on a number of social occasions. He invited me once to come down and have lunch with him in his chambers. I certainly profited from the opportunity. When I left, he said to me, "JOE, call me up again. I have enjoyed this meeting." I did call him up again every 3 or 4 months during the course of each Senatorial and Supreme Court year or term; and always he would say, "Come back again."

We would talk of the world as it seems to us, sometimes of shoes and ships and sealing wax and cabbages and kings; and the warmth and wisdom which I obtained from him has been a constant source of support and inspiration to me.

I am happy to learn that he will stay in Washington once he leaves the bench. I am sure many others of his friends in this body will be happy at the opportunity to continue to share that companionship.

Mr. President, there was a splendid editorial in the Washington Post yesterday entitled "Warren Steps Down." It does more credit to this great man than I have been able to do in these short words. I ask unanimous consent that it may be printed at this point in my remarks.

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

#### WARREN STEPS DOWN

The retirement of Chief Justice Earl Warren removes a massive figure from the national scene. For more than a quarter of a century, the Chief Justice has been a man to contend with in national affairs. First as one of the Nation's most successful politicians and later as its most widely known Chief Justice, Earl Warren has won a major place in history. He has presided over the Supreme Court during one of the stormiest and most productive eras in its 179 years. And he has given vigorous and wise leadership to its deliberations while adding immensely to the stature of the office he has held.

Almost no one could have foreseen when Earl Warren was appointed Chief Justice in 1953 the major role the Court was to occupy in American Government in subsequent years. But the group of men which will always be known as the "Warren Court" has set the pace for many major changes

in America's daily life. They broke the noose of discrimination and segregation that was dragging the Nation down and, for almost 10 years, constituted the only part of the Federal Government willing to face up to the problems of civil rights. They fractured the old-line politics of the Nation, when that politics seemed to hold a deadly grip on any means of reform, by terminating rural domination of legislative apportionment. They reformed the Nation's criminal law by fulfilling the promise of the Constitution that men, rich or poor, black or white, will have equal rights. They stood fast against the vilest kind of outcries and upheld the First Amendment's guarantee of free speech, broadening its meaning in terms of political debate, public controversy, and artistic achievement.

In all these areas, it is difficult to sort out Chief Justice Warren from the other members of his Court. It is the constitutionalism of Justice Black, more than any other justice, that has dominated the Court in recent years. But the Chief Justice has joined fully in almost all the Court's major decisions and has drawn the lightning of public criticism to himself by electing, quite properly, to be the Court's spokesman on many of its most crucial issues.

The growth of Earl Warren, the Justice, during the 15 years has been immense. Early criticism that his opinions were too sweeping and lacked the craftsmanship of some of his predecessors has faded. Beyond that, however, it has become clear that he saw his role on the Court as that of explaining its work to all the Nation in terms that could be widely understood and of, at times, raising fundamental issues that the Court was not deciding but ought to be opened for public debate.

The Chief Justice of the United States, however, is more than just the presiding member of the Supreme Court. He is also the executive head of the Federal court system and the symbol of the Nation's belief in rule by law. In these roles, Chief Justice Warren probably has been the most successful of the 14 men to fill the office. He has taken great interest in strengthening and modernizing the court system and, with Justice Tom C. Clark, has fostered many long-needed administrative changes. As a symbol of a Nation ruled by law, he has traveled all over the world, always an eloquent spokesman for the idea of equal justice under law, always eager to encourage other nations—and the world—to improve their legal systems so that force is replaced with law. For that reason, he is almost as widely known, and perhaps more widely respected, abroad than he is at home.

The 15 years in Washington have not been easy for Earl Warren. He has been subjected to a stream of abuse unequalled in modern day public affairs. His critics have questioned his honor, his integrity and his loyalty; they have demanded his impeachment and even his death. Although the political juices that won him three terms as Governor of California must often have urged him to fire back, he has taken this abuse quietly, as a justice should, and has been a model of decorum and solemnity, mixed with just the right amount of humor and humaneness.

Some of the men who have been Chief Justice of the United States have passed into history with hardly more than a sentence. But Earl Warren will stand in history as one of the great Chief Justices. His name, most likely, will be linked with those of the other three Justices who led the Court through major turning points in its and the Nation's life—John Marshall, Roger B. Taney, and Charles Evans Hughes. For more than that no judge can aspire; for more than that the Nation cannot ask.

Mr. CLARK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

#### INDICATIONS BY FOREIGN MINISTER GROMYKO THAT SOVIET UNION IS WILLING TO OPEN NEGOTIATIONS FOR REDUCTION OF NUCLEAR WEAPONS

Mr. CLARK. Mr. President, on another matter, the newspapers this morning contain the good news that Foreign Minister Gromyko of the Soviet Union has indicated to our Government the willingness of his government to open negotiations for the reduction, on both sides, of nuclear weapons and nuclear delivery systems and a possible elimination of the deployment of anti-ballistic-missile systems by both the Soviet Union and ourselves.

I welcome this, and have long urged our Government to take the initiative to a greater extent than we have in persuading the Soviet Union to enter into such negotiations.

I think President Johnson deserves great credit for the initiative he took in this regard at Glassboro, shortly over a year ago, and the efforts which have been made often since, of which I happen to know, privately and behind the scenes, to persuade the men in the Kremlin to start negotiations looking toward a deceleration of the arms race, particularly in the field of nuclear weapons.

I would hope that those negotiations would be pressed forward to a prompt agreement, which could probably be implemented by a treaty either bilaterally between the Soviet Union and ourselves or through the good offices of the 18-nation disarmament convention in Geneva.

I would hope that, as a result, those of us who argued so strongly, but unsuccessfully, for an elimination of the funds necessary to deploy this worthless anti-ballistic-missile system which the Pentagon is so bent on constructing will find in the end that, through the initiative of the Executive, despite the reluctance of the Congress to cut back on this wasteful expenditure of the taxpayers' money, this effort turned out to be successful.

#### THE PROPOSED CONSTITUTIONAL AMENDMENT TO LOWER VOTING AGE TO 18

Mr. CLARK. Mr. President, on another subject, I wish to congratulate President Johnson on the message he has sent to us calling for a constitutional amendment to cut the voting age from 21 to 18 years. I shall do all I can to support the passage of such an amendment through the Congress and its adoption by the States.

I have long felt—being, myself, in my 67th year—that there was at least as much good sense, if not more, among the youngsters of our country who have graduated from high school or who have reached the age of 18 than there was among the men and women of my own generation. To repeat the traditional argument, I have never understood why we felt it appropriate, proper, and ethical to require young men and women to fight for their country, to be shot at, and often killed, at the age of 18, but did not give them the privilege of the vote.

I shall campaign vigorously, both in this Chamber and in my home State, for the passage of this amendment.

Again I congratulate the President for taking the initiative.

#### QUESTIONNAIRE TO CORRESPONDENTS IN SAIGON CONCERNING VIETNAM

Mr. CLARK. Mr. President, recently the Senate Foreign Relations Committee, of which I have the honor to be a member, circulated to a number of veteran correspondents in Saigon a questionnaire asking their views upon a number of critical questions, such as, "Are we winning the war?" "Can we win it?" "What is your view of the government of South Vietnam?" "Why do the Vietcong appear to have such a hold on the country?" and other pertinent questions.

Three of the more competent and experienced reporters replied in detail to the questionnaire. For reasons which I believe are obvious, I do not desire to reveal their names. They are known only as reporters A, B, and C.

The responses are most revealing, and confirm the view I expressed in a report I wrote for the Foreign Relations Committee on my return from Vietnam last January, entitled "Stalemate in Vietnam."

I ask unanimous consent that a copy of the questions and replies, as received by the Foreign Relations Committee, may be reported at this point in my remarks. I note in passing that this is not a classified document.

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

##### LIST OF QUESTIONS

1. Is the military war being won? If not, why not?
2. Is the political war being won? If not, why not?
3. Do the South Vietnamese people in general support the war? If not, what is their attitude?
4. Why have the Viet Cong been so successful over the years?
5. In your opinion, would substantial additional United States troops and an increase in the size of the South Vietnamese forces change significantly the present military or political situation in South Vietnam?
6. Do you think the American people are getting a realistic assessment of the situation in Vietnam from our military and civilian officials on the scene? If not, why not?
7. What terms of settlement do you think the United States could accept and obtain under the present circumstances? What steps could be taken to bring this about?

1. *Is the military war being won? If not why not?*

A. "One of the more tragic over-simplifications of the Vietnam situation is the American attempt to separate the political and military wars, mainly to demonstrate that while one phase—the political—is bogged down it has no appreciable effect on our wide-scale military campaigns.

"This argument in turn helps to justify the presence of well over a half million Americans on South Vietnamese soil and their continued reinforcements.

"Unlike Von Clausewitz, the American military in Vietnam seem to believe that war is an instrument of war, with few political overtones.

"The Viet Cong and NVA, on the other hand, have consistently subordinated their

military campaigns to their political aims, and this is one of the main reasons they remain an enigma to the American military leadership.

"The Military Assistance Command of Vietnam is far removed from the political workings of this country and the agonizing twists and turns of Vietnamese politics.

"And significantly, it is not interested in this aspect of the struggle. The Military Assistance Command in Vietnam has a single-minded purpose—to find and destroy the enemy—to 'discourage' him from infiltrating, and it pursues this goal independent of the political developments in this country.

"The massive infusions of men and materiel have created a powerful military lobby in Vietnam, one bent on justifying its continued presence and a continued war. As a result the issues have been lost in a distinct separation of powers between the American diplomatic community and its powerful military arm, and they in turn have caused a sharp division in the ranks of South Vietnamese politicians, attempting to please American diplomats, and ARVN commanders, trying to please our generals.

"True, the American military command in Vietnam has stressed the concept of 'mobility' in its most recent sweeps, but to my mind it is still hopelessly 'conventional' in its strategy and approach to the conflict. 'Mobility' means helicopters and gunships and a phantasmagoria of men and materiel leap-frogging around Vietnam is a dazzling display of versatility, but with precious little results. By the time Operation 'Pegasus' was finally launched in the North the enemy had withdrawn to apply new pressure in the A Shau Valley.

"It was the same story with Operations 'Resolve to Win' and 'Complete Victory'—massive attempts to beat the bush in search of an enemy who had suddenly disappeared.

"The only evidence the military can muster of seriously 'punishing' the enemy is the estimate of losses he suffered from BB 52 raids, and this is hardly conclusive.

"Equally important, it is far from a guerrilla tactic.

"In brief, the military does not think or act in counter-guerrilla terms, and it cannot understand an enemy who lets a military plum, such as Khe Sanh, slip through his fingers in order to proselytize in a hundred population centers throughout Vietnam. This point became painfully clear to me when talking to one of the chief architects of military operations in Vietnam. It was early February, when fog clung to the hill-sides in the North and air strikes were limited to blind BB 52 raids.

"I cannot understand why they don't hit us at Khe Sanh," said the general, shaking his head slowly. "I cannot understand why they haven't done it before this. One mass raid and we've had it."

"And it was the higher echelons of military, not the journalists, who predicted a second wave, week after tiresome week, in the same way they solemnly predicted the storming of Khe Sanh.

"They swung wildly from underestimating the enemy to exaggeration of his capability, just to be safe.

"All of this indicates that the American military in Vietnam still suffer badly from ignorance of their enemy, his capability and intentions.

"They are still incapable of making him meet them on American terms. He fights when he wants to and just as suddenly disappears. And this in turn makes it painfully difficult to achieve even the narrow goal of the powerful American military machine—to find and destroy him.

"In my opinion, it is impossible to separate the military from the political phase. We cannot truthfully say we are winning militarily because our military thrusts have not significantly lessened enemy pressures on the people and government of Vietnam.

B. "No, I don't believe it is being won, nor do I believe that it is possible to win it. It is not being won because the United States military establishment is incapable of waging the kind of war being prosecuted by the Viet Cong and the North Vietnamese Army. Their forces are of the people, in many cases supported by the people. They are waging an insurrection and we are fighting a war. We depend on overwhelming firepower. They depend on freedom of action. We are obvious. They are invisible. Even our best military minds say that the proper equation to combat an indigenous insurgency is a force equal to ten times the size of the guerrillas. If the VC and NVA combined can field about half a million men—and I have no doubt that they can field that many, although they do not need that many—then we would need to have 5-million troops. The enemy is quicksilverish. We can win any given engagement, but we cannot permanently hold the terrain. Our troops must move on to the next spot, and the VC and NVA can move right back in."

C. "The military war in South Vietnam is being won to the extent that large Viet Cong and North Vietnamese troop concentrations are quickly broken up and repelled from their positions. This was true even during the recent 'Tet Offensive.' The prolonged battle for Hue resulted because of the natural protection the walled city provided, plus the original reluctance to use all available firepower against the city with its historical treasures. Thus, large-scale action by the other side is almost consistently met with overwhelming reaction."

2. *Is the political war being won? If not, why not?*

A. "The political war is in worse shape than ever because the military could not keep the enemy out of the cities. The urban populace for the first time was treated to a mass demonstration of enemy power, and even if such a performance is impossible to repeat on the same scale (as our military insist it is) they require more than just reassurance.

"The government is acting to increase the South Vietnamese commitment to the war, and this is encouraging, but it comes late. It comes at a time of extreme nervousness about negotiations, at a time when the government itself is not unified on a course of action, as Vice President Ky himself admits 'Our government is not extremely popular . . . we can only say we are more popular than the communists . . .' This is hardly a clarion call to rally the people. There is still too much cynicism, too much back-door wrangling, too much deep-rooted corruption at high levels of government (and throughout the society) to expect a widespread response to calls for austerity and unity.

"To be anti-communist is not enough. The government must have a program, it does not have, and that is why it is losing the political war."

B. "No I don't believe so. The problem here is that we are supporting the wrong people, as we so often do. There is no viable political force in Vietnam other than the NLF. The GVN, and all GVN's before it, are not representative. They do nothing about the basic problems of Vietnam—namely, land reform, corruption, refugees. They talk glowingly of fighting for freedom and democracy, but they are despotic. The GVN capitalizes on America's built-in fear of anything communistic. But the people of South Vietnam know little about and care less about communism."

C. "The political war is NOT being won. It fails because small groups of Viet Cong and North Vietnamese can get together to form large enemy concentrations. The best barometer of the political commitment to this war has been and remains the intelligence that flows from the people to the government. The rural people—and, as Tet clearly showed, the urban population as well—either do not trust the government's security or do not find it in their self-interest to report Viet Cong move-

ments or the stockpiling of weapons and ammunition. Until you know where the enemy is, and only the residents of an area can tell you this, your military potential remains just that, potential."

3. Do the South Vietnamese people in general support the war? If not, what is their attitude?

A. Not answered.

E. "The business community, the upper classes, those whose livelihoods, properties, lives and futures are tied in with the society protected by the GVN do support the war, but not in any philosophical or political sense. I think they support the war for very selfish reasons. The larger body of people—the peasants in the countryside, the poor people who live on the edge of starvation, who own virtually nothing, live in hovels, etc.—couldn't care less about the war. They certainly don't care who wins because their lives couldn't be any worse under the VC than they are under the GVN. Just before the Tet offensive, for example, the VC and NVA infiltrated into Saigon in massive numbers, thousands of them. Yet no one informed the police or any other South Vietnamese authority. I don't think they refrained from informing out of fear. I think they did so out of apathy."

C. "It can be said that the South Vietnamese people support the war in the sense that many of the people do not like the Viet Cong and do not want to live under their control. Most of the peasants see the war as between the Viet Cong and the Americans, not the Saigon government. Most South Vietnamese simply want the shooting to stop, are only passively interested in the political terms of a settlement, and spend most of their time just trying to antagonize no one and stay alive. Neutrality would best describe their attitude."

4. Why have the Viet Cong been so successful over the years?

A. "The Viet Cong have been successful in proselytizing over the years partly because they carry the aura of liberation from Japanese and French occupation, but mainly because they offer a program of social change, the first Vietnamese attempt to break out of the rut of a colonial economy."

"Their programs, with an accent on land reform, education, literacy, social benefits, have particular appeal among the have-not elements of Vietnamese society, and this is why the countryside has long been a VC stronghold."

"They have been successful because they were the first unified, militant elements of Vietnamese society to appeal to Vietnamese nationalism while promulgating wide-scale economic and social reform. Granted, it has remained a pie-in-the-sky program, even to a great degree in the North (as most communist programs are. Even after twenty years the Czechs, for example, are still groping for the reality within the theory) but in South Vietnam even the promise is something that opposing political factions have been unable to match."

B. "I think the answer can be extrapolated from the answers to questions 1, 2 and 3. In essence, it boils down to the fact that the VC have freedom of action and freedom of movement; they have a working, disciplined political organization; they are motivated; they have complete knowledge of the people and the countryside; and they can promise the people something other than the status quo."

C. "The Viet Cong have been consistent in their program, well organized, quick and brutal to give object lessons to government collaborators, and quick to exploit the shortcomings of their adversaries. The Viet Cong offer land reform, promotion by merit, honest administration, a degree of popular voice in local matters and a host of welfare programs, education, public health, etc. The Viet Cong organization, both overt and shadow, is especially sound. Villages under

their sway can never be sure who the covert cadre are. Agents may be ordered to conceal themselves for months and years before being called upon to render service (note—this occurred many times in the cities during the Tet offensive). When government forces temporarily sweep through an area, people are warned not to cooperate, and when government strength and/or vigilance lags, the Viet Cong return to punish the collaborators. Village and hamlet chiefs are special targets. An execution in a hamlet very often renders the area solidly neutral for weeks. The Saigon government, slow to reform and the Americans, who have in the past been reluctant to press for reform, offer the Viet Cong juicy propaganda targets. Entrenched interests seem to be tolerated by the United States, and generals and politicians who are tainted by collaboration with the French against their own people are favored. American material aid winds up in the black market and enriches public officials at the expense of the common people. South Vietnamese government programs designed to follow up American military actions are often forgotten and usually poorly administered, so that the American image in a number of areas is one of a dispassionate warrior."

5. In your opinion, would substantial additional United States troops and an increase in the size of the South Vietnamese forces change significantly the present military or political situation in South Vietnam.

A. "In my opinion substantial increases in the number of U.S. or SVN troops would not significantly change the politico-military situation in South Vietnam."

B. "Of course the situation would be changed. With more troops we could pursue the enemy further, hold more terrain, etc. But the real question is: could we provide enough troops to do what would be required to effect a victory in military terms."

C. "No. More American troops would further 'Americanize' the Vietnam war. The size of the South Vietnamese Army is not as important right now as quality, political as well as military, administrative as well as tactical."

6. Do you think the American people are getting a realistic assessment of the situation in Vietnam from our military and civilian officials on the scene? If not, why not?

A. "I do not think the American people are getting a realistic assessment of the situation in Vietnam from our military and civilian officials on the scene."

"On the military side, this is partly due to lack of adequate intelligence and partly to the strong desire to believe what one wants to believe. There are many military reputations on the line in Vietnam and the vast majority of the leadership is committed to a policy of 'more of the same.'"

"This attitude promotes stubborn optimism, not only publicly, which is understandable, but privately as well. The tendency is never to question optimistic statistics, such as the number of enemy killed in action over Tet, and to ignore reports that reflect pessimism independent of their source."

"This attitude is even more exaggerated now that General Westmoreland is leaving and MAC-V wants to have him return as a winner, the man who shattered the Tet offensive and won at Khe Sanh."

"Although their personal commitment is less passionate than that of the military, the highest level of American civilian officialdom in Vietnam also have their reputations at stake in this war. Many of them were hand picked by the President for their ability to roll with the most difficult situations and still come up sounding like Walt Whitman Rostow. And they do. There is an 'apparatchiki' atmosphere in Saigon that must be unmatched in any American diplomatic mission in the world. These officials have become ideologues in the true sense, no longer

examining why we are here and to what purpose, but interested mainly in 'holding on' because of the impact of Vietnam on American life and politics."

"This is not true of a great number of American civilian and military men in Vietnam, but unfortunately it does apply to many of those who speak with the prestige of rank and the voice of authority."

B. "I think they are getting a pretty good assessment of what is happening through the medium of a very skeptical press corps. I do not think that the military or civilian officials are as frank or as honest or as free with information as they should be. I can understand their point of view, but I can also disagree with it. It has been said that this war is the most highly reported war in history. This is true, but it is also true that the establishment has built up one of the most impenetrable and formidable public relations obstacle courses ever conceived. The objectives of these PR men—and they are legion—is to keep the distasteful truth out of the press, to distort the truth so as to paint continually a glowing picture of what is happening."

C. "No. With a large neutral force in the country, any statistical approach comes up nebulous jelly. If the Viet Cong brought in computers with their guns, as the Americans have tried recently, they would get a bunch of figures that could be woven into the same 'cautious optimism' that Washington has been reading for years. In fact, there is some evidence that last year, Hanoi grew weary of glowing reports and no real progress and began assigning more and more North Vietnamese cadres at all levels of Viet Cong structure in order to get more candor. The United States gets candor from advisors and civilian officials at low levels, in many instances, but the pessimistic value judgments evaporate on up the line. From other career conscious advisors and officials, the top echelon gets what it wants to hear—progress."

7. What terms of settlement do you think the United States could accept and obtain under the present circumstances? What steps could be taken to bring this about?

A. "What terms of settlement do I think the United States could accept and obtain under the present circumstances? Under the present circumstances, with the present South Vietnamese government I see little hope for a settlement of any sort, only a chance to dampen down the war to proportions more 'manageable' and perhaps 'tolerable' to both sides, such as a cessation of the bombing in the North in return for a slackening of infiltration from the North."

"While these things might pull Vietnam off the front pages they cannot appreciably affect the true issue here, which is a government that either represents Viet Cong interests, or neutralizes these interests through a powerful program of reform."

"The Saigon government refuses the former and seems utterly incapable of the latter."

"Personally I believe a coalition government is the only answer at this point, with or without Thieu and Ky. Agreement to such a government should give the United States a generous quid pro quo as far as the timing of an American withdrawal is concerned, and the nature of the phase-down. It is not attractive, and it would be painful, but in that respect it is so much like the Vietnam involvement itself, and is certainly no more painful than the alternative of more of the same."

B. "I think the best we could hope for is some form of coalition government, which, of course, in the long run would mean control of South Vietnam by the NLF and their partners in Hanoi. However, in itself this may not necessarily be all that bad. There is a very strong strain of nationalism that runs through the goals and ideals of the NLF, and we should never fear nationalism. We should instead, learn to live side by side with such

movements, since they are indeed the wave of the future."

C. "There is only one, and that perhaps unsafe, way to de-escalate the Vietnam war and bring peace. The South Vietnamese government must offer to receive the Viet Cong as a legitimate political party, after all members sign a pledge that they will not resort to violence in order to control or alter the government—something similar to the United States law prohibiting membership in any party promoting the violent overthrow of the government. The next step would be to hold legislative and presidential elections on schedule during the year 1971. Let the ex-Viet Cong run their slates along with other nationalist parties. That would give them nearly three years for:

"(A) the Saigon government to make itself popular; (B) the non-communist political organizations to blossom; (C) the Viet Cong to sell their ideas to the people.

"A lingering American military presence to guarantee the peaceable return of the Viet Cong, plus international guarantors and inspectors would be needed. The only way this can come about is if the South Vietnamese government cleans itself up and allows true democratic political activity. Saigon would have to back away from its hard line, and the Viet Cong would have to rid itself of the claim that it is the only true representative of the South Vietnamese people. The only step the United States can do is to tell the Saigon government that this is it . . . or nothing."

#### WITHDRAWAL OF AMERICAN TROOPS FROM KHESANH

Mr. CLARK. Mr. President, I note also, with mixed feelings, the announcement that our troops have been withdrawn from Khesanh in the jungles of South Vietnam near the Demilitarized Zone. One wonders for what reason we fought so stubbornly to hold this jungle outpost, at the cost of so many American lives in killed and wounded, and in aircraft, equipment, and materiel, and why, after a bitter siege of several months, having successfully defended it, we suddenly withdraw.

To me, it was inexplicable at the time why we wanted to hold this outpost. The reasons given did not make sense to me. We were not preventing infiltration. We were not denying the North Vietnamese any access to areas to which they wished to go.

Now, the reasons given for withdrawing seem to be equally specious. I would hope that in the future, our generals and our Air Force commanders would think twice before, as a matter of what appears to be merely military status, they commit the lives of American boys to jungle posts which, on second thought, they discover are not worth the trouble of defending.

Mr. President, I yield back the remainder of my time.

#### ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### INTERNATIONAL COFFEE AGREEMENT, 1968

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that it be in order to request the yeas and nays, even though the coffee agreement is not formally before the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLOTT. Mr. President, I ask unanimous consent that I may proceed for 3 minutes.

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

#### TRANSIT RESEARCH

Mr. ALLOTT. Mr. President, I have just had the opportunity to read a document released by the U.S. Department of Housing and Urban Development's Urban Transit Administration entitled "Tomorrow's Transportation."

This booklet is actually a summation of 17 studies on urban transportation which HUD contracted for with transportation consultant and engineering firms in an effort to give our Government a "sense of direction" in this whole field.

While I will not deny that some valuable points were made by some of the consultants in their reports, the overall picture presented in the HUD booklet left me amazed and stunned.

Here we are at a time when our financial situation is so bad that we have had to cut \$6 billion in expenditures for the next fiscal year and we have had to impose a surcharge tax increase on our people to help make up for the irresponsibilities of the past. Then comes HUD with a proposal to spend \$980 million—almost \$1 billion in research and development in urban transit over a minimum of 5 years.

While our major rail rapid transit systems are being taxed to the limit, while large cities all over the country are finding it difficult to find the money to solve their transit problems, while bus systems in medium and small American cities are going broke or out of business by the dozens, HUD is asking the Congress to spend almost a billion dollars—not to solve these existing problems, mind you—but for research for exotic systems such as personal rapid transit cars and small buses that are furnished to passengers with the aid of computers.

Mr. President, we have not even come close to spending a billion Federal dollars to assist our rapid transit systems which need help in this country since the urban transit program began. How can we justify pouring this kind of money into exotic schemes when we have not settled the problems of the present?

I think Senators will understand my amazement more clearly when they be-

gin to think of what can be done in urban transit within the realm of reality for under a billion dollars.

You could buy 32,667 new 51 passenger buses.

About 50 Cleveland Airport rapid transit extensions could be built.

You would be able to construct and equip nearly 10 Delaware River Port Authority rapid transit lines.

In fact the whole BARTD system in San Francisco could be built for just a little more than \$980 million.

I think I speak for many in the Congress when I say that we are becoming weary of endless studies and plans which have little or no bearing on the problems with which we are confronted.

Mr. President, the Friday, June 21, 1968, edition of the Wall Street Journal contained an excellent editorial analysis of this latest research scheme, entitled "Toying With Transportation." It calls on the Congress to take a long, hard look at these proposals before acting. Its call is completely justified and I support it.

I ask unanimous consent that the editorial to which I have 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:

#### TOYING WITH TRANSPORTATION

If President Johnson's message to Congress accompanying a study of new systems for urban transportation is noncommittal, there seems to be ample reason for it to be so.

The study entitled "Tomorrow's Transportation" and issued after 18 months of research and analysis by 17 contractors hired by the Housing and Urban Development Department, endorses spending almost \$1 billion during the next five to 10 years on such experiments as "dial-a-bus" systems and "personal rapid transit" cars. Its proposals are pretty far removed from what the President calls "the problems of Americans who live in or commute to work in cities."

The dial-a-bus scheme, for instance, would serve low-density metropolitan areas; would-be riders at a dial-a-bus station would dial for service while a radio system kept track of vehicles moving through the area. A computer would sort the calls and send a bus to pick up the riders.

Now rapid transit in low-density areas is a problem, all right, especially at night; in Washington, D.C., recently, bus drivers refused to drive at night for fear of being robbed, beaten or both. But neither the dial-a-bus plan nor the personal rapid transit concept, making use of small, recirculating car-like capsules using their own rights-of-way, comes to grips with the problem of mass transit.

When the HUD study considers mass transit at all, it discusses such devices as "dual-mode vehicles" which could be used on both streets and the subway-like guideways, and appears to ignore existing subway and rail facilities, most of which could be improved vastly with better equipment and maintenance. Imposing new and intricate systems atop those now in use is only likely to make the latter worse than they are now.

President Johnson is right in saying the report "provides a good foundation for decisions" on research and development programs needed for new transport systems. The study surely ought to make Congress take a hard look before deciding on the \$230 million for fiscal 1970—up from \$25 million for 1969—the Administration is asking for urban mass transit projects.

By all means work should proceed on the problems of tomorrow's transportation. At

the same time, what is needed more urgently are some immediate and practical solutions to the problems which are making a nightmare of mass transit today. Toying with dial-a-bus and similar plans seems to offer little in the way of relief.

#### A SAILOR'S LAST LETTER

Mr. ALLOTT. Mr. President, the pages of our newspapers and the screens of our television sets are filled daily with the activities of bearded revolutionary malcontents among our youth. Seldom, if ever, do we hear of the efforts of the majority of young people who serve God and country without a second thought.

In this connection, Mr. President, I was touched to read of a letter which a 21-year-old Arvada, Colo., sailor wrote to his parents before his death in Vietnam. He died, by the way, aiding a wounded marine.

The letter was written by Douglas Parsons, who told his mother and father, in anticipation that his writing would be his last:

I died for a cause in which I fully believe . . .

He also told them:

When I die, I fully believe that my soul will go to heaven . . . so you know that I am really all right and I will see you both some day . . .

Thank God that men like Douglas Parsons have accepted their country's call to duty. Thank God that our Nation's defense has not been in the hands of those who are willing to fight and die only on university campuses.

Douglas Parsons should be honored and remembered by all of us for he truly gave his life for his country.

Mr. President, I ask unanimous consent that an article published in the June 10, 1968, edition of the Denver Post describing Douglas Parson's last letter be printed in the RECORD.

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

#### ARVADA SAILOR'S LAST MESSAGE: LETTER IN BIBLE TELLS VICTIM'S DEVOTION

ARVADA.—It was a letter tucked inside a 21-year-old sailor's Bible; a letter written the morning of March 18, 1968—the day he was killed by rifle fire in Vietnam while aiding a wounded Marine.

His parents, Mr. and Mrs. Lloyd Parsons, 8943 W. 53rd Ave., Arvada, received the letter with other personal possessions sent home by the Navy. They also received the Purple Heart which their son, Navy Corpsman Douglas Parsons, was awarded.

The letter, a message which young Parsons wrote to be read in case of his death, contained a message to his parents. It said:

"Dear Mom and Dad,

"This will be my last letter. It will be delivered to you in case of my death.

"Believe me, this is an extremely hard letter to write. But I must face reality. But I want you please to remember two things. I hope they will both help and comfort you.

"First, I died for a cause in which I fully believe—in a fashion that goes with the Parsons name.

"Second, when I die, I fully believe that my soul will go to heaven . . . So you know that I am really all right and I will see you both some day . . .

"I want you to know that I love you all very much. You are the most wonderful

family that anyone can ever ask for, and I thank God that I was so fortunate.

"Please don't let this create a bitter feeling in your hearts—for the service or for the war. I guess it is something that will have to be done and men will have to die to do it.

"I know the blow will be terrible, but I am praying that God will give you strength to face the fact and He will console you . . .

"I love you all so much,

"Doug."

Young Parsons was born in Pasadena, Calif., and was graduated from Arvada High School. In addition to his parents, he is survived by a brother, Lloyd Jr. Burial was in Ft. Logan National Cemetery.

#### REINSTATEMENT OF AN OIL AND GAS LEASE IN WYOMING

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Washington [Mr. JACKSON] I ask the Chair to lay before the Senate a message from the House of Representatives on S. 443.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 443) to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease (Wyoming 0280122) which was, on page 1, line 7, after "0280122" insert "and accompanied by the required rental, including back rental, accruing from the date of termination".

Mr. BYRD of West Virginia. Mr. President, I am authorized by the Senator from Washington to state that S. 443 is a private bill sponsored by the two Senators from Wyoming [Mr. MCGEE and Mr. HANSEN], to authorize the Secretary of the Interior to consider reinstatement of a certain oil and gas lease in Wyoming which was terminated by operation of the law. The measure was considered by the Interior Committee and passed the Senate on May 4, 1967.

The House amended the bill to require that the lessee tender payment of the back rental as a condition precedent to reinstatement. This amendment is acceptable to the authors of the bill and therefore, Mr. President, on behalf of Senator JACKSON, I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

#### REINSTATEMENT OF AN OIL AND GAS LEASE IN WYOMING

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Washington [Mr. JACKSON] I ask the Chair to lay before the Senate a message from the House of Representatives on S. 102.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives the bill (S. 102) to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease (Wyoming 0310090) which was, on page 1, line 8, after "0310090" insert "and accompanied by the required rental, including back rental, accruing from the date of termination".

Mr. BYRD of West Virginia. Mr. President, I am authorized by the Senator

from Washington to state that S. 102 is a private bill sponsored by the distinguished junior Senator from Utah [Mr. MOSS] to authorize the Secretary of the Interior to consider reinstatement of a certain oil and gas lease in Wyoming which was terminated by operation of the law. The measure was considered by the Interior Committee and passed the Senate on May 4, 1967.

The House amended the bill to require that the lessee tender payment of the back rental as a condition precedent to reinstatement. This amendment is acceptable to the author of the bill and therefore, Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

#### SIGNIFICANT DEVELOPMENT IN THE SITUATION AFFECTING THE ANTI-BALLISTIC-MISSILE SYSTEM

Mr. BAKER. Mr. President, on Monday I rose to support the deployment of the Sentinel Anti-ballistic-missile system. At that time I declined to engage in an evaluation of the relative effectiveness of Sentinel and rather suggested that the concept itself offered a unique opportunity for offensive arms limitation.

With eloquence and unquestioned conviction opponents of Sentinel argued that our efforts in this field would lead to another spiral in the arms race, and quite remarkably, some countered with the proposition that we increase our offensive weapons arsenal in response to the three existing Russian anti-air attack systems, instead of deploying defensive mechanisms.

I cited the speech delivered by the distinguished director of the Oak Ridge National Laboratory, Dr. Alvin M. Weinberg, at Rockefeller University to the seventh annual Atoms for Peace Awards ceremonies, in which Dr. Weinberg makes a convincing case for the proposition that the deployment of an ABM system in the United States might offer the first and only opportunity to initiate meaningful negotiations for the limitation of offensive weapons.

He makes the point that nations are far more likely to agree to limitation of offensive weapons if they are secure in their defenses.

Contrary to the arguments of those who oppose Sentinel, the deployment of an ABM system would prevent a further escalation of offensive weapons for this country and others. Then and now, I was and am greatly troubled with the advice that America continue to escalate the offensive arms race by concentrating on such weapons instead of defense.

Since Monday there has been a significant development in this field. The Soviet Foreign Minister, Mr. Gromyko, announced their general willingness to discuss weapons limitation.

Reinforcing the importance of Mr. Gromyko's statement, it has come to my attention that the Weinberg speech to which I referred on Monday and which identifies the arms limitation potential of the ABM concept, is scheduled for publication by a prominent Soviet scientific

journal in the fall. The Soviets, even in their technical journals, are not noted for publishing foreign papers with which they disagree.

I believe that nations secure in their defense are less likely to commit their efforts and treasure to offensive weaponry.

Finally, I believe the authorization of Sentinel contributed to these promising developments. I believe the arms limitation aspects of ABM deployment are demonstrably valid. I believe that the Soviet Union may be signaling its willingness to enter a new era of meaningful weapon limitation.

If this be the case, as I believe, the fiscal authorization for Sentinel may rank as one of the greatest investments ever made by this country.

#### VICE PRESIDENT BACKS EDUCATION BASED ON ABILITY TO LEARN, NOT ABILITY TO PAY

Mr. YARBOROUGH. Mr. President, last September I introduced in the Senate the university post-secretary educational opportunity bill. Now, with some minor modifications, that bill is pending in the Subcommittee on Education as an amendment to the higher education bill of 1968. It is my understanding that a similar measure is being considered in the House of Representatives.

The purpose of my amendment is to conduct an intensive study of alternative means of financing post-secondary education in America based upon the following statement of congressional intent:

Congress hereby declares it to be the policy of the United States of America that every citizen is entitled to an education of high quality without financial barriers and limited only by the desire to learn and ability to absorb such education.

As the author of the cold war GI bill which provides both tuition and living expenses to veterans while they pursue a further education, I am familiar with both the need for financial assistance for post-secondary education and the tremendous benefits that accrue from such an educational investment.

Under the World War II and Korean GI bill, for instance, we spent some \$14.5 billion on our veterans, but because of the high income received by these GIs as a result of their increased training that \$14.5 billion has already been repaid in the form of increased income taxes. It is estimated that it will be repaid two or three times over during the earning lifetime of these veterans.

There have been many proposals put forth suggesting different ways to finance postsecondary education and indeed it seems to be the tenor of the times that we get on with the job of making such a massive educational investment.

The only question of course, is what method of finance is the best. The study I have proposed will provide Congress with the information it needs to act.

In the light of my proposal, I was pleased to note that Vice President HUBERT HUMPHREY, in his speech before the Education Commission of the States last Wednesday, called for "a new education policy for America" which would provide full education for every child

through college "on a straight ability to learn—not ability to pay—basis."

In his speech the Vice President said:

The cost of educating every American must be recognized as an investment that will be fully repaid.

Vice President HUMPHREY suggested:

We need to look seriously, for instance, at the proposals which have been made for a liberal student-loan program—with the terms of repayment to be geared to the student's post-education earnings.

I have serious reservations about this particular proposal, but am more than willing on the basis of the study I have proposed to be convinced otherwise. To me, a sounder proposal would be tuition free colleges, much like the California system for junior colleges.

The fact of the matter is that there is nowhere a comprehensive study providing a detailed comparison of alternative methods of financing postsecondary education, and until Congress has such a study as a basis for action it cannot move ahead responsibly.

I applaud the Vice President for his commitment to education and his willingness to make education a campaign issue. I urge every Senator to read the Vice President's speech, and I ask that it be printed in the RECORD.

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

REMARKS OF VICE PRESIDENT HUBERT H. HUMPHREY BEFORE THE EDUCATION COMMISSION OF THE STATES, DENVER, COLO., JUNE 26, 1968

We have lived and grown and prospered as a nation—and have made democracy work—on the simple good sense, as Jefferson put it, that "man cannot be both free and ignorant."

A greater proportion of young Americans finish grade school, high school, and college than in any other society on earth.

Yet the fact is that our educational system is still falling short of the mark.

There is no paradox in this. To the contrary.

We have set out now to perfect the society we have built.

The only nation in the world where the poor, by our standards, are a minority, we are determined now to eliminate poverty.

The freest society in history, we are intent now on making this freedom real in every citizen's life.

Possessed of unparalleled wealth in material things, we are discontent about the quality—and, worse, the inequality—of human life.

We used to measure our achievement in terms of averages, medians, and means.

Now we measure it by how many are left out of what we have . . . by the extent to which every American participates both in the responsibilities and in the benefits of membership in this society.

We have a new sense of what Walt Whitman meant when he said, "I give you the sign of democracy: I will accept nothing which all cannot have their counterpart of on the same terms!"

And as we relied on general education to develop democracy's basic idea, we turn now to the perfection of our educational policy as the necessary means to make a reality out of democracy's highest ideals.

We know that the flaws that remain in America—poverty . . . the disadvantages of "minority groups" . . . hunger . . . disease . . . crime . . . violence—are all traceable in some measure to our remaining shortcomings in education.

So I come here today to talk with you about a *New Education Policy for America*

That policy must go beyond a guarantee of twelve years of substantially-uniform instruction for every American boy or girl.

It must provide far more:

That every individual has the right to receive the fullest and best education that individual can put to good use.

And further: That every individual with the capacity to be self-sufficient has an obligation to use this educational opportunity toward responsible membership in a free society.

I mean to declare this policy, and carry it out, as clearly as we would declare and carry out the policy of protecting this country against invasion by a foreign power.

For ignorance is an alien force in America—the enemy of everything we seek . . . everything we stand for.

We must therefore mobilize America against ignorance, illiteracy and intolerance. We must rally America for education, training, and opportunity.

I know the sensitivities of a federal official talking about education to a commission of state and local officers—and all the hazards that surround the subject.

I know them well enough that they don't frighten me.

My first Senate vote in 1949 was on federal aid to education. We passed it in the Senate. It was killed in the House.

Year after year, federal aid to education was killed in one House or the other on one basis or the other—race or religion.

Or it was defeated on the argument that it was too expensive . . . that we shouldn't "pass on the debts to the next generation."

So we passed on instead the one debt no generation can stand—which is the burden of the ignorance, the lack of education and training, of some of its members.

Finally, a man who had been a teacher, in a little school for Mexican-American children, became President of the United States—and broke through those old, irrelevant barriers.

In 1968 your federal government is investing in all forms of education, almost thirteen billion dollars—more than three times the level four years ago. The dividends are beginning to come, in the form of new jobs, new hope, new dignity.

But we still have a long way to go.

Only half of our sons and daughters go to college—and only half of those who start college finish it.

Over 900,000 drop out of high-school before they get their diplomas.

You know, when people turn away from a store, a good businessman says "there must be something wrong with the merchandise or the service." And when young people turn away from the schools it is time to ask ourselves "why."

Is our education relevant to their needs?

Is it what they have to have to make a living?

Has it some real meaning to their life today or tomorrow?

Or, are we just in the business of selling old wares and hopefully thinking we can do it, because they have to attend school?

Yet the truth of it is that today's lost educational opportunity is not the result of not knowing how to teach children. It is a gap between what we know and what we do.

It is partly, too, a failure to break away from old patterns of administration in our schools and our school systems—which is the particular subject of concern and responsibility of the members of this Commission.

Let me today offer three essential elements in the development of a New Education Policy.

First, we must be willing to pay the cost of quality education at all levels.

Second, we must provide not just mass education, but individual education.

Third, we must overhaul educational administration.

*First, paying the price:*  
The cost of educating every American must be recognized as an investment that will be fully repaid.

We spend billions of dollars for relief and welfare, for institutional care, for crime and violence—as the costs of people not being educated and trained.

The question is whether to pay as our children grow—to educate them—or whether to pay later the prices of ignorance, incompetence, frustration, and alienation.

The costs of a policy of full education will be large. They include the cost of training and paying teachers on a basis which recognizes that their work affects the future more directly than the work of any other profession.

They include the cost of a national pre-school program available to all children from age 4.

They include the cost of seeing to it that a child who comes to school hungry is fed.

They include the cost of whatever arrangement is necessary to put staying in school, right through college, on a straight ability-to-learn—not ability-to-pay—basis.

We need to look seriously, for instance, at the proposals which have been made for a liberal student-loan program—with the terms of repayment to be geared to the student's post-education earnings."

They include the cost of providing and staffing adequate technical institutes and vocational schools which will give young people the skills they need for the jobs of tomorrow, rather than whatever skills of yesterday the available staff people happen to have.

They include the cost of educational centers, developing and providing creative and innovative teaching tools and methods, in each of our 50 states.

They include the cost of a minimum of 25 federally-subsidized centers of advanced study in high-school and college education.

They include the cost of community colleges which are more than glorified custodial high-schools, and which meet the legitimate needs of young people who may not be suited to a four-year college or who need preparation before entering one.

The members of the Association of American Universities have this week issued a detailed statement calling for a large-scale increase in federal support for higher education—in public and private institutions, from junior colleges to graduate schools.

It is estimated that the implementation of this AAU proposal would mean an increased annual expenditure of as much as 8 billion dollars by 1975. That estimate may not be high.

The Association representatives urge consideration of their proposal in this election-year campaign.

I join in that.

This is the kind of thing we ought to consider and decide as a people.

I believe we must be willing to make our decision this year that forthcoming national "dividends" should be put into education—a large part of both the "peace dividend" which will come with the ending of the war in Viet Nam, and of the "growth dividend" which will come in the form of increased revenues from economic expansion.

*Second, providing education for the individual:*

A new full-education policy must take into account individual differences and circumstances.

Equal educational opportunity ought to mean the preferential treatment of those who have gotten off to a slow start—almost always for reasons entirely beyond their control.

Equal opportunity also means putting good schools in the "worst" parts of town, and good teachers with those youngsters who present the most difficult educational problems.

Our worst waste of human resources—and our most direct contribution to poverty and to crime—lies in the fact that we let almost a million boys and girls end their education every year without completing their preparation for what comes next . . . in most cases just because they have reached age 16.

I believe age 16 should not be a cut-off date for compulsory education. I believe there should be case-by-case handling of students who for any reason decided to leave school before they have finished the 12th grade.

We need new curricula for those who will go directly from high school to work.

We need institutes of remedial education to provide intelligent but educationally or culturally deprived young people with the essential tools required for college work.

The lack of true educational opportunity is illustrated by the racial composition of our major colleges and universities. The time has come for specific steps to correct this imbalance.

We need combination learning-and-earning programs, and closer relationships between the schools and the employers in the community.

It means insuring that each student should receive the right instruction for his level of intellectual capacity, and for his aptitude—from the retarded to the most brilliantly-gifted.

I believe we can do this and at the same time continue to give all our young people education which exposes them to contact and experience with other students who are not carbon copies of themselves.

Years ago we tended to ignore the child who revealed early academic disabilities and shrugged him off as doomed to mediocrity.

We identified the child who seemed socially apathetic or troublesome and shunted him off to some isolated corner.

We tested a youngster and, perhaps unconsciously, carved out his educational niche well in advance of any chance to display his individuality.

We must nourish *individuality*—the individuality of every child, white or black, rich or poor, urban or rural.

We must find and touch that priceless substance within each child which makes him a separate entity—unique and precious—so that he may utilize it to the fullest, on his own behalf and on behalf of his society.

*Third: We must declare a deliberate policy of innovation in educational administration.*

The current revolution in teaching methods at the primary and secondary level has produced the "new math" and the new methods of language instruction. This must be matched by drastic changes in the administrative aspects of education.

There is the obvious need for the 12-month use of our school facilities.

It does not make sense to use a 45 billion dollar primary and secondary educational facility only eight hours a day, nine months a year.

We would not stand for it in any other public service.

We need long-term planning so that our schools, at all levels, will be placed in areas of future population growth—not according to old jurisdictional lines.

And we need conscious decision on the part of government at all levels, to encourage magnet centers of educational excellence—such as we see now in Boston and California—in those areas where economic and population growth is desired. Where there is educational excellence, economic and social dividends follow.

We are now involved in innovation and experimentation in unprecedented magnitude . . . the application of modern technology in the classroom . . . through such aids as programmed teaching machines; video recording; language laboratories—through innovations such as team teaching; variable sized classes ranging from a one-

to-one student teacher ratio to a lecturer speaking to hundreds.

Elementary schools are moving toward individual research projects and self-discovery rather than rote learning.

There is increased recruitment of gifted liberal arts graduates as teachers, and of housewives with special skills for part-time teaching.

And, at all levels, we see now the development of new attitudes regarding student sharing of responsibility with faculty and administration.

Our young people have idealism—and capacity beyond what we had at their age.

They insist, and rightly so, in participating in the affairs of democracy.

They ask for channels of self-expression. Self-expression is a cornerstone of the individuality we seek, and we should encourage these young people to state and debate, to learn how to handle ideas in an orderly and American way.

Part of the disorderly spectacle we see on some college campuses may trace its origins to inexperience with the democratic handling of dissent and debate.

It seems to me that high school administrators and faculty members must prepare themselves far more than they have today to understand and work in the fields of social and political action, so that their students, in turn, will be prepared to do the same.

A natural extension of this is the need for our colleges and universities to more fully involve themselves in constructive social action in their surrounding communities.

The role for the faculty should not be just "publish or perish," but also "participate and prosper."

As our colleges and universities become more fully committed to the betterment of their own home towns, I have a feeling they will gain far more than they give in the accumulation of practical knowledge about the urgent problems they seek to understand.

As the students of our colleges and universities find themselves actively drawn into the decision-making process of their schools . . . as they find themselves, on a practical and direct level, helping to fight poverty and ignorance in their communities, I think they will gain a deep and lasting ability for citizenship—and respect for the democratic process.

Now is the time—this year—for us to make decisions about policies and priorities of this country in the 1970's and the year 2000.

I believe that the base on which everything else must be built is the educational policy of this nation.

We shall be either as strong, or as weak, as that policy permits.

Those are the stakes.

I believe, therefore, that we should—as a nation—declare here and now that 1968 will be the year when the decision was finally made to make the investments . . . to make the changes . . . to make the personal commitments necessary to provide quality education for every individual American child—from age 4 through college.

That is a big order. But this is a big nation.

And, if we do it, we shall be a great nation.

#### MILESTONE FOR PRESIDENT JOHNSON'S PEACE EVENTS

Mr. McGEE. Mr. President, the news from the Soviet Union that Russia is prepared to discuss limitations on strategic warfare with United States is an important milestone in President Johnson's continuing efforts to reduce the chance of worldwide nuclear war.

For more than 4 years President Johnson has urged the Soviet Union to join with United States in disarmament talks concerning strategic weapons.

The patience and persistence of the President has finally met with a positive response from the other side. The President refused to follow the voices of those who preached that no agreement could ever be reached with any Communist country.

For his steadfast and untiring efforts the entire Nation can be grateful to President Johnson. Obviously, total disarmament is not "just around the corner," but it is equally obvious that the road to world peace is paved with the solid stones of small events such as the news today out of Moscow.

#### CHALLENGE AND ACTION IN RURAL AREAS

Mr. MANSFIELD. Mr. President, radio stations in Montana and other North Central States recently carried a brief interview with Mr. Howard Bertsch, Administrator of the Farmers Home Administration of the U.S. Department of Agriculture.

In the interview, Mr. Bertsch summed up with maximum clarity, in minimum words, the family farmer's need for more operating credit to win his struggle for existence, and the need for revitalizing the rural community.

The interview with Mr. Bertsch was recorded with Mr. John Franklin of the Farmers Union Grain Terminal Association in St. Paul, Minn., and broadcast on the "GTA News and Views" program over a number of Montana stations, as well as over stations in Minnesota, North Dakota, and South Dakota.

As a timely and concise summation of some of the problems we are grappling with in rural areas, I ask unanimous consent that the transcribed text of the interview be printed in the RECORD.

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

JOHN FRANKLIN. With us today is Howard Bertsch, Washington, D.C., administrator of the Farmers Home Administration. The FHA has just completed a 24-state regional meeting in Minneapolis.

Mr. Bertsch, I understand that FHA's biggest job is helping low income farmers get enough credit to plan an economic family unit.

Mr. BERTSCH. Today we are lending about \$600 million a year to family farmers. Two hundred million of that is real estate credit to enable the owners of inadequate farms to enlarge those farms to the point of being competitively efficient. About \$300 million is short and intermediate term credit to not larger than family farmers who can't take advantage of conventional credit sources. About \$100 million is used to help finance the production on farms in areas that have been designated by the Secretary of Agriculture as emergency areas because of natural disaster.

Mr. FRANKLIN. Do you have enough money to meet the needs of low income farmers?

Mr. BERTSCH. No, we don't.

The real substance of the agricultural revolution we hear about—the technological revolution—has been truly the substitution of capital for labor. This requires more investment. We have to expand our credit resources tremendously just to stand still, to serve adequately the same number of family farmers.

Mr. FRANKLIN. What are some of the services FHA can offer rural communities in addition to credit programs for farmers?

Mr. BERTSCH. Primarily, since 1961, we have recognized that four out of five of the people who live in rural America do not farm. We have expanded our mission to include rural communities and the non-farm rural housing sector of rural America. This is where much of our increase in housing is taking place.

The other services we make available to strengthen rural communities are services in the field of community facilities—central water distribution systems, safe and sanitary waste disposal systems, and recreation facilities.

All this means a better rural America, a rural America more competitive, more attractive, which truly should result in creating the kind of environment outside the metropolitan areas that will attract job opportunity creators.

I am talking now not about agricultural opportunities for employment in rural areas, although we must have hard looks at that, too; but it appears that only about ten percent of the young men growing up on farms in this country may reasonably expect to find a future in agriculture.

What about the other 90 percent? Are they going to be deprived of an opportunity to make a good living where they are, where they want to be, in rural communities?

We think not. We think we can make those rural communities so attractive that non-farm employment opportunities will prevail there.

#### A CRUSADE COLLAPSES

Mr. BYRD of West Virginia. Mr. President, one of the best and most perceptive analyses that I have seen on the so-called Poor People's Campaign was published in the Wall Street Journal of June 26.

Entitled "A Crusade Collapses," the article points out the ineptness of the leadership and the confusion surrounding the objectives of the campaign.

It rightly observes that the American people at this juncture are concerned, first of all, with the reestablishment of law and order in the country.

The chief symbol of the campaign, Resurrection City, became a center for the very type of lawlessness that has plagued so many of the Nation's cities and angered so many Americans.

The article is one that should be read and digested not only by those who opposed the camp-in on Federal properties, as I opposed it, but more particularly by those who supported the campaign, for it presents a good and factual statement as to why the campaign turned as sour as it did.

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:

#### A CRUSADE COLLAPSES: BAD JUDGMENT TURNS POOR PEOPLE'S CAMPAIGN INTO A FIASCO

(By Monroe W. Karmin)

WASHINGTON.—The arrest of the Rev. Ralph David Abernathy and his Resurrection City followers produced the crowning irony of a mammoth misadventure.

In many minds, the villains of the confrontation are not the "racist" Congress, the "unfeeling" Johnson Administration or the "brutal" police—as the Poor People's Campaign tacticians had expected. Instead, even friends admit, the villains in the public's view have turned out to be the demonstrators themselves, who had hoped to evoke wide-

spread sympathy as they were herded off to jail.

What went wrong?

The answer goes much deeper than the flagrant mismanagement of the campaign that resulted in the wrong people saying and doing the wrong things at the wrong time and place. The Poor People's Campaign failed because it misjudged the prevailing national sentiment that now, after three years of urban racial conflict, sees the need to re-establish law and order as the top priority before further social progress can be achieved.

This mood was apparent, even before the campaign came to Washington, to wise old civil rights hands. Roy Wilkins of the National Association for the Advancement of Colored People and Bayard Rustin of the A. Philip Randolph Institute endorsed the crusade only out of respect for the assassinated Martin Luther King Jr., originator of the campaign.

#### CONTRIBUTING TO FRUSTRATION

Not only was the climate of national opinion unresponsive, they warned, but even those in Government sympathetic to the poor people's cause were blocked by budgetary restraints from offering substantial aid. Money, not promises, was needed, and money was not available. And so the more experienced civil rights strategists could see only impending doom and predicted the Poor People's Campaign would betray its own non-violent intent by contributing to the frustration that breeds violence.

That prediction has been borne out. In the aftermath of the arrest of the Rev. Mr. Abernathy and his marchers, Mayor Walter Washington of the District of Columbia was compelled to order police and National Guardsmen into the slum here to disperse hundreds of milling, missile-throwing Negroes.

On the national level, the Poor People's Campaign has alienated many of its friends. No less a liberal than Vice President Humphrey is finding it increasingly difficult to remain sympathetic. Though he still favors new efforts to provide food for the hungry and jobs for the poor, the Presidential candidate, in a major address to the National Press Club last week, laid primary emphasis on the need to curb civil disorder. "Violence must be stopped," he declared, and if elected President, he vowed, "I will know how to stop it."

But if the elder civil rights leaders sensed the new mood of the American majority, the Rev. Abernathy—propelled to sudden leadership by the death of Dr. King—apparently did not. Or, if he did, he handled the situation badly. "Abernathy is a blunderer," is the frank appraisal of a Johnson Administration friend to the campaign who has labored, and still is laboring, to salvage some success from the fiasco.

In part, the Abernathy failure is oratorical. The charismatic Dr. King possessed the ability to cloak his causes in the highest of ethical standards. He could speak of "freedom" and "justice" and the "promised land" and arouse the idealistic emotions of black and white, rich and poor. Even when he talked tough, he sought a higher level with phrases like "direct action," and "confrontation" and "militant non-violence."

Though the Rev. Abernathy and his lieutenants voice much the same language, coming from them it seems more rote than conviction. The real Abernathy mission seems to emerge in threats like "raising hell," and "turning the town upside down" and "disrupting the processes of government."

Bombast such as this played into the fears of the white community, and tended to accelerate, rather than arrest, the shifting majority sentiment toward the need to establish law and order as the first national priority.

Another contributing factor was the poor people's tactical approach. The leaders de-

cided, early in the campaign, to present their demands in general, not specific, terms. The idea was that the poor people would thus retain the option of claiming victory whenever they saw fit.

This approach, however, left outsiders in a dither. Even Capitol Hill friends of the campaign were confused. And so the impression was created that the poor people themselves didn't know what they wanted, and their real purpose was not achievement but trouble-making.

By the time the campaign managers did get around to specifying their desires, it was too late. The list was too long (it included 99 items at one point) and too impossible, in effect demanding that poverty in America be ended this summer. When Mr. Rustin was called in to organize Solidarity Day, he insisted upon scaling down the demands but his ideas were rejected.

As a result, the impression conveyed to the public by the impoverished demonstrators was not that of the sympathy-deserving downtrodden, but rather that of a bunch of unruly, undeserving riffraff. The Abernathy team enlarged the menacing image by engaging in a series of confrontations that, contrary to expectations, drew public support to the campaign's adversaries.

At the Agriculture Department, a troop of poor people marched into the cafeteria, ate lunch and refused to pay the bill. The leadership told the Department it "owed" the food to the poor. At the Justice Department, a Negro woman, pointing her finger at Attorney General Clark, demanded, in effect, that he give her what she wanted "or else."

The effect of such incidents was to obfuscate the issues further. Were the poor people interested in uplifting themselves or tearing down authority? If they were concerned with uplift, what role did they expect the Government to play? Does the Government "owe" every man a successful life, or merely the opportunity for success?

At no point did the Rev. Abernathy provide clear-cut answers. He merely spoke more belligerently and impaired his own credibility by changing course time after time. He was never able to convince onlookers that he was firmly in control of the campaign. And the newspaper and television reporters, having found cause to question the Abernathy leadership, began to look at Resurrection City itself.

What they saw was low morale and low morals, racial squabbling among minority groups, not-so-nonviolent youths who had to be shipped home, and even the poor stealing from the poor. "In hindsight, it appears to about everybody that Resurrection City was a mistake," confesses one source close to the campaign.

#### CONFIRMED FEARS

This "mistake" cost the poor people whatever slim chance they had for widespread public support. For as the reports of rape and robbery at Resurrection City began to seep out, not only were the public's fears of violence confirmed but an even stronger emotion came into play.

After all, the campaigners were the people who were condemning American society, in toto or in part, as "racist" and "sick." And what values were they offering as substitutes? Not equality and justice, but robbery and rebellion against all authority by any means.

Thus the poor people found themselves in the position of seeking to win the support of the American majority—the white middle-class—for a campaign that had become abhorrent to basic values cherished by the white middle class. This was an impossible quest.

There was no groundswell of support for poor people's legislation on Capitol Hill. There was no public pressure on the Administration to be generous. There was no great victory for the Rev. Abernathy, but only the defeat that had been predicted months ago by wiser heads.

And so, the Rev. Abernathy had no choice but to bring about arrest—both to rid himself of the headache of managing Resurrection City, and to grasp at the faint possibility that through martyrdom he might be able to achieve what he failed to achieve on stage as the star performer in the abortive attempt to dramatize the plight of the poor.

In doing so, the reverend provoked the very violence that had been feared by so many and is the antithesis of the guiding principles of the non-violent cause. The Negro mayor of the District of Columbia ordered his police to disperse the Negro mob that gathered in the slums after the arrest of Mr. Abernathy. And that may be the most significant consequence of the Poor People's Campaign considering the national concern for law and order.

#### LOWER THE VOTING AGE

Mr. HANSEN. Mr. President, I wish to express my wholehearted support of the President's proposal to amend the Constitution to extend the right to vote in Federal and State elections to citizens otherwise qualified who are 18 years of age or more.

Citizens in the 18-to-21 age group today are more informed and more concerned with the problems of society than those of earlier generations. However, when the means for effective participation, the right to vote, is denied, youth become alienated from society. By giving these citizens the right to vote upon reaching the age of 18, they will be given an opportunity to voice their opinions at the ballot box, within the existing political framework. This is the best place to channel such opinions. This is the best place to channel the actions of the young American citizen.

I support this proposal for another reason as well. At 18, our young people are subject to many of the responsibilities of citizenship. For example, they are eligible for military service, pay taxes, and are no longer juveniles in the eyes of the civil and criminal laws. With these responsibilities should go the right to have a voice in the political process. That voice in our democracy is most effectively raised through the right to vote.

Our democratic heritage will be strengthened by the adoption of the President's proposed amendment to the Constitution.

#### THE VOTING AGE SHOULD BE LOWERED TO 18

Mr. TYDINGS. Mr. President, the President has sent to Congress a proposal to amend the Constitution to extend the right to vote to more than 10 million citizens—young men and women between the ages of 18 and 21. This is a most important measure, and I intend to give it my full support.

Many meaningful reasons can be given for allowing these young citizens to participate in the election of those who make determinations which so vitally affect their lives. One we should not overlook is that early participation in the elective process is likely to lead to a lifetime of active citizenship.

Presently, classes in civics and government are introduced into our educational

systems years before the student is allowed to put that knowledge into action at the polls. By the time many reach voting age they are either in college or in service away from their voting residence. Consequently, absentee registration procedures either handicap or even prohibit the exercise of the voting right. By extending the right to citizens at an earlier age, the right is more likely to be exercised.

There can be little doubt that one is more likely to examine the issues on the ballot if he is afforded a vote. We need responsible young men and women who can not only protest decisions made, but who can weigh and help to determine responsible alternatives.

Since 1942, leaders in both major political parties have spoken out for action to lower the voting age. Now, in 1968, it is time that bipartisan support be given in answer to this need.

Since my election to the Senate, I have supported a constitutional amendment to lower the voting age. I have strongly advocated that my own State of Maryland lower its voting age. Just last month I testified at a hearing on this issue before the Subcommittee on Constitutional Amendments, of which I am a member, of the Committee on the Judiciary. I ask unanimous consent that the text of my testimony be printed in the RECORD.

I am pleased that the President has given his strong support for a constitutional amendment lowering the voting age. I urge the Congress to act now on this vital issue.

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

STATEMENT OF SENATOR JOSEPH D. TYDINGS IN FAVOR OF REDUCING THE VOTING AGE IN FEDERAL ELECTIONS TO 18, PRESENTED TO SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS, SENATE COMMITTEE ON THE JUDICIARY, MAY 14, 1968

Mr. Chairman, as a member of this subcommittee, I am particularly pleased to endorse the proposal to amend the Constitution to provide for voting in Federal elections by all citizens over the age of 18. I am a co-sponsor of the Mansfield-Dirksen bill to lower the voting age. I also testified in favor of reducing the voting age before the Maryland State Constitutional Convention. Ratification of the new Constitution that Convention produced is being voted on today in Maryland. I am optimistic that that new charter, containing a provision reducing the voting age to 19, will be overwhelmingly approved.

I believe the minimum voting age should be that age level at which the average person of that age group has attained the maturity required to make an intelligent choice from among the various candidates for the leadership of his government.

Although the twenty-one year minimum is traditional in this country, it is not sacred or immutable. Two states, Georgia and Tennessee, long ago reduced the voting age to eighteen; Alaska allows voting at nineteen; and Hawaii at twenty.

I believe that the age of eighteen—the age of high school graduation—is a reasonable minimum voting age. This Committee may choose a higher age. But I urge reducing the twenty-one year requirement, because no argument can justify it.

Any decision as to voting age must be arbitrary. But some ages are more arbitrary than others. I believe an examination of the primary arguments for retaining twenty-one as the voting age will show that none of them

offer valid reasons against lowering the voting age.

#### TRADITION

Twenty-one is the traditional voting age in forty-six of the states.

Whatever justification existed for imposing twenty-one as the minimum age a century ago, however, the fact is that today's American young people are achieving physical, emotional and mental maturity at an earlier age than ever before. While the traditional twenty-one year old voting age has remained unchanged, the character of our population has changed dramatically, especially with regard to the education, maturity, and responsibilities assumed by our young people.

Indeed, tradition itself is no reason at all for maintaining the voting age. If tradition were a good reason to maintain a constitutional provision, we would not need this Constitutional Amendments subcommittee to review our traditional, but not unchanged or unchangeable national Constitution.

We should deal with the facts as they are today. The fact is that most eighteen year olds are as personally qualified to vote as most of their elders. Indeed, in some instances they are more qualified.

#### OTHER TWENTY-ONE YEAR REQUIREMENTS

Some argue that since the common age for legal majority is twenty-one, the minimum age for voting should be twenty-one. There is no compelling connection between the age set as the minimum for voting and the age set as the minimum for other state-regulated activities, such as the purchase of alcohol or the administration of an estate. The law in each case should be shaped to the subject matter involved.

In the case of voting, the question is whether eighteen, nineteen, or twenty year olds are mature enough to make an intelligent choice in the voting booth for the government leaders who tax them, regulate their lives, and can send them to war. I think the answer is clearly that these young people are as qualified to make such political judgments as most of their elders.

#### TOO MUCH IDEALISM

Some people argue that lowering the voting age would add to the voting population many whose idealism has not been tempered by practical experience in adult society.

I do not think that we should fear a little idealism in politics. I think we should welcome it.

Moreover, although precise figures are unavailable, the Census Bureau has given me statistics which indicate in my own state of Maryland at best, that more than one of every five citizens between eighteen and twenty-one is a full-time wage earner. Many others work part-time while putting themselves through college. Thousands of Maryland boys between eighteen and twenty-one are not only getting practical experience in "adult society," they are getting it in a very hard school—in the jungles and on the battlefields of Vietnam.

#### OUTSIDE INFLUENCES

The argument is made that reducing the voting age would add to the voting population persons highly influenced by their parents, schools, television, and special interests.

I reject the notion that young Americans are any more susceptible than their elders to parental political influence, political pitchmen, or special interests. My experience, as a Senator speaking to high school and college groups and answering their questions in every corner of the nation, has been that these young people—as a group and as individuals—are as acutely aware of the world as anyone in society. They know their history and current events; they are earnest and informed; they are skeptical and searching; they are no more likely to be taken in by

demagogues than anyone else. As a matter of fact, they are less likely. As for undue parental influence, if eighteen to twenty-one year olds take the advice of their parents on whom to vote for, it will be, if the testimony of many parents is to be believed, the only aspect of life on which parent's advice is the prevailing factor at that age.

If a perfect test could be devised for determining who should be able to vote, so that arbitrary age limits could be eliminated, surely some eighteen to twenty-one year olds would fail it. But, I submit that a far greater percentage of present voters over twenty-one would fail it. Because no such perfect test can be devised, we will have to continue to have an arbitrary minimum age limit. But that age limit should be based on today's realities, not those of a century ago or legalistic concepts developed during the Middle Ages.

#### HISTORIC EXTENSIONS OF THE SUFFRAGE

All the arguments made against giving young adults the vote have been made against every expansion of the franchise. All of them were made, for example, against the 19th Amendment, which gave women the right to vote.

The tradition of nearly every state was against it.

Other state laws were against it. Women had been legally deprived of certain rights—such as the right to make contracts—for centuries, and, it was argued, this same legal inferiority should be continued in the case of the vote.

Giving the vote to women, it was said, would add to the voting population many persons whose idealism has not been tempered by practical experience. Women would be highly influenced by their parents, schools, and handsome rogues and demagogues.

Women, it was said, would affect elections even though they had little knowledge of, or interest in, local affairs.

Fifty years have now passed since these prophecies of doom, but the Republic still stands. I believe few would argue against the point that our political system is much richer and wiser because of the participation of women in the electoral process.

I think the fears expressed against extending the vote to persons under twenty-one are just as invalid today as these same arguments were a half century ago when they were used against the universal suffrage.

I hope this Committee will recommend a lowering of the voting age, if not to eighteen, at least to some more realistic level than twenty-one.

#### THE NEED FOR A STUDY OF WORKMEN'S COMPENSATION LAWS

Mr. JAVITS. Mr. President, this morning Jerome B. Gordon, research associate of the manpower and population program of the Bureau of Applied Research of Columbia University, testified on S. 2864, the occupational health and safety bill.

Mr. Gordon, in the course of his testimony, presented much information bearing on the operation of workmen's compensation laws in the United States and the necessity for the adoption of my amendment, No. 798, which would establish a Federal Commission to make a comprehensive study of such laws.

I ask unanimous consent that excerpts from Mr. Gordon's testimony be printed in the RECORD.

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

STATEMENT BY JEROME B. GORDON, RESEARCH ASSOCIATE, MANPOWER AND POPULATION PROGRAM, BUREAU OF APPLIED SOCIAL RESEARCH, COLUMBIA UNIVERSITY, BEFORE THE LABOR SUBCOMMITTEE, LABOR AND PUBLIC WELFARE COMMITTEE, U.S. SENATE, JUNE 28, 1968

(Note.—Tables not printed in RECORD.)

#### WORKMAN'S COMPENSATION—WHAT IT IS AND HOW IT OPERATES

In this second section, I shall assess the merits of the current system of insuring against work injury in the United States. I should like to begin by describing the goals of the system as outlined by the Chamber of Commerce of the United States, and to follow with a short discussion of how it operates. In the material that follows these first opening remarks on the subject, I shall dissect the system's problems.

#### GOALS OF THE WORKMEN'S COMPENSATION INSURANCE SYSTEM

The following is an extract from the introduction to the annual Analysis of Workmen's Compensation Laws, compiled by the Chamber of Commerce of the United States:

"Workmen's Compensation Laws are designed to provide satisfactory means of handling occupational disabilities. As a 20th Century development in the United States, the laws have evolved as the economy became more industrial and less agricultural.

"Before these laws were enacted a well-established common-law principle held that a master or employer was responsible for injury or death of employees resulting from a negligent act by him. Thus disabled workers who sued employers for damages had to prove their injuries were due to employer negligence—a slow, costly, uncertain legal process. As business enterprise and machine production expanded, the number of industrial accidents and personal-injury suits increased. At the close of the 19th Century it was apparent that the accepted common-law defenses—contributory negligence, assumption of risk, negligent acts of fellow servants—operated too harshly on claims of disabled workers. This situation led to demands for new legal provisions.

"As a result, between 1900 and 1910 so-called employer's liability laws were adopted by many States. Although they tended to modify common-law defenses, in effect they did not prove completely satisfactory; employees still had to prove employer responsibility and negligence. Other legal remedies were urged.

"A new answer was forthcoming: In 1911 the first workmen's compensation laws were enacted in the United States on an enduring basis.

"Today, each of the 50 states has a workmen's compensation law. The workmen's compensation laws of Guam and Puerto Rico are also outlined in this "Analysis." Federal workmen's compensation laws have been enacted; for example, the Workmen's Compensation Law of the District of Columbia, the Federal Employees' Compensation Act, and the U.S. Longshoremen's and Harbor Workers' Compensation Act—The latter providing for private or public employees in nationwide maritime work. Each of the Canadian Provinces has a compensation act.

"In essence, workmen's compensation laws hold that industrial employers should assume costs of occupational disabilities—without regard to any fault involved. Resulting economic losses are considered costs of production—chargeable, to the extent possible, as a price factor. The laws serve to relieve employers of liability from common-law suits involving negligence.

"Six basic objectives underlie workmen's compensation laws; they:

1. Provide sure, prompt and reasonable income and medical benefits to work-acci-

dent victims, or income benefits to their dependents, regardless of fault;

2. Provide a single remedy and reduce court delays, costs and work loads—arising out of personal-injury litigation;

3. Relieve public and private charities of financial drains—incident to uncompensated industrial accidents;

4. Eliminate payments of fees to lawyers and witnesses as well as time-consuming trials and appeals;

5. Encourage maximum employer interest in safety and rehabilitation—through appropriate experience-rating mechanism; and

6. Promote frank study of causes of accidents (rather than concealment of fault)—reducing preventable accidents and human suffering.

"To what extent have the laws achieved desired objectives? Answers to this vary from State to State and depend on many factors including the viewpoint of the appraiser."

#### HOW IT OPERATES

It is fundamentally a decentralized state-run system. Insurance against industrial injury is sold through private insurance carriers, with a small amount of insurance obtainable through several state funds. Large establishments, if they meet certain criteria in most states, can insure themselves. Claims are administered through state industrial accident commissions or workmen's compensation boards. Rates are set by a private rating bureau—the National Council on Compensation Insurance—through a network of state rating bureaus and a manual of industrial and occupation classifications in each state. Rates are adjusted through hearings before state insurance commissions. Benefits are set by legislation in each of the states and jurisdictions.

Rates are levied by amount of payroll. Adjustments in basic rates are made for premium discounts and for safety records. Safety record adjustment or "merit rating experience" operates for only 20 per cent of all insurance risks. Merit rating does not occur until a level of between \$500 and \$750 in total premiums is reached. Therefore Workmen's Compensation insurance effectively is not tied to establishment safety records. Rates and variations in rates, as will be shown shortly, are fairly uniform across the nation. Rate adjustments are made in the form of applications to state insurance departments. Changes in rate are predicated on the costs of doing business; i.e. "expense loadings."

Benefits are legislated and do not reflect automatic escalators in the form of cost of living increases, as is the case with rate increases—which are tied to a combination of inflationary pressures, payroll costs, and factors bearing on insurance costs. Benefits are basically of three types: scheduled injury, income payments, and survivor payments.

To effect claims, a worker submits a claim through his employer to the state Workmen's Compensation board within a statutory period after the accident or contraction of disease. The board adjudicates the claim and, upon submission of the evidence, determines whether the claim is compensable. The injured worker, if granted his claim, is given medical, monetary and, in some instances, vocational rehabilitation benefits.

#### WORKMEN'S COMPENSATION COVERAGE PROVISIONS AND BENEFITS

By far the most dismal aspect of Workmen's Compensation is the innumerable faults and gaps in the welter of state and federal systems. Frankly, the variability in coverage, benefits received, and statutory controls is beyond the sanctuary of states' sovereignty. Let's find out what the problem is with the current system of operation.

#### COVERAGE OF PRESENT WORKMEN'S COMPENSATION SYSTEM

Less than 62 per cent of the current labor force is covered by the various state and federal Workmen's Compensation systems; this

is in comparison with over 89 per cent of the labor force covered by the Social Security System. As can be seen in Table 5, over the period from 1958 to 1964 there appeared to be no further extension of coverage to millions of the nation's workers.

Few jurisdictions offer anything near what might be considered complete protection to all employees for work connected injuries and occupational diseases. Table 7 gives the extent of coverage of the labor force in each jurisdiction for both 1956 and 1964. The most interesting and damaging aspect of the data is that the proportion of coverage in both time periods has remained the same for almost all jurisdictions.

The reasons for this intolerable static condition are indicated in Table 6 which contains a summary of all the Workmen's Compensation Laws compiled periodically by the U.S. Bureau of Labor Standards.

Twenty-three jurisdictions have elective provisions—that is, the employer may accept or reject the legislation. Well over 52 per cent of the jurisdictions have exemptions for employers having less than 15 employees. That benchmark accounts for over 67 per cent of all manufacturing establishments, according to the 1963 U.S. Census of Manufacturing. Only a quarter of the jurisdictions cover agricultural employment, domestic workers, and casual labor. I shall wager that most of the members of the committee who employ domestics or day workers in their households do not realize that they are currently underinsured for the work hazards of the home. Because of these and other similar exemptions something between 15 and 20 million employees in our nation's labor force are not protected against work injuries.

Let's move on to the dreary facts about benefit provisions.

#### BENEFIT PROVISIONS OF WORKMEN'S COMPENSATION SYSTEM

The injured worker in 22 jurisdictions still does not have the simple privilege of choosing his own physician. Obviously, as I pointed out in the material on measurement of injuries, the deck is loaded in favor of the employer. Further, there are still 11 jurisdictions which do not provide full coverage for medical benefits for accidental injury. Benefit coverage for occupational disease is equally as medieval. Over 42 per cent of the jurisdictions have either limited or no coverage for medical benefits for occupational diseases. In addition, well over 58 per cent of the jurisdictions have a set time limit on filing for occupational disease claims of generally two years or less from time of incidence of the disease. This is especially insidious since innumerable diseases require a prolonged period of germination before their deleterious effects are visible.

If the State systems are supposed to recognize their responsibility for rehabilitation of the injured worker and re-insurance against his subsequent injury as a result of an initial injury, it is not apparent from the material in Table 6. Over 33 jurisdictions, or approximately two-thirds of the total number in the United States, do not have a responsible vocational rehabilitation division within their systems. Again 32 jurisdictions do not provide for maintenance benefits during rehabilitation. Fully sixty-five per cent of the jurisdictions have little or no second injury funds.

By far the most damaging aspect of the various state Workmen's Compensation Systems are the provisions covering the magnitude and duration of survivor and indemnity benefits. 75 per cent of the jurisdictions in the U.S. Bureau of Labor Standards survey reported death benefits limited to a specific period and amount. In the case of Permanent Total Disability there are still 21 jurisdictions with the benefit fixed as to both the amount and duration of payment. If one examines the income maintenance levels of Temporary Total Disability the

meanness of the benefit levels becomes almost overpowering. Well over 56 per cent of the jurisdictions have a ratio of weekly benefits to average weekly earnings of less than 50 per cent. It is no wonder that in the U.S. Department of Health, Education and Welfare reports, well over 14,000 recipients of long-term disability payments under Social Security and related income maintenance programs were injured in work-related accidents.

There are some graphic examples of the insane differences among the state and federal jurisdictions in both scheduled injury income payments, and survivor benefits.

You get \$6,300 for the loss of an arm in Maryland and, by way of comparison, over \$33,000 for the limb if you are covered by the Federal Longshoremen's program.

Maximum income benefits for permanent and temporary total disabilities are \$35.00 per week in Louisiana, while they are over \$150 in Arizona. There is a \$14,000 limit in Louisiana; while there is no limit in Arizona.

Maximum income survivor benefits are \$35.00 per week in Louisiana and \$121 in the Federal employees Compensation Program.

#### OVERALL NATIONAL AND INTERSTATE VARIATIONS IN WORKMEN'S COMPENSATION BENEFITS

Over the period from 1958 to 1964, Workmen's Compensation benefits have grown at an overall annual rate for the U.S. of 10 per cent. (See Table 9). Well over 63 per cent of the benefits are paid out by private insurance carriers. The proportion of total claims paid for by the several exclusive or monopolistic state funds is currently 23.7 per cent, while the self-insurers comprise 13.3 per cent of the total. Overall, the operations of Workmen's Compensation are exclusively in the hands of the private insurance industry (Table 8).

Only a third of the total benefits are in the form of medical and hospitalization payments. Well over 88 per cent of the remaining two thirds are in the form of total-temporary disability payments. (Table 8).

Inter-state differences in the growth rates of total Workmen's Compensation benefits over the period from 1958 to 1964 are quite marked. Using the national growth rate for the same period as an index of 100 per cent, we can see that relatively few jurisdictions did in fact meet or better the national average. (Table 9).

Perhaps of more significance are the ratios of weekly benefits payable for total-temporary disability to average weekly earnings, and the percentages of lost wages replaced for three weeks disability. In the first instance, Massachusetts has a high of 76.5 per cent, and, as an extreme, Louisiana has a low of 37 per cent. In the second case, Texas and Louisiana are tied for last place with a ratio of 25 per cent, while Massachusetts is in first place with 76 per cent. For all intents and purposes this variability in Workmen's Compensation benefits is a national disgrace.

In the previous section, I elucidated the remarkable shortcomings that exist in the coverage provisions of the state-dominated system of Workmen's Compensation insurance. In this and the following sections I will deal with the pattern of factors accounting for changes in the costs of Workmen's Compensation insurance, national and interstate variability in workmen's compensation costs, and the relative profitability and performance of major workmen's compensation private insurance carriers.

#### FACTORS INFLUENCING WORKMEN'S COMPENSATION COSTS

In order to properly assess the reasonableness of the Workman's Compensation rate structure, one must have some idea of the fundamental economic and statutory elements entering into the basic rate-making process. If, for example, benefits under Workmen's Compensation laws remained unchanged, if other factors, such as the numbers of employees covered by the system and

the prices of medical services, remained relatively stable, and if accident rates, as unreliable as they are, decreased, it would be reasonable to expect some stability or perhaps even decline in insurance rates and in total insurance costs to employers.

To test this hypothesis, a duplication of a comparable statistical procedure used in the *Review of Workmen's Compensation in New York State*, conducted by the Governor's Workmen's Compensation Review Committee in 1962, was adapted to data for the nation as a whole over the period from 1956 to 1965. Factors used in both studies are broken into two groups; first, those factors that tend to produce upward pressures on insurance costs, and second, those factors that tend to influence downward movements in insurance costs. Factors in the first group include: (1) increases in the number of employees covered by Workmen's Compensation laws in the United States; (2) increases in the average indemnity benefit levels for New York State; (3) increases in the cost of medical services in the United States; (4) increases in the prices of services purchased by insurance carriers. Elements in the second group are: (1) decreases in the work injury rates for all industries compiled by the National Safety Council; (2) increases in the efficiency or productivity of the carriers. Both groups of factors are given their proper weights and combined to determine their total effects. Tables 10 through 17 depict the detailed calculations used in deriving the index of expected Workmen's Compensation insurance costs. Table 18 provides a comparison of the actual index of Workmen's Compensation costs based on the growth of earned premiums of Workmen's Compensation insurance with the expected Workmen's Compensation insurance cost index over the period from 1956 to 1965.

The most disturbing aspect of the comparison made between the two indices in Table 18 is the widening divergence over the ten-year period. In the first few years the differences between the two indices is less than 1-2 per cent annually. However, by 1965 the difference between the two indices is over 38 percentage points. If we assume a liberal profit margin of 15-18 per cent in the last year, that still leaves a difference of well over 20 per cent. This means in effect that perhaps something between \$150 and \$200 million of earned premiums in 1965 are attributable to questionable rate increases. As a reflection on this it is perhaps noteworthy to listen to the rationale of Workmen's Compensation insurance cost increases given by S. E. Senior, Chairman of the New York State Workmen's Compensation Board, in a speech before a testimonial dinner given him this spring by a national underwriters' group: "Rate levels for Workmen's Compensation are fixed in New York State by the Compensation Insurance Rating Board, and these are the rates that are applicable throughout the insurance industry. Over the last ten-year period, there was warranted a rate level increase of 21% based on legislative amendments, and another rate level increase of 28% because of increased medical and hospital expenses. Consequently, the total indicated rate level increase was 49% for the last ten years. However the actual increase during this ten-year period was only 20%." While, New York may have had exemplary record, it is highly unlikely that the insurance industry would tolerate for long the absorption of medical cost increases. It is significant that during the early fifties most state compensation rating bureaus were successful in influencing State Insurance Commissions to include a 1 to 2 per cent profit and contingency item among the "expenses" of doing business. An item in most insurance exhibits labelled as "acquisition" costs—which ranges in some states as high as 17 per cent of total expenses—is, in fact, a buffer for profit margins to brokers and for discounts to certain customers. I'm afraid

Mr. Senior's remarks strike me as representing the kind of business logic of that fabulous character in Joseph Heller's book, *Catch-22*, Milo Minderbinder, who bought eggs for five cents a dozen, sold them for 3 cents a dozen and made a profit of seven cents on each dozen sold!

#### NATIONAL AND INTERSTATE VARIATION IN WORKMEN'S COMPENSATION COSTS

Workmen's Compensation costs are made up of several elements. In addition to benefit costs (commonly termed "pure premium") there are overhead costs (known as "expense loadings") of insuring risks, which are reflected in the premium (manual) rates that employers pay to insure against the risk of industrial injury. These overhead items include the expenses of selling policies, ratemaking, payroll auditing, claims investigation and adjustment, safety inspection, legal and medical services, general support activities and support of state Workmen's Compensation commissions. In the previous section it was noted that profit-margins for brokers in the field, "acquisition costs," and allowances for profit and gains were also included.

In the aggregate, annual costs for employers have risen slightly to the point where they now constitute 1 per cent of the payroll in covered employment, (See Table 20). In comparison, benefits in 1965 were only 0.62 per cent of the covered payroll.

Since manual rates are based on the charge per \$100.00 to \$300.00 of covered payroll, the actual unit cost of Workmen's Compensation is relatively small. According to Alfred Skolnick, a noted Social Security Administration Social Insurance authority, the current national level hovers between \$.98 and \$1.00 per \$300 dollars of payroll.

Interstate employer costs of Workmen's Compensation vary with the composition of the industrial base of the labor force, as well as the differences in benefit levels and rate structures. In a study conducted by John F. Burton for the W. E. Upjohn Institute for Employment Research, estimates of average employer costs for several "manual rating" classifications for a number of states were developed and placed on a basis relative to that for the state of Michigan. These data, along with inter-state loss expense rates, are displayed in Table 21. The most significant aspect of the Burton study is that in no case is the variability in employer costs of Workmen's Compensation insurance, relative to that of Michigan, great enough to warrant its enclosure in the calculus of industrial location decisions. The relative uniformity of the interstate differences suggests that the Workmen's Compensation insurance rating manuals probably insure sufficient flexibility for marketing this line of insurance without too great a distortion in average per unit employer costs.

On the general issue of comparative administrative costs of servicing claims, this observation from an evaluation of a state system still has relevance:

"Another source of savings is in the cost of administering claims. There are few data on the actual costs of administration, although again the expense loadings are high. Such information as we have suggests that this may be a source for considerable savings. The New Jersey Manufacturers Casualty Insurance Company spends approximately 25 cents on administration for every \$1 paid out in benefits. The several state insurance funds spend about 13 cents for every \$1 benefit. The Unemployment Insurance system spends approximately 12½ cents in administration costs for every \$1 benefit. The Federal Workmen's Compensation system's administrative costs are as low as 3½ cents for each \$1 in benefits. The legislature, in seeking to effectuate savings, might well ask the insurance carriers in the State to supply information concerning this type of cost in an effort to determine how much savings can be achieved."

In passing, perhaps the best summary of the current state of cost data on Workmen's Compensation was uttered by my associate and Director of the Manpower and Population Program at the Bureau of Applied Social Research, Dr. Abram J. Jaffe, in reference to an examination of the State of New Jersey Workmen's Compensation system conducted in 1962.

"We have indicated that the information that is now available does not show the actual cost of Workmen's Compensation either in terms of the actual expenses incurred by the insurance companies or in terms of the actual amount of money paid by the firms that are insured. No one—including the New Jersey Compensation Rating and Inspection Bureau, the National Council on Compensation Insurance, and the Federal Government—appears to know how much is actually paid by insured firms for Workmen's Compensation. As a result, attempted comparisons of the cost of Workmen's Compensation in New Jersey with other states are without real meaning, as has been suggested by the National Council on Compensation Insurance. . . . It follows, therefore, that before arriving at any definite conclusions concerning the cost of Workmen's Compensation, we must have better data than are currently available on what is actually being paid by insured firms for Workmen's Compensation Coverage."

#### PROFITABILITY AND CARRIER PERFORMANCE

Two of the more critical aspects of evaluating the current system of Workmen's Compensation insurance are the relative profitability and the return to the private carriers of writing this kind of insurance, and the relationship of these to the degree to which the private carriers can deliver claims benefits within specified statutory time limits set by State Commissions to accomplish this. Some calculations were made using data available through the New York State Insurance Department and the New York State Workmen's Compensation Board. The reason for using New York is twofold; first, the state employs well over 10 percent of the nation's labor force and has over ninety per cent of its work force covered by Workmen's Compensation; second, the New York State Insurance Department is about the only public source of data on nationwide insurance carrier operations.

Tables 22 and 24 display the results of the preliminary analysis. The selection of the sample of 25 firms used in Table 22 was based on their relative proportion of the total national Workmen's Compensation premiums earned in 1965. The 16 firms used for the calculations in Table 24 are those members of the top 25 sellers of Workmen's Compensation insurance, shown in Table 22, for whom data is available on carrier performance in meeting New York State Workmen's Compensation statutory claims criteria. The statistics shown in Table 22 are descriptive and attempt to show the average operating and profit levels as well as the degree of spread among the top 25 Workmen's Compensation insurance carriers for a variety of characteristics. Data shown in Table 24 depicts the degree of association between rank based on several operating and profitability measures and carrier claims performance.

#### PROFITABILITY AND OPERATING CHARACTERISTICS OF TOP 25 WORKMEN'S COMPENSATION CARRIERS, 1965

All of the firms derived an average of 25.1 per cent of their premiums from sales of Workmen's Compensation Insurance. Some firms, as measured by the standard deviation, derived as high as roughly 50 per cent of their premiums from Workmen's Compensation. The coefficient of variation indicates substantial variability in the exact proportion among the 25 firms. The picture is somewhat the same if Workmen's Compensation earned premiums, as a per cent of total in-

come, is used as an alternative measure. (Table 22).

A relative small proportion of the income of firms concentrating in Workmen's Compensation insurance is derived from investments, an average of 7.5 per cent. However, the important contrast to make is that well over 62.4 per cent of investment income is in the form of bond and interest income. Examining the schedule of admitted assets of stock and mutual companies, (shown in Table 23), most of this bond and interest income is derived from the purchases of tax-sheltered state and local government securities, well over 60 per cent in the case of the mutual insurance companies. As we shall see shortly, this means that returns to investment are actually several times higher because of the tax advantages of these classes of securities. In addition, I might add that the insurance industry generally has become an important and significant source of funds for states and localities who are marketing debt. These financial realities of life undoubtedly play some important, and yet largely invisible role in state insurance rate-making hearings.

The nature and significance of the structure of risk assumed in the sale of Workmen's Compensation insurance can be seen in the next series of statistics—the number of years of net loss reserves in relation to incurred losses. For all lines of insurance, the top 25 Workmen's Compensation carriers have an average of 1.3 years reserved against incurred losses. However, the number of years reserved against Workmen's Compensation Losses is double—an average of 2.7 years are reserved as compared with .5 years for fire insurance. The significance of this really takes hold when one examines the average proportion of Workmen's Compensation loss reserves as a per cent of total loss reserves—32.2 per cent. Some firms have as indicated by the standard deviation as much as 53 per cent of their loss reserves in this line of business. This means that the investment managers have a relatively greater period over which to increase the return on their investment portfolios. Unfortunately, this anomaly is quite legal and under current actuarial and I.R.S. insurance reserving procedures. It is all the more unfortunate, in that the insurance industry generally has resisted, so far successfully, the attempts by several state insurance commissions to include investment income proceeds in fundamental rate making procedures. It is all the more disturbing in the case of Workmen's Compensation insurance, because of the relatively larger contribution of investment income in this line of insurance.

Losses and gains from the sale of Workmen's Compensation insurance indicate a relatively strange phenomenon. The spread around both the average loss and expense rates is less than 10 per cent of the spread around the average net gain—the coefficients of variation are, respectively, .16, .14 and 1.60. Why this should exist is a tantalizing mystery. This will remain so, unless the National Advisory Commission, suggested by Sen. Javits of this Committee, can poke around and find out what are the real costs of handling claims.

As a last note, the estimated average annual rate of return on investment of Workmen's Compensation is 11.9 per cent—a little less than double the average net gain from the sales of Workmen's Compensation insurance. However, because the securities in which the reserves are invested are largely tax sheltered and thus depend upon the tax bracket of the individual carrier, the actual yield is somewhere between 25 and 35 per cent annually. I realize that the Arthur D. Little organization last year in a document prepared for the American Insurance Association talked in terms of net returns of 2.9 to 4 per cent for all casualty companies. However, the analysis was much broader in scope, and also didn't stratify the universe or population of carriers in the manner I have here.

#### OPERATING AND PROFITABILITY CHARACTERISTICS IN RELATIONSHIP TO CARRIER PERFORMANCE

One doesn't mind any organization making a good buck on their investment as long as the product or service they are peddling has a generally agreed upon modicum of quality and value. In the case of the Workmen's Compensation insurance business there are ways of evaluating the relative quality of performance in meeting certain statutory claims deadlines. In the case of New York State, the measure of performance is whether the first payment of compensation by carriers in non-controverted cases was received within 18 days after disability, as prescribed by law. In 1967, in New York State over 85% of noncontroverted cases received first payment by carriers within the stated 18 day limit. However, what we are most concerned about it, how well do the individual carriers meet this deadline?

Let's look at the relationship between profitability and performance by comparing the relative ranks between the two. Again, Table 24 shows the results of these calculations for 16 of the top 25 Workmen's Compensation sellers.

The three measures of profitability used in the analysis were: a) rank in terms of Workmen's Compensation premiums as a per cent of total income, b) the rank in terms of the absolute level of Workmen's Compensation earned premiums, c) rank in terms of estimated rate of return of investment of Workmen's Compensation loss reserves. When a rank correlation is calculated for each of the above measures against the relative rank in terms of carrier performance, the results are disturbing.

In the first instance, a, there is a slight positive relationship between rank based on the per cent of total premiums attributable to Workmen's Compensation sales and rank based on carrier performance—+.25. In the second case, b, there is a slightly lower positive rank correlation—+.12. The last case is most distressing, since there appears to be no association between relative investment profitability and carrier performance. It would be interesting to duplicate the same analysis for all insurance carriers, let alone these top 16.

#### AMERICAN SCHOOL FOOD SERVICE VOLUNTEERS HELP ESTABLISH CHILD NUTRITION PROGRAMS IN DEVELOPING COUNTRIES

Mr. McGOVERN. Mr. President, I invite the attention of the Senate to what I believe to be an outstanding example of successful cooperation between the Nation's private sector and the Federal Government in an area of vital importance: feeding the hungry children of the world.

Since the end of World War II the United States, through the war-on-hunger and predecessor programs, has been waging a tenacious battle against malnutrition in the emerging nations of the world. A major thrust of the program has centered on the feeding of infants and school-age children, the hopeful new seed of these countries.

Under the humanitarian food-for-peace program, this country has shipped thousands of tons of its agricultural abundance throughout the world to nourish, each year, more than 80 million children in over 100 nations.

These foods have been used in many ways, depending upon what food was available and the facilities for preparing it. Individual feeding programs have ranged from a simple breakfast of a roll and a cup of milk to a hot lunch of several courses. Even in the case of a simple

roll and milk breakfast, this U.S.-donated food has, in many cases, provided the most nutritious meal of the day for many hungry children abroad. In many cases, this food has meant the difference between a healthy, productive life and a slow, agonizing death from starvation.

The program, however, has not been without problems. One of the most troublesome and limiting factors has been a shortage of trained food service personnel who could take to the field and efficiently manage the complex business of volume feeding under vexing conditions.

Consider the monumental problems encountered by those attempting to serve even a simple roll and milk breakfast to 95 hungry children in a crude one-room adobe schoolhouse. In most cases, there is no oven at the school—and certainly no refrigerator. Nor is there running water; it comes from a small, ochre-colored stream flowing sluggishly through a nearby arroyo. The ingredients for the rolls and the milk have to be transported many miles, sometimes by truck, often by mule and, at times, on men's backs. Serving is difficult because of a lack of plates, and often there are not enough cups to go around.

In too many cases, the zeal and dedication of the local people trying to solve such problems were not enough and we often had the pathetic situation of children going hungry in one section of the country while food sat in a warehouse or dock in another section.

Early in 1965, Dr. John N. Perryman, executive director of the American School Food Service Association, in a letter commenting on my book "War Against Want," and my comment on the need for experienced U.S. administrators to assist foreign countries in initiating child feeding programs, suggested that his organization could enlist such experienced people, probably for expenses only, if the Agency for International Development wished it done. I transmitted this suggestion to AID Administrator David Bell in January 1965.

Exploratory talks between Dr. Martin Forman of the Agency for International Development of the U.S. State Department, and Dr. Perryman, were then in progress. The conversation centered around how members of the ASFSA could put their food service skills to work overseas in the food for peace program.

The 45,000-member ASFSA was a natural organization to turn to for help. For 22 years these men and women, guided by the simple premise that "you cannot teach a hungry child," have built the school lunch program until today it is second only to the military in volume feeding. Their goal is to insure that every schoolchild in America receives a well-balanced and nutritious meal every schoolday, and I might say, parenthetically, that recent developments give promise of speeding them along toward their goal in the United States.

But this compassion is not contained by the boundaries of their own Nation. To them hunger—particularly child hunger and its debilitating effect on learning—is universal. To them, hunger is not classified by the color of one's skin, or one's language, or one's creed or one's customs. To them hunger is a scourge of

all mankind and must be eradicated wherever it exists.

Under the agreement worked out by Dr. Forman and Dr. Perryman, AID would receive a request from a foreign country for assistance with its school food service program; ASFSA would recruit from among its members a team best suited to handle the particular problems involved; the individual would volunteer to donate his time and talents to the project; and the individual's employer would agree to continue his or her salary during the 4 to 8 weeks he or she was overseas.

This unique system of mutual contribution has done much for the success of the program. Each partner in the four-way agreements contributes, and each benefits; AID gets expert assistance, the individual broadens his food service horizons, and ASFSA and the employer are the richer for having a man or woman who comes back with far more experience than when they left.

One of the first of the nine AID-ASFSA teams which have gone abroad thus far was sent to the Republic of Korea. For one of the team members it was a return to combat. Years before he helped fight the Communist forces which sought to conquer and subjugate South Korea; now he was again helping this gallant people fight another deadly foe—hunger. During their 6-week tour of the Republic of Korea, the team members conferred with Government officials, boards of education, local school officials, health and nutrition agencies, businessmen, and others, on how to improve self-help and community involvement on the local level.

While Korea has made great progress in its school feeding program, the team recommended the establishment of an advisory committee to the Ministry of Education for school food service, the organization of a national committee for nutrition, the development of minimum standards for sanitation and all phases of food service, and expansion of the program to include all children on a payment basis according to the child's ability to pay. With the recommendations came the guidance in establishing these standards.

The success in Korea led to the sending of two-man and two-woman teams to Jordan, Algeria, Ecuador, the Philippines, Guyana, Tunisia, and Brazil.

Guyana was the youngest of nine nations to which an AID-ASFSA team was sent. There the minister of education and race relations wished to expand the country's school feeding program so that all children could receive a nutritional snack of milk and biscuits each school day. While the United States provided the nonfat dry milk and flour, the Government of Guyana was responsible for appropriating adequate funds for baking, transporting and distributing the biscuits and milk in individual schools. Since the young Government was not in a position to adequately finance an expanded program, it was the mission of the AID-ASFSA team to study and find ways to secure local voluntary assistance and finances to provide this service to the children.

After 6 weeks of traveling, talking, studying, and working, the two-woman team presented the Minister of Education with a 23-page report outlining how the utilization of voluntary assistance and efficient buying practices could make it possible to operate an expanded program without increasing the present budget.

This pattern set in Korea and Guyana was followed in the other seven countries visited by the AID-ASFSA teams: find the most efficient way to feed the most children.

It was in Brazil that the American School Food Service Association was paid its highest compliment for its efforts to irradiate child malnutrition. The head of Brazil's child feeding program, Gen. Jose Sombra, was so impressed with the work of the two-woman ASFSA team that he spearheaded a drive to set up the Brazilian counterpart of the ASFSA, the first school food service association set up in a foreign country.

Dr. Perryman was invited by General Sombra to come to Brazil and preside over ceremonies inaugurating the newly formed Brazilian Child Feeding Association. Dr. Perryman did so and, in turn, invited the general to be a featured speaker at the ASFSA convention in August of this year.

We hope and trust that this pattern will be repeated over and over as new ASFSA-AID teams go out to share their knowledge with others throughout the free world. I believe this body should express its deepest gratitude to these dedicated men and women of the American School Food Service Association and pray they continue to contribute their skills to feeding the hungry children of the world.

#### COMMENDATION OF PHYSICAL FITNESS PROGRAM AT THE UNIVERSITY OF RHODE ISLAND

Mr. PELL. Mr. President, I invite the attention of the Senate to a recent study on physical fitness conducted by the departments of physical education at the U.S. Air Force Academy and at the University of Rhode Island.

The study to which I refer is particularly valuable, I think, because it indicates a continuing interest in physical fitness programs in civilian educational institutions, as well as in military educational institutions. The study was designed to test the comparative physical fitness of students at civilian and military institutions and the feasibility of fitness testing at a civilian school.

As might be expected, the first-year students at the University of Rhode Island were less physically fit than the students at the Air Force Academy. But it is significant that, after a reconditioning program, nearly all of the students at the University of Rhode Island met the minimum requirements and, more important, found their attitudes toward physical conditioning changed from dislike to a positive acceptance.

I commend the departments of physical education at these two schools for this very useful study, which, I might add, was conducted without the aid of

a Federal grant. Mr. President, I ask unanimous consent to have printed in the RECORD a report on this study prepared by Mr. Fred Drews, coordinator of physical education at the University of Rhode Island, and Maj. Harold J. Walter and Capt. James C. Thomas, of the Air Force Academy.

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

#### A COMPARATIVE STUDY IN PHYSICAL FITNESS TESTING BETWEEN THE U.S. AIR FORCE ACADEMY AND THE UNIVERSITY OF RHODE ISLAND

(By Harold J. Walter, major, USAF, Chief, Research and Evaluation Division, U.S. Air Force Academy; James C. Thomas, captain, USAF, Research and Evaluation Division, U.S. Air Force Academy; Fred Drews, Pe. D., coordinator of physical education, University of Rhode Island)

For the past two consecutive years the incoming freshman classes at the University of Rhode Island and the United States Air Force Academy were administered the United States Air Force Academy Physical Fitness Test. The University of Rhode Island was chosen because its freshman enrollment was of approximately the same size as that of the United States Air Force Academy. The study was undertaken to determine the answers to the following questions:

1. Can a civilian institution effectively administer and use a test designed for a military academy?
2. By testing each institution's freshmen in the same manner, is there a significant difference in physical fitness between entering classes at the United States Air Force Academy and the University of Rhode Island?
3. More specifically, the two institutions compared the test results of the United States Air Force Academy Class of 1970 with the Class of 1970 at the University of Rhode Island to determine the value of the Physical Fitness Test as an evaluation tool, to increase the body of information already available on the Physical Fitness Test, to seek answers to operational questions involved with the test, and to aid in developing a more adequate theory in regard to the Physical Fitness Test.

To establish procedures for the comparative study, Dr. Fred Drews, Coordinator of Physical Education at the University of Rhode Island met with Major Harold Walter, Chief of Research for Physical Education at the United States Air Force Academy. At this and subsequent meetings, details for testing were established as follows:

1. The University of Rhode Island would follow the same test procedures used by the United States Air Force Academy.
2. Instructors at the University of Rhode Island would receive copies of all test procedures and participate in an in-service training session.
3. All raw data would be collected using similar test forms and would be processed at the United States Air Force Academy.

#### THE U.S. AIR FORCE ACADEMY PHYSICAL FITNESS TEST

The term "physical fitness" as used in this study means the ability of a person to "handle" his body well and the capacity to sustain physical activity over a long period of time without reduced efficiency or undue strain. More specifically, we feel that physical fitness entails at least three elements: muscular strength, muscular endurance, and cardiorespiratory endurance. The United States Air Force Academy Physical Fitness Test attempts to measure these elements of physical fitness by using a fifteen-minute test which consists of the following five items:

1. Pull-ups (measures upper body strength)

and endurance; individual performs as many pull-ups as possible without resting within a three-minute time limit).

2. Standing Broad Jump (measures muscular strength and muscular power of the legs and back; individual performs three legal jumps within a three-minute time limit).

3. Push-ups (measures upper body strength and endurance; individual performs as many push-ups as possible without resting within a three-minute time limit).

4. Sit-ups—bent legs with feet anchored under bar (measures abdominal and hip flexor strength and endurance; individual

performs as many sit-ups as possible within a two-minute time limit).

5. 600 Yard Run (measures general body muscular endurance and cardiorespiratory endurance; individual runs the distance as fast as possible).

Each cadet completes the test within a fifteen-minute period by using a station system. The station method of testing allows for economy of time, e.g., 560 cadets can be tested in 120 minutes. Norms, in the forms of standard scores, and class minimums have been statistically developed from over 5,000 cadet scores. The class minimums are as follows:

	Pullups	Standing broad jump	Pushups	Situps	600-yard run
4th class (freshmen) 1st semester.....	(1)	(1)	(1)	(1)	(1)
4th class (freshmen) 2d semester.....	3	6 feet 6 inches.....	24	40	2:07
3d class (sophomores) 1st semester.....	5	6 feet 9 inches.....	27	45	2:04
All others (juniors and seniors).....	7	7 feet.....	30	50	2:00

<sup>1</sup> None established.

These minimums were established to insure a progressive increase in the cadet's fitness during his Academy career. Additional incentives for cadet performances were established as follows:

1. Passing the Physical Fitness Test contributes to a portion of the cadet's grade in physical education courses each semester.

2. Squadron and individual competition increases motivation to perform at a higher overall level.

3. Cadets scoring in the top 10% of their class in the fall semester are excused from taking the test in the spring semester.

4. Maximum achievement (500 points) is rewarded by permanent excusal from the test.

In the opinions of the authors, the difference in motivational factors existing between the two schools will be considered in the findings since this may be a significant factor in the test results.

THE U.S. AIR FORCE ACADEMY PHYSICAL FITNESS TEST AT THE UNIVERSITY OF RHODE ISLAND

The elements of physical fitness as previously stated are in accord with the University of Rhode Island's philosophy on the subject.

Upon entrance to the University of Rhode Island, all able-bodied freshmen (men) were administered the United States Air Force Academy Physical Fitness Test. The primary purpose of the test was to identify those men in greatest need of reconditioning. Coordinated with the freshman first semester program is a series of lectures and demonstrations designed to stimulate interest in self-improvement and the acquisition of knowledge directly relating to physical fitness.

Based upon total test score performance, the University of Rhode Island took the lowest one-fourth of the freshman class and required them to participate in reconditioning

for the second half of their first semester. These sessions were conducted by the faculty and the students were advised that they must meet the same minimum standards previously mentioned at the end of the semester or repeat the reconditioning program.

The reconditioning program at the University of Rhode Island was successful on three counts:

1. Fewer than forty men failed to meet minimum standards after training. This has been true each year.

2. Interviews with a majority of students in reconditioning indicated a change from dislike, to acceptance, to a sense of accomplishment, through the reconditioning program of approximately nine weeks duration.

3. The faculty approach their reconditioning sections with their own ideas but they do emphasize running and general callisthenics. Evidently the variety of sequences in exercises and types of training methods used have not had highly noticeable differences in group performances.

Somewhat consistent with United States Air Force Academy test time, the Department of Physical Education at the University of Rhode Island completed its Physical Fitness Testing in a three-day period per class of men as follows:

First day—Organization of class.

Second day—Explanation and try-out on a non-competitive basis of each test item in sequence.

Third day—Testing for record.

COMPARISON OF U.S. AIR FORCE ACADEMY AND UNIVERSITY OF RHODE ISLAND

Findings: There were significant differences between the mean scores recorded by the two freshman classes in all areas except the standing broad jump. The results obtained from the standing broad jump are considered invalid since the same scoring system was not used at each school.

	Pullups (t=3.44)	Standing broad jump (t=1.08)	Pushups (t=6.23)	Situps (t=37.02)	600 yd. run (t=12.87)	Total score (t=15.46)
USAF, class of 1970.....	8.44	7'3.9"	31.8	62.7	1'49.8"	215.49
(n=981).....	(σ=22.02)	(σ=14.93)	(σ=17.59)	(σ=17.52)	(σ=16.35)	(σ=53.65)
URI, freshman class.....	7.8	7'4.4"	29.8	42.1	1'57.8"	169.37
(n=875).....	(σ=21.80)	(σ=21.76)	(σ=21.91)	(σ=11.62)	(σ=23.58)	(σ=72.21)

The United States Air Force Academy Class of 1970 cadets performance was above the University of Rhode Island freshman male students' by approximately 1/2 of a pull-up, 2 push-ups, 20 sit-ups, and 8 seconds (less) on the 600 yard run.

We may conclude that the United States Air Force Academy Class of 1970 cadets are generally more physically fit than the University of Rhode Island freshman male students. The United States Air Force Academy Class of 1970 cadets demonstrated a much greater degree of abdominal strength and endurance on the 600 yard run. In summary, it

would appear that incoming Academy cadets are generally more physically fit than the incoming freshman male classes at a civilian institution that has a similar physical education program as existing at the University of Rhode Island.

It is further noted that the University of Rhode Island freshmen were tested the first week of classes in September, whereas the first year cadets at the United States Air Force Academy were tested after 21 days of summer training which included vigorous physical activity. Furthermore, the motivational factor existing at the United States

Air Force Academy in the form of squadron competition and peer pressure could also have contributed to the higher cadet performance in each test item.

CONCLUSIONS

1. A civilian institution of higher learning can effectively use a test originally designed for a military academy. However, precision in test administration is not as fully exercised among civilian faculty as among military faculty.

2. There were significant differences between the mean scores recorded by the two freshman classes in all areas except the standing broad jump. The United States Air Force Academy Class of 1970 scored above the University of Rhode Island Class of 1970 by 1/2 of a pull-up, 2 push-ups, 20 sit-ups, and 8 seconds (less) on the 600 yard run. This difference may be possibly attributed to the 21 days of summer training at the Academy prior to the test administration, the element of squadron competition, or the fact that cadets are usually more physically fit than the average young male student in the United States since they are required to pass a rigid Physical Aptitude Examination before they are accepted into the Academy.

3. The Physical Fitness Test devised by the United States Air Force Academy is an effective evaluative tool that is useful for mass testing in a civilian university as well as a military academy.

LACK OF VIGOROUS ENFORCEMENT OF LAWS BY THE ATTORNEY GENERAL

Mr. TOWER. Mr. President, I know that many Senators were shocked yesterday when the Attorney General of the United States, Mr. Ramsey Clark, testified before the Committee on the Judiciary that he would not use all of the crime-control power Congress provided the Justice Department in the recently passed crime-control bill.

While I share the disappointment of Senators, I must admit that I was in no way surprised by Mr. Clark's statement. I have observed for some time that he is not disposed to enforce the laws of the United States vigorously and that he never has opposed organized crime and disorder with all the power at his disposal.

I frankly wonder how an administration expects all Americans to obey the laws whether they like the laws or not while the administration at the same time reserves to itself the right to enforce only the laws it likes.

It is becoming ever more evident that this administration is not sufficiently interested in the safety of its law-abiding citizens, but that it rather continues to coddle criminal activity.

I once again urge the Attorney General to press vigorously the fight against all sorts of crime. We in Congress have given him strong new tools for that purpose. We have a right to insist that he use every method of crime detection and control he can legally employ. We cannot fight the crime of the 1960's with the methods of the 1930's.

THE PRESIDENT IS IN TUNE WITH THE ASPIRATIONS OF YOUNG PEOPLE

Mr. INOUE. Mr. President, the President's proposal that the voting age be lowered nationally to 18 is in the spirit of

our democracy and of the great advances in social justice that have been achieved in recent years. It is neither novel nor untried. Two of our States have already lowered the voting age and have been fully satisfied with the experience.

Many reasons have been urged in support of this measure—the responsibilities that are placed on these young people in legal proceedings in the payment of taxes, and most compelling of all—in the obligation which they have so finely discharged in the military service of their country.

But there is more to it than these considerations of elemental justice. Above all, we strengthen the working processes of our democracy when these younger Americans are granted the right to vote.

The fundamental political act for the average citizen in this country is casting his ballot. By permitting our 18-, 19-, and 20-year-old citizens to vote, we shall infuse the electorate with a group of voters very open to new ideas. At the same time, we extend the precious privilege of voting at an age when it is most apt to insure an enduring commitment among young persons to participate in the political process.

These young voters will bring a fresh breeze of idealism and enthusiasm to the conduct of politics. These are the qualities that have made our form of government an inspiration to the world. We must continue to renew that inspiration.

#### AGE DISCRIMINATION IN EMPLOYMENT ACT FINALLY BECOMES EFFECTIVE

Mr. JAVITS. Mr. President, on June 12 of this year the Age Discrimination in Employment Act went into effect. I take particular pride in this legislation as I have been fighting for such a law since 1951, when I was a Member of the House of Representatives. Unfortunately, it took many years for my efforts in this direction to bear fruit. The first breakthrough came in the Civil Rights Act of 1964, which directed the Secretary of Labor to make a study of the problem of age discrimination in employment. Based on the Secretary's landmark report I and several other Senators were successful in incorporating into the Senate version of the Fair Labor Standards Act Amendments of 1966 a provision prohibiting age discrimination in employment. When the bill went to conference this provision was changed to require the Secretary of Labor to submit, during the following year, his recommendations for a law.

Early in 1967 the Secretary of Labor submitted his bill, which was introduced by the distinguished chairman of the Subcommittee on Labor, Senator YARBOROUGH, as S. 830. It is that bill, as amended, which became law late last year and has now become fully effective. It is the culmination of 16 years of effort by myself and a few other Senators and Congressmen who saw the problem and the need for this legislation.

The Wage and Hour Division of the Department of Labor has recently published its interpretations of the Age Discrimination in Employment Act; these regulations are of great importance in interpreting the meaning of various pro-

visions of the act. I ask unanimous consent that the text of the interpretations be printed in the RECORD.

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

#### INTERPRETATIONS OF AGE DISCRIMINATION IN EMPLOYMENT ACT ISSUED BY WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

##### TITLE 29—LABOR

#### Chapter V—Wage and Hour Division, Department of Labor

#### Subchapter C—Age Discrimination in Employment

#### Part 860—Interpretations

Pursuant to authority in the Age Discrimination in Employment Act of 1967 (29 U.S.C. 620), 5 U.S.C. 301, and in Secretary's Orders No. 10-68 and No. 11-68, there is hereby added to 29 CFR Chapter V, Subchapter C, a new Part numbered 860 entitled "Interpretations", to read as set forth below.

These are interpretative rules, and are thus exempt from section 4 (a) and (c) of the Administrative Procedure Act (5 U.S.C. 533 (a) and (c)). I do not believe such procedure or delay will serve a useful purpose here. Accordingly, these rules will be effective immediately.

The new Part 860 reads as follows:

#### Part 860—Interpretations

##### Sec.

860.1 Purpose of this Part.

860.91 Age discrimination within the age bracket of 40-65.

860.92 Help wanted notices of advertisements.

860.102. Bona fide occupational qualifications.

860.103 Differentiations based on reasonable factors other than age.

Authority: The provisions of this Part are issued under 81 Stat. 602; 29 U.S.C. 620, 5 U.S.C. 301, Secretary's Order No. 10-68, and Secretary's Order No. 11-68.

##### § 860.1 Purpose of this part

This part is intended to provide an interpretative bulletin on the Age Discrimination in Employment Act of 1967 like Subchapter B of this Title relating to the Fair Labor Standards Act of 1938. Such interpretations of this Act are published to provide "a practical guide to employers and employees as to how the office representing the public interest in its enforcement will seek to apply it" (*Skidmore v. Swift & Co.*, 323 U.S. 134, 138). These interpretations indicate the construction of the law which the Department of Labor believes to be correct, and which will guide it in the performance of its administrative and enforcement duties under the Act unless and until it is otherwise directed by authoritative decisions of the Courts or concludes, upon reexamination of an interpretation, that it is incorrect.

##### § 860.91 Discrimination within the age bracket of 40-65.

Although § 4 of the Act broadly makes unlawful various types of age discrimination by employers, employment agencies, and labor organizations, § 12 limits this protection to individuals who are at least 40 years of age but less than 65 years of age. Thus, for example, it is unlawful in situations where this Act applies, for an employer to discriminate in hiring or in any other way by giving preference because of age to an individual 30 years old over another individual who is within the 40-65 age bracket limitation of § 12. Similarly, an employer will have violated the Act, in situations where it applies, when one individual within the age bracket of 40-65 is given job preference in hiring, assignment, promotion or any other term, condition, or privilege of employment, on the basis of age, over another individual within the same age bracket.

Thus, if two men apply for employment to which the Act applies, and one is 42 and the other 52, the personnel officer or employer may not lawfully turn down either one on the basis of his age; he must make his decision on the basis of other factors, such as the capabilities and experience of the two individuals. The Act, however, does not restrain age discrimination between two individuals 25 and 35 years of age.

##### § 860.92 Help wanted notices or advertisements.

Section 4(e) of the Act prohibits "an employer, labor organization, or employment agency" from using printed or published notices or advertisements indicating any preference, limitation, specification, or discrimination, based on age.

When help wanted notices or advertisements contain terms and phrases such as "age 25 to 36", "young", "boy", "girl", or others of a similar nature which indicate a preference for a particular age, range of ages, or for a young age group, such a term or phrase discriminates against the employment of older persons and is in violation of the Act, unless it comes within one of the exceptions, such as the one discussed in § 860.102.

However, help wanted notice or advertisements which include a term or phrase such as "college graduate", or other educational requirements, or specify a minimum age less than 40, such as "not under 18", or "not under 21", are not prohibited by the statute.

The use of the phrase "state age" in help wanted notices or advertisements is not, in itself, a violation of the statute. But because the request that an applicant state his age may tend to deter older applicants or otherwise indicate a discrimination based on age, employment notices or advertisements which include the phrase "state age", or any similar term, will be closely scrutinized to assure that the request is for a permissible purpose and not for purposes proscribed by the statute.

There is no provision in the statute which prohibits an individual seeking employment through advertising from specifying his own age.

##### § 860.102 Bona fide occupational qualifications.

Section 4(f)(1) of the Act provides that "It shall not be unlawful for an employer, employment agency, or labor organization . . . to take any action otherwise prohibited under subsections (a), (b), (c), or (e) of this section where age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business . . ."

Whether occupational qualifications will be deemed to be "bona fide" and "reasonably necessary to the normal operation of the particular business", will be determined on the basis of all the pertinent facts surrounding each particular situation. It is anticipated that this concept of a bona fide occupational qualification will have limited scope and application. Further, as this is an exception it must be construed narrowly, and the burden of proof in establishing that it applies is the responsibility of the employer, employment agency, or labor organization which relies upon it.

The following are illustrations of possible bona fide occupational qualifications.

Federal statutory and regulatory requirements which provide compulsory age limitations for hiring or compulsory retirement, without reference to the individual's actual physical condition at the terminal age, when such conditions are clearly imposed for the safety and convenience of the public. This exception would apply, for example, to airline pilots within the jurisdiction of the Federal Aviation Agency. Federal Aviation Agency regulations do not permit airline pilots to engage in carrier operations, as pilots, after they reach age 60.

A bona fide occupational qualification will also be recognized in certain special, individual occupational circumstances, e.g., actors required for youthful or elderly characterizations or roles, and persons used to advertise or promote the sale of products designed for, and directed to appeal exclusively to, either youthful or elderly consumers.

**§ 860.103 Differentiations based on reasonable factors other than age**

Section 4(f)(1) of the Act provides that "It shall not be unlawful for an employer, employment agency, or labor organization . . . to take any action otherwise prohibited under subsections (a), (b), (c), or (e) of this section . . . where the differentiation is based on reasonable factors other than age; . . ."

No precise and unequivocal determination can be made as to the scope of the phrase "differentiation based on reasonable factors other than age." Whether such differentiations exist must be decided on the basis of all the particular facts and circumstances surrounding each individual situation.

It should be kept in mind that it was not the purpose or intent of Congress in enacting this Act to require the employment of anyone, regardless of age, who is disqualified on grounds other than age from performing a particular job. The clear purpose is to insure that age, within the limits proscribed by the Act, is not a determining factor in making any decision regarding hiring, dismissal, promotion or any other term, condition or privilege of employment of an individual.

The reasonableness of a differentiation will be determined on an individual, case by case basis, not on the basis of any general or class concept, with unusual working conditions given weight according to their individual merit.

Further, in accord with a long chain of decisions of the Supreme Court of the United States with respect to other remedial labor legislation, all exceptions such as this must be construed narrowly, and the burden of proof in establishing the applicability of the exception will rest upon the employer, employment agency or labor union which seeks to invoke it.

Where the particular facts and circumstances in individual situations warrant such a conclusion, the following factors are among those which may be recognized as supporting a differentiation based on reasonable factors other than age:

(a) Physical fitness requirements based upon preemployment or periodic physical examinations relating to minimum standards are reasonably necessary for the specific work to be performed and are uniformly and equally applied to all applicants for the particular job category, regardless of age.

Thus, a differentiation based on a physical examination, but not one based on age, may be recognized as reasonable in certain job situations which necessitate stringent physical requirements due to inherent occupational factors such as the safety of the individual employees or of other persons in their charge, or those occupations which by nature are particularly hazardous: For example, iron workers, bridge builders, sandhogs, underwater demolition men, and other similar job classifications which require rapid reflexes or a high degree of speed, coordination, dexterity, endurance, or strength.

However, a claim for a differentiation will not be permitted on the basis of an employer's assumption that every employee over a certain age in a particular type of job usually becomes physically unable to perform the duties of that job. There is medical evidence, for example, to support the contention that such is generally not the case. In many instances, an individual at age 60 may be physically capable of performing

heavy-lifting on a job, whereas another individual of age 30 may be physically incapable of doing so.

(b) Evaluation factors such as quantity or quality of production, or educational level, would be acceptable bases for differentiation when, in the individual case, such factors are shown to have a valid relationship to job requirements and where the criteria or personnel policy establishing such factors are applied uniformly to all employees, regardless of age.

The foregoing are intended only as examples of differentiations based on reasonable factors other than age, and do not constitute a complete or exhaustive list or limitation. It should always be kept in mind that even in situations where experience has shown that most elderly persons do not have certain qualifications which are essential to those who hold certain jobs, some may have them even though they have attained the age of 60 or 64, and thus discrimination based on age is forbidden.

It should also be made clear that a general assertion that the average cost of employing older workers as a group is higher than the average cost of employing younger workers as a group will not be recognized as a differentiation under the terms and provisions of the Act, unless one of the other statutory exceptions applies. To classify or group employees solely on the basis of age for the purposes of comparing costs, or for any other purpose, necessarily rests on the assumption that the age factor alone may be used to justify a differentiation—an assumption plainly contrary to the terms of the Act and the purpose of Congress in enacting it. Differentials so based would serve only to perpetuate and promote the very discrimination at which the Act is directed.

Signed at Washington, D.C. this 18th day of June, 1968.

BEN P. ROBERTSON,  
Acting Administrator.

**PEACEFUL USES OF SEABED AND OCEAN FLOOR BEYOND LIMITS OF NATIONAL JURISDICTION**

Mr. PELL. Mr. President, I wish to note the latest development in the U.S. position before the United Nations Ad Hoc Committee on Peaceful Uses of the Seabed and Ocean Floor Beyond the Limits of National Jurisdiction. Late Wednesday, Mr. Leonard C. Meeker, U.S. representative to the Committee's legal working group, delivered a far-reaching statement pursuant to prohibiting the placing of weapons of mass destruction on the deep ocean floor. As a first step, the United States proposed that the disarmament issue in relation to the ocean floor be defined by the 18-Nation Disarmament Committee in Geneva.

The proposal and those made last week by the U.S. delegation to the ad hoc Committee and printed in the RECORD represent fundamental and significant steps forward in the establishment of this country's position on the future development of ocean space. Once again I wish to commend the executive branch for the leadership it has exerted in seeking a farsighted position on the ocean space question.

I ask unanimous consent to have printed in the RECORD the most recent statement presented by Mr. Meeker on behalf of the United States to the ad hoc Committee's legal working group.

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

[A U.S. Mission to the United Nations press release, June 26, 1968]

STATEMENT BY LEONARD C. MEEKER, U.S. REPRESENTATIVE TO THE LEGAL WORKING GROUP OF THE AD HOC COMMITTEE TO STUDY THE PEACEFUL USES OF THE SEA-BED AND OCEAN FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION, JUNE 26, 1968

Last week the United States suggested in this Working Group the desirability of considering the adoption of certain legal principles for the sea-bed and ocean floor. Such principles could serve as a guide to States in the conduct of their activities in this environment, and also as general lines of direction to be observed in the working out of more detailed internationally agreed arrangements. We did not then comment on arms control and disarmament aspects of the sea-bed and ocean floor. I should like to indicate today our thinking on this very important subject.

Arms control and disarmament constitute a major concern and pressing task of the world community. For its part, the United States is dedicated to workable arms limitation measures that will enhance the peace and security of all nations and bring the world nearer to general and complete disarmament. Most recently, we have labored over a long period, together with other countries, to bring into being a treaty to prevent the spread of nuclear weapons. Two weeks ago the General Assembly gave its overwhelming endorsement to the treaty text. This instrument will be opened for signature next Monday, July 1st.

At the historic meeting of the General Assembly at which the Non-Proliferation Treaty was approved, the President of the United States had the privilege of addressing the Assembly. On that occasion he said:

"Finally—in keeping with our obligations under the treaty—we shall, as a major nuclear power, promptly and vigorously pursue negotiations on effective measures to halt the nuclear arms race and to reduce existing nuclear arsenals.

"It is right that we should be so obligated. The non-nuclear States—who undertake with this treaty to forgo nuclear weapons—are entitled to the assurance that powers possessing them, particularly the United States and the Soviet Union, will lose no time in finding the way to scale down the nuclear arms race."

In approaching the question of a new environment to which the nuclear arms race has not yet spread, the world community has an opportunity to consider whether intelligent self-restraint can prevent a spread and escalation of that race. We believe this is an issue of importance and complexity calling for urgent and thorough study.

The United States is, therefore, proposing today that the Eighteen-Nation Disarmament Committee be asked to take up the question of arms limitation on the sea-bed and ocean floor with a view to defining those factors vital to a workable, verifiable and effective international agreement which would prevent the use of this new environment for the emplacement of weapons of mass destruction. We believe that our current discussions, in this group and in the Ad Hoc Committee, should lead to a prompt reference of this problem to the ENDC.

It is our hope that the Disarmament Committee in Geneva can undertake fruitful work on this subject. We hope, moreover, that our referral of the subject to the Eighteen-Nation Committee will assist that body in proceeding with its vital work on the problem of mass-destruction weapons—which would be the real threat in the new environment of the sea-bed and ocean floor.

**COUNTERPRODUCTIVE**

Mr. BYRD of West Virginia. Mr. President, the mistaken course that is being

followed by the leaders of the so-called Poor People's Campaign in calling for new demonstrations which lead to civil disorders in the Nation's Capital is pointed out in an editorial in Wednesday's Washington Post.

The tactics being employed by these people are exactly opposite to the kind of activity that might win new support for their cause. The effect can be only to further besmirch the entire effort and to further jeopardize the prospects for giving substantive help to those who really need it.

Certainly I do not believe that the Members of Congress are going to be influenced—except in opposition—by any further lawbreaking, or civil disobedience, as it is euphemistically called by some.

The Southern Christian Leadership Conference will not win friends nor influence people by continued harassment.

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:

#### AND NOW WHAT?

In any campaign, the strategists must carefully select the tactics and the proper time and place for their application. These considerations ought now to be uppermost in the minds of the leaders of the Southern Christian Leadership Conference. They must ask themselves whether continued demonstrations, as Rev. Andrew J. Young has promised, are now the best way of influencing the Federal Government and Congress to help the Nation's poor. That is, after all, why the Poor People's Campaign came to Washington in the first place.

If there is anything good that has come out of the Campaign so far it is Solidarity Day. That ought to have marked the beginning of different tactics to win victories for the poor. But instead the leaders of SCLC persist in calling for demonstrations. They should realize that Federal agencies and Congress will not respond to the same tactics that worked for them in Southern communities. Those tactics worked there largely because of the sympathy and pressure both the tactics and the response generated in other parts of the country. That emotion is not forthcoming now.

A link can be established between the Monday disorder along 14th Street and the closing of Resurrection City. And the closing of the campsite can be attributed to the inability of the Southern Christian Leadership Conference to manage it. This being the case, the SCLC leaders take on a heavy responsibility and invite forceful countermeasures when they incite their followers to further demonstrations and civil disobedience. Demonstrations which have a catalytic effect in promoting violence and disorder in the Nation's Capital cannot hope to promote the interests of the Nations' poor.

#### NECESSITIES OF LIFE

Mr. YARBOROUGH, Mr. President, on June 17 I had the pleasure of addressing a Brookings Institution conference for voluntary health and welfare executives. For the topic "Selected Congressional Issues on Labor and Public Welfare" I chose to speak on Senate Resolution 281. This resolution was introduced under the leadership of the distinguished Senator from South Dakota [Mr. McGOVERN]. He has responded eloquently to the fact that 10 million Americans are so malnourished that their lives are in jeopardy.

Senator McGOVERN's resolution goes beyond hunger and squarely puts before us the question whether we as a nation will guarantee to all our citizens the basic necessities of life. Because of the far-reaching nature of this resolution and the task it sets for us in Congress, I brought it to the attention of that conference and sought their support for it.

I ask unanimous consent that the text of my remarks on June 17, under this title "Necessities of Life" be printed in the RECORD, as follows:

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

#### NECESSITIES OF LIFE

Of those topics facing the Labor and Public Welfare Committee, the most immediate and yet one with the most far reaching concern, is whether we as a nation will guarantee to all our citizens the necessities of life. That question has been squarely put before us in Senate Resolution 281 which I have cosponsored with 38 other Senators.

This topic cuts across the work of several of our subcommittees: health; employment, manpower, and poverty; education; aging; migratory labor; Indian education. It also confronts the entire committee structure of the Senate because it calls on us to study and possibly restructure the way we in Congress will gather information and propose legislation. Because of your interest in the general welfare I think you should be fully aware of the latitude and potential of this resolution.

#### HUNGRY AMERICANS

This topic confronts the issue that has gained as much publicity lately as any other domestic issue. The issue of crime in the streets which everyone felt would be the major issue at this time has nearly been overshadowed by starvation in the streets. In the past two months we have been told repeatedly, to the point that open-minded citizens cannot fail to believe it, that as many as 10 million people are so severely malnourished that their lives may be in jeopardy.

Surely our society is ready to commit itself to meeting the qualifications for survival for human beings. The most basic necessity is food. In order to assure that everyone has adequate nourishment, the Federal Government has established several programs. They do not work. Food stamps are a cruel hoax in sections of the country with barter economies where workers never see money and the funds for stamps are available at 50% interest. Surplus commodities are available in some areas but, as the CBS program "Hunger in America" described them, they are "foods that farmers cannot sell and nobody else wants." They sustain life at the price of health.

Provision of the necessities of life is so relevant to the poor that just by being poor the right to "life" is qualified by 10%. Poor people get only 1/10 the right to life of those that have the basic necessities, for their life span will be 64 rather than 71 years.

But the relationship can be seen much earlier, for some poor have almost no life expectancy. In my own city of San Antonio, the infant mortality rate is high. One charity hospital treats over 500 cases of malnutrition each day. It is commonplace to find children one year old that weigh less than their birth weights. But one needs no more statistics to know the shame that starvation has brought our nation.

Localities will not meet this need. In San Antonio, County Commissioner Ploch is quoted daily in the press as saying reports of hunger are lies and that Mexican-Americans are undernourished only because they are too stupid to eat properly. In many counties of my State there is no food stamp program because the county does not want to bear the expense. In Houston, the sixth

largest city in the nation, the School District, with an annual budget of \$150 million, recently refused to operate a school breakfast program unless it could make a profit on it.

#### NATIONAL EMERGENCY

If localities are insensitive to the need and refuse to meet it, then the Federal Government has no alternative but to move. The necessary first step is emergency action because this is an emergency. I know from repeated personal experience that this Congress will not vote funds necessary for present levels of funding, let alone for emergency measures. So the best approach, as used in this resolution, is to insist that existing emergency funds and powers be used. In the past two years the Department of Agriculture has turned back over \$400 million that was earmarked for food. That type of measure would not be possible under the emergency demands of this resolution.

What makes this resolution so significant and different is that it contemplates action broader than just dealing with hunger, and it envisions activity of a permanent nature rather than just reacting to a single emergency. The resolution deals with all the necessities of life—food, clothing, shelter, and medical care—in a civilized society or any society. And it seeks to establish a single program that will always guarantee the necessities of life to every American.

#### NECESSITIES OF LIFE

Let me touch briefly on why all these are necessities. Adequate nutrition is needed if the promise of life is to be fulfilled. About 10 million people are being rendered less than full citizens by their diets. They are physically and mentally dulled. Their life span is lessened. Their work is less efficient. Their accident rate is higher and they are more prone to disease, so their productivity level is low.

In brief, they are subjected to what doctors call a "malnutrition syndrome" which leads to lethargy, despair, and exhaustion. How many Americans have we looked down on and patronizingly told to lift themselves up by their bootstraps because of their lethargy, despair, and exhaustion when in fact their problem was malnutrition?

Clothing is needed for more than obvious reasons. For one example, inadequate shoes can cause crippling foot problems during vital growth years; and lack of shoes is a prime reason many children contract parasite-caused diseases which complicate malnutrition.

Shelter must also be considered a necessity, one of the basic birth rights in this nation. Some 20 million persons currently live in substandard housing. That is housing that may lack running water, or indoor toilets. It may be so crowded that there is no chance for privacy or individual development. With the crowding and the lack of adequate sanitation or garbage pickup there is no possibility for minimum hygiene and disease flourishes. Some threats from bad housing are even more savage; last year children were bitten over 14,500 times in rat-infested homes. In Houston, in the only poor ward of town with available statistics, 75% of all housing is rat infested. Every American must be born with the right to access to decent shelter.

The fourth area that I would list as a necessity of life and a basic right is adequate medical care. The cost of medical care is exorbitant. It is so high that even the affluent may put off the type of routine care that would prevent serious disease. To assure that all Americans can receive adequate care we must re-examine the delivery system of health care and plan to take the facilities to the people and they must be available without regard to race. We must act soon; health care is directly related to life. In 1965, 60,000 Negroes died of disease who statistically would have lived had they been white.

They would be alive today if they had access to the basic health care available to the affluent or even middle-class white.

Some people assume poverty is synonymous with Negroes. But even a white supremacist determined to assist only his own people would immediately be confronted with the necessity of providing food, clothing, shelter and medical care for the poor.

#### CONGRESSIONAL REFORM

In order to meet literally life and death responsibilities in these basic areas the Congress must consider reform. An interrelationship between problems of food, clothing, shelter, and medical care does not exist under present structures in Congress. Problems with food are in the Agriculture Committee where the primary concern is with production. No one deals with clothing. Housing is considered by Banking and Currency since for many years the Federal approach has been a banking one dealing with mortgages. And health care is fragmented between the Labor and Public Welfare subcommittee on health, the Finance Committee which deals with Medicare, and the Government Operations Committee which is responsible for government research into medical care.

The problem should be apparent. To get information on needs for legislation various committees and subcommittees must hold hearings. Under existing structures the four basic necessities of life are thus considered in dozens of hearings with no relationship to each other. Legislation is drafted in one area with no means for interrelation with other areas. Then, after passage, the act goes to any of dozens of various executive departments, bureaus, or agencies. The Committee on Labor and Public Welfare has no hearings on agriculture or housing. The Committee will not be in a close relationship with the Department of Agriculture or of Housing and Urban Development and will ordinarily not be able to keep up with how programs are being administered.

If these basic needs are to be met, then we must expect that the Executive will administer a single program with cohesiveness and continuity. The Congress must consider a similar responsibility in evaluating its approach to gathering information and proposing legislation in the area of necessities of life.

Senate Resolution 281 thus touches the most basic of topics before the Labor and Public Welfare Committee, and it may give to our Committee far-reaching and challenging new responsibilities for the welfare of our citizens.

#### MISUSE OF FIREARMS—PENALTY UP TO LIFE

Mr. DOMINICK. Mr. President, earlier this week I introduced S. 3681, a bill which would make applicable on a national basis, as nearly as feasible, the same penalties for the use of a firearm in a crime of violence as those which Congress approved just 6 months ago, and which are now law in the Nation's Capital.

In a nutshell, my bill provides that any person who uses a firearm in a Federal crime of violence shall first, in addition to the punishment provided for the crime, be punished by imprisonment for an indeterminate number of years up to life, as determined by the court; and, second, if convicted more than once, be precluded from receiving a suspended or probationary sentence.

This, I feel, can serve a meaningful purpose by making it clear to the potential criminal that he risks life imprisonment if he chooses to misuse a firearm.

The bill can serve as a model for State

and local legislative bodies to draft legislation applicable to crimes under their jurisdiction.

If the word gets out that Congress is considering a proposal of this type, the forces of justice can be brought to bear on the criminal element in a fashion both enforceable and understandable.

I was pleased to read an editorial entitled "The Real Gun Menace," published in the Washington Evening Star of June 26, 1968, and especially to learn of the conclusion that more effort should be made to stiffen jail sentences in this respect. In my judgment, the editorial adds much to the current debate on gun legislation and should be read by all.

I ask unanimous consent that it be printed in the RECORD.

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

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

#### THE REAL GUN MENACE

The President's latest message to Congress on gun controls is noteworthy in at least two respects.

It goes well beyond his former proposals and also beyond proposals offered by such ardent gun control people as Maryland's Senator Tydings. It is also more noteworthy for its emotional content than for any deterrent effect it could be expected to have on the use of guns by criminals—the real source of the gun menace.

When Mr. Johnson signed the omnibus crime bill on June 6 he said that its ban on mail order sales of hand guns, though it is stringent, was inadequate. He was right about that. He urged that there be a ban on mail order sales of shotguns and rifles. Again, he was right, and he pressed for legislation to forbid such sales.

While that proposal was pending, however, and before Congress could act, he sent up another message this week. In it, he called for the registration and licensing of all firearms—applying to new purchases as well as to guns already possessed by individuals. He called for monetary punishment of any state which did not fall into line.

Is there anything wrong with this? Let's take a look. Mr. Johnson said of the registration and licensing proposals: "Surely the slight inconvenience for the few is minimal when measured against protection for all." The "few" are the owners of the estimated 50 to 100 million guns in this country today. How would registration and licensing provide "protection for all"? This would be true only if it is assumed—an unwarranted assumption—that criminals as well as law-abiding citizens would come in and register their guns and apply for licenses to possess them.

The President gave some examples. Last Tuesday, he said, a filling station attendant was shot to death in the course of a \$75 armed robbery. The robber was violating the law by using the gun in the commission of a felony. Is Mr. Johnson seriously suggesting that this robber, and the thousands of others like him, would have registered the gun and applied for a license? He also said that in 1967 there were 71,000 robberies with guns. How many of those victims would have been protected by a registration and licensing law? One other thing. Mr. Johnson said that with registration under modern computer systems "the owner of a gun anywhere in the country can be identified in a matter of seconds." True, if the gun owner had obeyed the law and registered his gun. Untrue if he had not registered.

Another interesting point: The President urges that any person who fails to register any kind of gun be subject to a fine of \$2,000

and a two-year jail term. Under existing law in Washington, however, the maximum first-offense penalty for carrying a concealed hand gun on the street is only one year in jail and a \$1,000 fine. Yet the person who carries a concealed gun is the potential murderer or robber.

It may be that registration and licensing would be of some help in discouraging improper sales or transfers of guns. But they are not going to stop the armed criminals or provide any appreciable "protection for all." As we suggested several days ago, the best way to achieve this protection is to provide really tough and if necessary mandatory jail sentences for anyone caught carrying an unlicensed gun or using a gun while committing a felony.

Why doesn't the President, as a companion piece to his appeal, get behind something of this nature?

#### SENATOR ROBERT C. BYRD ADDRESSES GRADUATES AT PRINCETON, W. VA.

Mr. BYRD of West Virginia. Mr. President, on June 13, 1968, I addressed the graduates of Princeton High School, in Princeton, W. Va., during the commencement exercises. I ask unanimous consent to insert my remarks on that occasion in the RECORD.

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

COMMENCEMENT ADDRESS BY THE HONORABLE ROBERT C. BYRD, OF WEST VIRGINIA, AT THE PRINCETON HIGH SCHOOL, PRINCETON, W. VA., JUNE 13, 1968

Members of the graduating class of Princeton High School, faculty and student body, parents and friends, ladies and gentlemen: It is a privilege to participate in your commencement exercises. Nothing pleases me more than the progress that some of America's young people are making in education.

Let me, first, offer to you, the graduates, my congratulations upon the successful completion of this part of your education. You have every right to be proud of the diplomas you will receive as you pass this important milestone. It is a happy occasion, and I am happy to share it with you.

Tonight, I want to make a few observations which I hope you may find pertinent and helpful, and which you may take with you as you enter the next phase of your life and your education.

All of you have known of the "3 R's"—readin, riting, & rithmetic since your earliest days in school—and a thorough grasp of the "3 R's" remains just as essential today as it was when someone first thought up the term. But I want to suggest to you that there are three verbs which may be equally as essential in making your lives worthwhile and meaningful. These three verbs—the doers and action words of our language—are *prepare, participate, and produce*.

It should be obvious, I think, that all of us must prepare for anything that we hope to do right or well. A star football player must prepare for the games ahead by days and weeks of practice; a good speaker must prepare; a concert artist must prepare—and your high school education has been preparative. If one is not prepared he is out of the contest before it starts.

But, my young friends, a great many people, too many, attempt to participate before they prepare. Some of you may have experienced this or seen it happen. (The class, the examination for which you were not prepared; the opportunity outside of school you were not ready to take advantage of). I need not labor the point, except to say that you will find that preparation, like education itself, is a continuous process that should by

no means end here tonight, or after four years of college, or even after graduate school. Every new achievement to which you will aspire will require preparation.

I would urge you, first of all, then, to go on to college, if it is at all possible for you to do so, for, as valuable as your high school diploma is, it will not be enough for you to compete as I believe you will wish to compete in the increasingly-specialized world in which you must make your way. But if you cannot go on to college immediately, your education need not end here.

There are literally scores of ways in which you can extend your learning and improve your training. Many industries and businesses offer on-the-job training; there are night schools and correspondence schools; there are government internship programs; and there are apprenticeships and technical training opportunities in the armed services.

And as for college itself, there are innumerable scholarships and assistance grants which the energetic student can seek. The young person who is determined to get an education has a better chance today than ever. The essential thing, of course, is the determination of the individual to take advantage of whatever opportunity is open to him. You can never be too well prepared for the competitive world that lies ahead of you.

The parable of the ten virgins, to whom Jesus Christ likened the kingdom of heaven, comes to mind. You know the story, I am sure.

Five were wise and five were foolish. They that were foolish took their lamps, when they went forth to meet the bridegroom, and took no oil with them. "But the wise took oil in their vessels with their lamps."

"When the cry was raised that the bridegroom was on his way, the foolish virgins said unto the wise virgins, 'Give us of your oil; for our lamps are gone out.'

"But the wise answered, saying, 'Not so; lest there be not enough for us and you. But go ye rather to them that sell and buy for yourselves.' And while the foolish ones were gone to buy oil, the bridegroom came; and they that were ready went in with him to the marriage; and the door was shut.

"Afterward came also the other virgins, saying, 'Lord, Lord, open to us.'

"But he answered and said, 'Verily I say unto you, I know you not.'"

There is a lesson for our time in that parable, which is, simply, that we must keep oil in our lamps, so to speak, and be prepared for the things that lie ahead. But there is little point in preparation unless you participate, and I make this point because of a disturbing development in American life in the last few years—the attitude toward their country displayed by young men and women, some of whom are academically well educated, who seek to escape responsible participation in the adult world by burning their draft cards or becoming "flower children," "hippies," or just plain beatniks who turn their backs on maturity.

In this group we must include those students who, lacking true knowledge and understanding of their country, become participants in destructive, revolutionary groups like the Student Nonviolent Coordinating Committee (SNCC), or SDS, the so-called Students for a Democratic Society, the group that has been the principal inciting force in the disgraceful campus rebellions in recent months, and which, in my judgment, could much more appropriately be called Students for the Destruction of Society.

These groups, whether or not they have actual ties with the subversive forces that would destroy our country and our way of life, serve the cause and the purpose of America's enemies, and I would urge you who are going to college to weigh carefully, if you should ever consider any association with such groups, the sharp contrast be-

tween what your country offers you and what these groups propose—which is nothing less than bringing about the downfall of this republic.

The young men and women who ally themselves with such groups are arrested adolescents who have not yet grown up. For all their brave, big talk about life, they are infants in the world of men and women who shoulder their responsibilities and who thereby, ironically, make it possible for those who are immature to have their parasitic existence apart from the world of reality.

Men have always dreamed of a peaceful world, of a Utopia where there would be no problems. But there can be no peace in the world as we know it unless we, as individuals and as a nation, are strong enough to enforce it. War is abhorrent; but loss of freedom is worse. There has never been an age without war or without conflict, for life itself is conflict. The responsible, mature person meets the problem head-on. He participates in the world and in the time in which he lives. He may light his candle, hopefully; but he does not curse the darkness.

Participation alone, however, is not enough either, for if one is going to do his part in this life and carry his fair share of the load, then he must produce, and produce constructively. The demonstrators, I suppose, can be thought of as participating; the rioters are participating in a way; Stokely Carmichael may be participating; but this is negative and destructive. What America—your land and my land—so desperately needs today is constructive participation in its life—participation that produces worthwhile results.

That is the great challenge to all Americans, but it is most of all a challenge to the generation—your generation—that will soon have to face the question of how it will discharge its responsibilities to the Nation that has provided its opportunities.

All of this comes down, really, I think, to the question of each individual's responsibility, for the Nation can be no better and no stronger than the collective quality and strength of the individuals who make it up. Each of us has a part to play.

There are so many things that need doing. There are perhaps more problems for your generation than for any that has gone before; but there are also more opportunities, and of a far more varied sort, for you and your contemporaries all across America than have ever existed before. Never have the need and the demand for qualified, eager, determined young men and women been as great.

You are all aware of the violent climate that has developed in America in which crime has become rampant, and prominent citizens are assassinated. And I would say that this and the other aspects of our national life that are related to it pose for us our greatest problem. How shall we deal with it?

There are no simple, easy answers, no quick solutions.

Your generation will have to deal with it, for, although the Congress has only recently passed what I believe to be strong anti-crime legislation, it will not be the whole answer to the problem, for the causes and roots of crime go deep.

There is a strong move now, in the wake of the assassination of Senator Kennedy, for stringent gun control laws. It is desirable, of course, to keep dangerous weapons of all kinds out of the hands of lunatics, criminals and others who would misuse them.

But this is only part of the problem. A criminally-inclined person bent on destruction will probably always be able to get a weapon. What is also needed, in my judgment—and again this will involve your generation, for it necessarily is long-range—is a sweeping change in the philosophy of our Federal courts, beginning with the Supreme Court of the United States.

The whole range of crime is involved in what I am saying here, for criminally-in-

clined persons in our country have been led to believe that crime *does* pay, that they can get away with just about anything, that the courts will be lenient, and that punishment will be light, if, indeed, there is punishment and states and localities.

Many states, including our own, have abolished the death penalty, thus guaranteeing to a would-be murderer that his own life will not be placed in jeopardy if he willfully and premeditatedly takes the life of another. One could cite the abuses of probation and parole, the abuses of bail bond that allow criminals to go free to commit new crimes while they are still charged with old ones, the interminable delay of trials, the difficulty in getting juries to convict. We have crime and violence in America because our people and our government tolerate crime and violence, and in my judgment the situation is not likely to improve appreciably until a Nation that has grown far too tolerant and far too permissive demands a change in the attitude of our Federal courts and a restoration of the principle that punishment should swiftly and surely follow crime. You will need to help bring this about.

Moreover, your generation will also have to deal with the continuing problem of poverty in America, for here again in our present programs we are treating symptoms and not the cause, and the cure, if indeed it can be found, may be long delayed. Somehow we have got to get at the problem of *motivation*, for no government program can take a person permanently out of poverty unless that person makes some effort on his own. Again it is a question of individual responsibility and desire. Government cannot do everything.

Only this week the news media carried the story of the successful Negro plumber in Washington, who, feeling some compassion for the poor and a desire to be of service to them, went on his own time, taking his own ditch-digging equipment, to Resurrection City, to install a badly-needed drainage line for the shower baths, since there is no sewer system on the grounds.

He went alone, thinking, of course, that the help he would need in digging the ditch and laying the pipe would be readily available from the male residents of the encampment. How little he knew about those demonstrators! All day long, as he toiled in the sun to aid these so-called poor, the loud-speakers on the grounds made appeals for men to help, but not one would lift a finger to assist him. They lolled in their bunks instead listening to their transistor radios or watching their TV sets, while a few came to watch, but not to help him with the job.

The payoff came when he asked one strong-looking but indolent fellow to give him a hand. "Brother," the surprised man was quoted in the press as saying, "I came down here to get away from shovels."

It one's object in life is only to get away from work, then he will never taste the satisfaction that ennobling work and achievement can bring. The greatest happiness that the human being can ever hope for does not lie in idleness or ease or a shirking of responsibilities, but in a job well done. How much more satisfying to wear out than to rust out!

This is a time in our national life for a sober reflection upon where we are, how we got there, what we have accomplished, and what we must set as our goals for future accomplishment. It is a time for taking stock.

If I may give you this one bit of advice—do your very *best* to find out what you can do *best*, and then do the *best* job you can with it. It is pointless to prepare and not participate, it is useless to participate and not to produce, but you cannot produce without preparation and participation. Prepare, and prepare well. Participate, and participate intelligently. Produce, and produce constructively.

Take to heart the admonition from the Book of Ecclesiastes:

"Whatsoever thy hand findeth to do  
Do it with thy might."

What a great society we could build in America if every citizen would decide that he would do all that he could—constructively—that he would utilize all of his capabilities to help build a better country. What a powerful force would be let loose in this land if every person would do with all his might whatsoever task his "hand findeth to do."

That is the spirit in which I would urge you to go forward from this point that you have reached in your lives tonight.

Again I congratulate you, the members of this 1968 Princeton High School graduating class. My good wishes will go with all of you into the future.

#### AMERICANS FOR CONSTITUTIONAL ACTION

Mr. TOWER. Mr. President, yesterday marked the 10th anniversary of the founding of Americans for Constitutional Action, one of our Nation's most active political organizations. ACA is a non-partisan, nonprofit, nationwide, political action organization dedicated to furthering the cause of conservatism: to conserving the aims and intentions of the Founding Fathers and the Constitution.

ACA is a constructive political action group which concentrates its energies where they will be most advantageous—within the political-electoral process. Instead of mass demonstrations or anarchic actions, ACA devotes itself to direct action within the American system. Their goals are to help reelect to the Senate and House of Representatives those legislators who, in the opinion of the ACA, have shown by their voting records their allegiance to the original spirit and principles of the Constitution.

Second, ACA assists in recruiting and electing men of like mind and strengthening the ranks of constitutional conservatives in the Congress.

In 1960, ACA launched its program of assistance to responsible and qualified constitutional conservative candidates in their bids for election or reelection to the U.S. Congress. At that time, 180 candidates were assisted in varying degrees; of these, a total of 133 candidates were elected. In 1966, 225 candidates, both Democratic and Republican, received varying degrees of assistance from ACA. Some 180 of these were elected to the 90th Congress.

The work of ACA has also been outstanding in the field of political communication, issue orientation, and vote ratings. The voting record of every Congressman is compiled each session and is formulated into the ACA index measuring the voting tendencies as viewed by ACA of all Members of the Congress. The Americans for Constitutional Action also issues position papers on current political issues and problems facing our Nation.

After a decade of service, the Americans for Constitutional Action is to be congratulated for its service to both parties and to our political system. ACA stands as an outstanding example of what dedicated citizens can accomplish in a democracy through sincere efforts and legitimate processes.

#### EXTRA-LONG-STAPLE COTTON IMPORTS—S. 1975

Mr. ANDERSON. Mr. President, on June 20, 1967, my colleague from New Mexico [Mr. MONTROYA] and I introduced Senate bill 1975, to amend section 202 of the Agriculture Act of 1956, to prohibit the importation into this country of extra-long-staple cotton from countries that have broken off diplomatic relations with the United States. The extra-long-staple cotton growers of New Mexico and the Southwest desired to grow more of this type of cotton and additional acreage allotments would considerably improve their economic situation. We believed that the request of these growers for more acreage was reasonable and that there was certainly justification for discontinuing the importation of cotton from countries that were not our friends and had broken off diplomatic relations with us.

Hearings were held on the bill by the Committee on Agriculture and Forestry, and after careful study of the problem the committee reported the bill favorably to the Senate.

Subsequently the chairman of the Committee on Foreign Relations [Mr. FULBRIGHT] requested an opportunity for his committee to study the bill and receive testimony from the Department of State concerning its views and to determine what effects this might have on future dealings with the Arab countries.

The bill was referred to the Committee on Foreign Relations. They have held hearings in executive session, and I am happy to report that the bill has again been returned to the Senate for its further action.

During the consideration of the bill by the Committee on Agriculture and Forestry, testimony revealed that the bill should be amended, since world quota allocations of this type of cotton would be affected and that perhaps some of our friends would be required to adjust their import quotas. Therefore, the Agriculture Committee wisely amended the bill to provide that when cotton quotas from the United Arab Republic and Sudan were cut off, quotas of other nations would not be affected and that the domestic growers of the United States would be allowed to produce an equal amount of extra-long-staple cotton. Provision is also made for restoration of quotas should diplomatic relations be resumed.

Mr. President, I am happy that the bill has been returned to the Senate, and I hope that the leadership will schedule it for consideration at an early date.

#### ROCKEFELLER STATEMENTS ON GOVERNMENT ORGANIZATIONS

Mr. JAVITS. Mr. President, twice in the last month, Gov. Nelson Rockefeller, of New York, has made penetrating statements on the organization of government and on intergovernmental relations. As an official with great and highly successful experience in both Federal and State Governments, Governor Rockefeller suggests the establishment of an Office of Executive Management in the

Executive Office of the President, and a White House liaison staff concerned specifically with relations with the State and local governments.

I ask unanimous consent that the Governor's statements of May 27 and June 25 be printed in the RECORD.

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

STATEMENT BY GOV. NELSON A. ROCKEFELLER,  
MAY 27, 1968

The future life of our Republic—and the working of our whole Federal system of government—critically depend on a Presidential leadership that is dedicated in principle and effective in practice.

I have spoken in recent days of certain and essential qualities of this leadership. It must have the courage to make firm decisions and tough choices. It must act with keen sense of the history of these times of headlong revolutionary change. And it must excite and enlist a sense of unity in the nation, based on trust in its purposes and its word.

Yet there is another dimension to the problem. The Presidency means not only a man: it means an institution—the *Executive Branch* of our government. And this Branch is precisely named: it is meant to *execute*—translating purposes into programs and programs into action.

We all know that the Presidency today must meet a range of challenge on two great fronts: those in the world at large and those at home in the nation. On the foreign front, there exists the National Security Council to serve the President in planning and in execution—although, as I shall outline in a later statement, there is much more to be done here, both in anticipating and confronting foreign crises. On the domestic front, there exists no such office to assure coherent planning and effective execution.

We cannot risk a national leadership that—even with high intention—fails to execute, fails to follow through, and fails to reach the people and to serve the nation.

I know no lesson more deeply impressed on me by more than 20 years of my own experience in government at both the national and state level. For ten of these years, I have served as the Chief Executive of a great State. And all of these years have taught me this law of the democratic process: to conceive great programs is not enough. They must be intelligently and efficiently *executed*.

We are not today respecting this law of democratic action at the national level. We are living from crisis to crisis and from problem to problem—coping as we can. This pattern of passive response—not acting but reacting—only breeds more problems, more crises. And this is no longer rational or tolerable.

Within the national government—and particularly within the Executive Office of the President—there must be profoundly new approaches and new mechanisms. These must do three things:

- (1) They must discern and meet national needs before these grow to crisis-size.
- (2) They must use all the devices of modern technology and modern administration in the full and fast assembling of all pertinent information for the President, as he shapes answers to these needs.
- (3) They must integrate all programs of government action finally set in motion to resolve these problems.

All this is imperative to help close one of the greatest gaps in our national life—the gap between political *promise* and political *performance*.

#### II

For these reasons, I am proposing today the creation of an *Office of Executive Management* within the Executive Office of the President. The essential mission of this Office

would be to serve the President directly in formulating, coordinating, and executing all domestic programs.

This Office would operate on the same level as the Bureau of the Budget and the National Security Council.

So vast and complex are the challenges to modern government today that the *absence* of such an Office of Executive Management is almost incredible. And it is an absence that explains much of the disorder and the disarray of Federal programs, the popular resentment of their cost and confusion, and their often dismal failure to achieve their purposes.

The size of national government and the range of its activities are equally staggering.

The President today directs a complex of 2.8 million employees—a work-force that has grown by almost 20% in only the last six years. And this total *exceeds* by more than 20% the sum of all persons employed in the automobile and steel and telephone industries combined.

By official reckoning, the huge number is dispersed among 12 Departments, 31 Independent Offices and Establishments, and nine offices and bureaus in the Executive Office. And these scattered authorities are responsible for hundreds of major domestic programs. In the area of federal grants alone, there are more than 400 confusing and often conflicting programs.

Without effective leadership and direction, all such Federal activity cannot mount a serious attack on our great national problems. It can only carry on a kind of sporadic guerrilla-warfare against them.

In the biting words of the Riot Commission Report, after surveying all Federal actions to meet the needs of our cities:

"The Federal Government has not yet been able to join talent, funds and programs for concentrated impact in the field. Few agencies are able to put together a comprehensive package of related programs to meet priority needs. There is a *clear and compelling requirement* for better coordination of federally funded programs."

It is to meet this urgent requirement that I stress the importance of a new Office of Executive Management. Its key responsibilities would include:

(a) to anticipate national needs on a broad front and prepare programs to deal with them;

(b) to play a continuing role in domestic policy planning within the White House;

(c) to exercise general oversight to assure the most efficient management of Federal programs;

(d) to focus these programs more sharply by simplifying or combining the essential, eliminating the nonessential; and

(e) to help introduce into government the most qualified personnel, efficient technology, and modern techniques of management.

All this is vital to the supreme political task before us: *making free government work.*

Under our political system, this can happen only if the Executive Branch and the Executive Office of the President themselves work—with full efficiency and full effect.

This kind of execution is the decisive test of the Presidential leadership that our people demand and deserve.

#### STATEMENT OF JUNE 25, 1968

Governor Nelson A. Rockefeller pledged action today to "close the communications gap between the State House, City Hall and Washington" if he is elected President.

He said he would create a high-level staff unit in the Executive Office of the President to forge stronger relationships between states and localities and the federal government.

This unit would serve as a staff arm to the President on federal-state-local relations, to maintain liaison with states and localities,

and to serve as a single-stop service center to provide state and local officials with information on federal aid programs.

The Governor stated that the proposed unit would "strengthen our federalism by providing the President with a broad perspective on relations with states and localities."

"It would keep close contact with the executive committees of the National Governors' Conference, the Conference of Mayors, and the National League of Cities to help the President and the Congress to develop legislative policy and programs which encourage and use in the most effective manner possible the three levels of government—federal, state and local—in serving the people's interest.

"The unit would also be responsible for conducting a continuing review of proposed federal programs to ascertain their effects on state and local governments.

"It should keep abreast of innovative state and local programs, to make certain that constructive efforts on the state and local levels were receiving proper attention and support.

"The unit would also give governors, mayors, and other state and local officials one place to go in Washington to get real guidance in locating needed federal aid programs—instead of being given the 'run around' from office to office as is too often the case with the present maze of government bureaus and grant-in-aid programs.

"At present, there is a serious lack of communication between the federal government and states and localities.

"Federal planners often are totally unfamiliar with state and local efforts to solve social problems. Ambitious federal programs are conceived which ignore or are at cross purposes with constructive state and local programs designed for the same end—as has been notorious, for example, in the field of urban development.

"Likewise, federal policy-makers often have little or no interest in new ideas developed by states or localities, as my own experience testifies.

"There is no central place in Washington, where state or local officials can go to get comprehensive and useful information about federal grants and get help in developing their own programs to make full use of federal assistance.

"The proposed staff unit should have a full-time professional staff. It should build upon the work which has already been done by the Director of the Office of Emergency Planning—who has been assigned liaison duties with governors, but has had no full-time staff for this purpose.

"This should be a place where governors and mayors can bring their ideas for new programs and get a *serious* hearing. It would aid in implementing basic reforms in the federal aid system by working with governors and mayors to develop formulae for per-capita grants and broad-category grants to states and localities and to develop proposals for consolidating and simplifying federal programs. In short, it would help federal policy-makers integrate their plans with valuable work that is being done by states and localities.

"My proposal will be another step in strengthening our federal system and making our government execute its policies more effectively. It will help close the present gap between promise and performance in government."

#### CONTROVERSY ON INTERNATIONAL RULE OF LAW

Mr. PROXMIER. Mr. President, a great deal of controversy now sweeps back and forth over this Nation and, indeed, over the entire globe. The center of the storm, so to speak, is whether

ideals, idealism and the hopes of civilized men for a real international rule of law protecting all men are anachronisms.

Mr. President, I say most emphatically that I think those individuals who preach this type of defeatism are themselves anachronisms and should retreat to some shady glade where they may enjoy the sixth and seventh stages of man as described by Shakespeare in "As You Like It."

These prophets of an age long past say that we should be realistic and quit stepping on the toes of those individuals and nations that flagrantly and with impunity violate the basic rights belonging to all men—all men. We should leave them to pursue their course of exploitation without any overt interference.

One distinguished American went so far as to say that we should be thankful that when the Colonies began their fight for independence they should have been thankful they had no U.N. Charter to contend with.

Mr. President, only a lawyer could say something like that and I think twisting the principles of freedom and equality that served as the foundation of this country, its Constitution and Bill of Rights is a distinct disservice to the cause of world peace, to the cause of the rights of men and, indeed, to the reputation of anyone who espouses such a defeatist philosophy.

Mr. President, the Senate by its inaction on the human rights conventions seems to have espoused this philosophy by default. This I deplore as I know that the Senate truly espouses the causes of universal human rights and their firm protection. But this continued lassitude on our part makes it appear that the Senate does not care about these rights and how greatly they may right now be violated on a mass scale.

Mr. President, I urge the Senate to put the lie to this defeatist philosophy which seems to be nothing so much as a reversed and inverted interpretation of Hegelian dialectics: the mind of man is growing older; minds that grow older grow wiser; therefore the mind of man grows less wise. In other words proponents of this defeatist philosophy would have us believe that the more sophisticated, and materially advanced, and wiser and more humane mankind becomes, the less we have hope of, and should work for, a rule of law that brings reality more in line with our ideals. Strange reasoning, Mr. President. I trust the Senate will explicitly reject this strange reasoning by speedy ratification of the human rights conventions.

#### WORK OF THE AMERICANS FOR CONSTITUTIONAL ACTION

Mr. FANNIN. Mr. President, yesterday marked the 10th anniversary of the Americans for Constitutional Action. This organization, Mr. President, has been of inestimable help in combating those forces at work in America that would cause us to forgo our cherished constitutional liberties.

The Americans for Constitutional Action has been of great help in one particular area as they publish the voting records of Senators and Congressmen. I

am sure that I do not agree with their interpretation of all the issue votes which they choose, but at the same time it must be said that the ACA index provides a much-needed offset to voting indices of organizations that generally fall to the left of center. They have given those of us whose political and legislative philosophy is described as conservative a point of reference and an excellent guidepost, reminding ourselves of the pledge we have made to uphold and defend the Constitution of the United States.

As we think of those who pledged their lives, their fortunes, and their sacred honor in support of the genesis of our Nation, we today can be satisfied with no less. Mr. President, I congratulate the Americans for Constitutional Action upon their 10th anniversary, and wish them all success as we strive together to preserve our liberties under God.

#### COMMENCEMENT ADDRESS BY S. DILLON RIPLEY AT HOFSTRA UNIVERSITY

Mr. JAVITS. Mr. President, a distinguished scholar, S. Dillon Ripley, Secretary of the Smithsonian Institution, delivered the commencement address at Hofstra University in Hempstead, N.Y., on June 13.

Mr. Ripley made a number of observations pertinent to the role of the university and the scholar which I think would be of interest to all the Nation's students. I ask unanimous consent that the text of his remarks be printed in the RECORD:

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

COMMENCEMENT ADDRESS, HOFSTRA UNIVERSITY, HEMPSTEAD, N.Y., BY S. DILLON RIPLEY, SECRETARY, SMITHSONIAN INSTITUTION, JUNE 13, 1968

(On this occasion the Secretary was awarded an honorary doctorate of laws by Dr. Clifford L. Lord, President of the University.)

In 1847 Joseph Henry, the first Secretary, attended the laying of the cornerstone of the Smithsonian Institution building on the Mall in Washington. Writing to his wife about the Vice President's speech he commented:

"Speeches and celebrations . . . are however the mere flourish of the moment and produce no lasting effect. They are the relics of the ages before the invention of the art of printing when men could only act on men through the medium of the senses when pageantry and oratory were invoked to captivate the eye and ear of those whose intellects were dormant. But in these times exhibitions of this kind are not as necessary and I hope the time may come when oratory and all the arts employed to lead the judgment astray through the impressions of the imagination will be done away with. If all the discussions in Congress were divested of oratory the truth would sooner be settled on."

To which we can only add Amen. Fortunately Professor Henry was not to live to be exposed to television.

In the summer of 1960 my wife and I spent a month in a hidden, cloud-shrouded valley at 9,000 feet above sea level in the central mountains of New Guinea. There some 8000 Dani people live in small clusters of dome-shaped thatch huts and practice primitive agriculture using stone implements, and cowries as a medium of exchange. Festivals

are important, a prominent status symbol among the men who have achieved power in the tribal councils. It was fascinating to us to note that at these festivals certain important men talked and orated bombastically and endlessly. We later discovered that these men, also more beautifully bedecked than most others in shell ornaments, their faces more elaborately smeared with pig's grease and ashes, were in fact "talking chiefs" as the phrase is. They were not the most important men at all, but rather men of the second rank. The most important men we finally discovered were those two or three in back, simply dressed with little of ornament to draw attention upon themselves. They kept quiet in public, but when a moment for decision came, to war or not to war, to pay an indemnity or not to pay, a word or two, a simple phrase or a sentence spoken quietly was enough. The result was action not words.

And so you see me here today, summoned to address you in recognition of your achievement in graduating from Hofstra. I am delighted and honored to do so. I hope that I will not sound like a talking chief.

I am supposed to be a middle-aged pedant, an authority on a small area of descriptive biology, a specialist, a man out of a museum. As such I presumably amply live up to Marshal McLuhan's estimate that whatever I say will be in a dialect that you can understand only in a random manner if at all, for as he states people over 21 really can hardly converse with people under 21, so all-pervasive has been the effect on the younger age-class of that strange Cyclopean eye, shuddering out of its box in dull, miasmic corneal splendor. Television is supposed to have made all the difference between you and me because it is supposed that the new mass media have made all of you. I question this and find the statement slick, too all-inclusive.

When I went to the university thirty odd years ago, I went in the ebb tide of the Great Depression, feeling somewhat disconsolate about the possibility of ever getting a job, aware of the presence of poverty everywhere, and cynically persuaded that in the business world, preferment was by influence, accomplished through degrees of clubbability, mateyness or eventually ties of blood. Although I had come to college to learn how to slap other people on the back, to be matey and clubbable, I did not make a great success of it all and felt at a loss.

What the university meant to me in those days was a one-of-a-kind opportunity to delve into books, to take courses totally unrelated to my career or any specialty that I could think of, to browse in realms that I might never see again, to develop tastes and interests in all sorts of ancillary fields, and to find out how to look for sources of information. I subscribed to Whitehead's notion that a university consisted of a band of imaginative scholars with whom one could undertake discourses, and that this personal experience might never come to me again.

Of course I feel, in spite of McLuhan, those of us then heading into World War II were just as uncertain as you may be today, just as cynical in the aftermath of the Depression as you may be in the continuance of the Cold War, and just as puzzled by the unfairness and the inequities that continue to surround us.

When I graduated from college I left with no firm intention of ever darkening the doors of a university again. Outside was where the action was. I was determined to work at something intellectual, and there was no firm persuasion then, as there is now, that this could only be done in a university. I thought and still think that going to college is a privilege, that it is a one-of-a-kind opportunity for education, and that as such it has nothing to do with training and the transmission of information. If you want that, you go to a technical school or a graduate school of higher instruction, a professional

school of some sort, but college is unique. To treat it as the first department of the multi-versity is a mistake, a confusing of the principles of education.

But I do not mean to imply that education in college years should lack immediacy. Rather I mean it should be a time for broadening, for expanding horizons for keen questioning of values rather than a mere concentration on meeting immediate needs. In the process of going to college everyone must remember that for many of us it is our one chance to become civilized. If we wish to rebel against inequities for example let us do it on the basis of knowledge and self-examination. There is no use in refusing what is without a vision of what should be. I learned about the comparative values of life, liberty and the pursuit of happiness in two ways really, one all the fun of reading and thinking in college, the other, all the wonder and amazement of watching primitive men in stone age cultures, fashioning tools, carrying on elaborate rituals, developing skilled knowledge of tribal affairs, religion, warfare, trade, agriculture without benefit of books. Man as a tribal unit has survived for thousands of years in a spectrum of varying environments from the arctic to the jungles, each group honed to a fine keenness by their surroundings, living on the very edge of the precipice and avoiding it by the unconscious selective pressures of the life around them. Such men have much to tell us of life today, although they are blowing away even as we watch, like dust devils across a prairie or fading figures on a television screen. The pressures of conformity of our mass cultures, our technocracy are too great, and we may lose the fragile clues to the variety of man's basic cultural and physical adaptability to our changing planet and its spectrum of environments, before we have collated the evidence.

There is great pertinence to all this today. The study of minority cultures is diffused and poorly organized. Everyone wants or thinks they want to know about it; the city planners, the engineers, the sanitation experts, the philosophers of anthropology, the students of stochastic problems, models, the students of proxemics, ecistics, the cyberneticians even.

Woodrow Wilson in 1916 said that we should be involved in thoughts about education:

"So that we ought to be careful to maintain a Government at which the immigrant i.e. member of a minority, can look with the closest scrutiny and to which he should be at liberty to address this question: 'You declare this to be a land of liberty and of equality and of justice; have you made it so by your law?' We ought to be able in our schools, in our night schools and in every other method of instructing these people, to show them that that has been our endeavor. We cannot conceal from them long the fact that we are just as human as any other nation, that we are just as selfish, that there are just as many mean people amongst us as anywhere else, that there are just as many people here who want to take advantage of other people as you can find in other countries, just as many cruel people, just as many people heartless when it comes to maintaining and promoting their own interest; but you can show that our object is to get these people in harness and see to it that they do not do any damage and are not allowed to indulge the passions which would bring injustice and calamity at last upon a nation whose object is spiritual and not material."

It is and it must be. We cannot fail ourselves in trying, each of us.

When the Smithsonian Institution was founded in 1846, Joseph Henry realized that we had a unique opportunity to mobilize scholars, to get them into touch with each other, and to create a mutual atmosphere of inquiry, encourage individual research and to secure publication of results. This the

Institution did in the 18 years before any college in the United States awarded a graduate degree, a PhD. Through the stimulating influence of his work, graduate study was encouraged and given a necessary life. Important group projects were undertaken, research on the mysteries of weather, our ocean resources, exploration of the land, salvage archaeology and ethnology. Handbooks and bibliographies were published, source materials gathered together and published so that they became accessible, the essential preliminaries, the modest and unassuming groundwork of vast realms of scholarship of succeeding generations was laid in those formative years.

Not until Civil War times did the Smithsonian go into serious collecting or what is called the museum business. But by the turn of the Century the Institution's ability to pursue new initiatives was gradually lost because of financial difficulties, and the Institution became one of many academic organizations in the U.S., only one among many.

The Twentieth Century saw the swift rise of the universities towards the peak which they have reached today. In the U.S. we have built a great educational establishment far-flung and active at many levels of education, but it is beginning to become clear to everyone that our universities cannot deal with every level of education and also every problem of society: the multiversity cannot become the megaversity, or the cosmoversity without losing its capacity to sustain its central mission of the education of youth. The university cannot at the same time manage cities, develop Africa, coordinate space missions, develop new cigarette filters, and still address itself to the problems of training new generations of citizens for the twenty-first century.

American culture should not become exclusively a university affair; every major city should have museums and cultural centers to serve as centers of gravity, helping to maintain interest in the city center, helping to introduce all of the city's children to nature, to art, and to our complex modern experience, and serving as points of contact in a lifelong process of renewal of the personality, of curiosity, of public enlightenment. The Smithsonian seeks to become a vital center institution in a network of other museums and cultural centers, to discover new ways of producing and presenting exhibits, new enrichment materials for our schools, new ways of servicing lifetime interests in change wherever it occurs—in the environment, in man's knowledge, or even, somewhat ominously, perhaps, within ourselves. In this it stands as a great auxiliary to the universities, complementing their great accomplishments which, in its early days, the Institution helped to foster.

Now it seems to me that we have come full circle. In 1968 I would hope that the college would reestablish itself a center in which scholars are in touch with students in a common quest, for exposure to a set of experience of the mind which are educational. At the same time there is a need again for study of a keen and piercing nature, after the graduate school, for postdoctoral studies at a higher level especially interdisciplinary to enable scholars to focus on present problems, social biology, the life of people in the urban context, the adaptability of the environment, the interplay of man and mother earth, *Ceres* of old, a vast traumatized bulk, suppurating with decay, endlessly violated by man with his inexhaustible itch. Who can tell where such studies will lead but if they are not made, our search for the moon will surely prove to be as elusive as if that pale deity were made of cheese.

And so I give you the future and urgency of individual and team study on our common problems, of exposure in college, of keen disciplined thought beyond training.

Wilson spoke of this quest when he said at a Sesquicentennial of Princeton in 1896:

"I have had sight of the perfect place of learning in my thought; a free place, and a various, where no man could be and not know with how great a destiny knowledge had come into the world—itself a little world; but not perplexed, living with a singleness of aim not known without; the home of sagacious men, hard-headed and with a will to know, debators of the world's questions every day and used to the rough ways of democracy; and yet a place removed—calm Science seated there, recluse, ascetic, like a nun; not knowing that the world passes, not caring, if the truth come but in answer to her prayer; and Literature, walking within her open doors, in quiet chambers.

"A place where to hear the truth about the past and hold debate about the affairs of the present, with knowledge and without passion; like the world in having all men's life at heart, a place for men and all that concerns them, but unlike the world in its self-possession, its thorough way of talk. "Who shall show us the way to this place?"

#### RESPONSIBILITIES OF THE PRESIDENT AND OF CONGRESS

Mr. MCGEE. Mr. President, I believe the attempt to block these Court nominations is as senseless as it is dangerous.

Lets stop talking about the phony issues. There is only one real issue: Does a President who has announced his intention to retire 7 months hence strip himself of all his authorities and responsibilities to conduct the business of government? By that logic we might as well close the whole Government down today and go home. By that logic we might as well call the negotiators back from Paris.

We might as well tell the President not to send us any more nominations of any kind, and forget about the ones now pending.

We might as well tell the President not to sign any more bills into law.

If I may say so, Mr. President, all of this has an Alice in Wonderland quality to it. It is just like telling the engineer to jump off a speeding train just because he is going to retire when he reaches the station.

I submit that for the President to permit the Government to drift would be a dereliction of duty.

The Constitution provides that the President is to be the President for 4 years of his 4-year term. He is not commissioned to stop presiding after 3 years and 5 months or any other shorter interval.

Let us hope that the Senate will get on with its own responsibilities of cooperating with a responsible President.

#### LOWERING THE VOTING AGE TO 18

Mr. BAKER. Mr. President, I desire to voice my support of the President's proposal to amend the Constitution to extend the right to vote to citizens 18 years of age or older in both Federal and State elections.

This proposed constitutional amendment reflects the view not only of the President, but of many Members of Congress, as well, that extending the suffrage to citizens who have reached the age of 18 would broaden the base of democracy. The 18-year-old of today is

more than adequately prepared to accept the responsibility of suffrage and undertake full participation in the American political process.

At the present time, four States permit persons under the age of 21 to vote: Georgia, Kentucky, Alaska, and Hawaii. Recent nationwide public opinion polls show that public support for lowering the voting age requirement to 18 has reached an all-time high.

I urge Senators on both sides of the aisle to join with me in supporting this proposal.

#### AMERICANS FOR CONSTITUTIONAL ACTION—10TH ANNIVERSARY

Mr. JORDAN of Idaho. Mr. President, Thursday of this week marked the 10th anniversary of a national organization dedicated to the preservation of the Constitution of the United States. I refer, of course, to the Americans for Constitutional Action, and I salute the fine service this body has provided for our Nation's voters.

Any effort to call to the attention of the American people the significant issues of our time is commendable, especially when such a campaign is conducted in the rational, well-reasoned manner of the ACA. I wish this organization continued success during the next decade in its efforts on behalf of an informed American electorate.

#### MAYOR WASHINGTON OFFERS A LONG-RANGE SOLUTION

Mr. HARTKE. Mr. President, the immediate problems facing our Nation today do not always lend themselves to immediate solution. A man with a sense of purpose and perspective will look beyond the headlines in the daily newspaper in his search for a response to our continuing urban, racial, and international crises.

One such man, Mayor Walter E. Washington, of the District of Columbia, has put forward some substantive proposals which are relevant and farsighted at the same time. In his June 9 commencement address at Georgetown University, Mayor Washington suggested that an encompassing revision of our educational system would be an appropriate step to take toward meeting the needs which face us today. Calling for a more flexible, inclusive approach to higher education, Mayor Washington outlined specific proposals which would open our educational system to all Americans and at the same time redirect the purpose of that system in response to the pressing need for personal as well as technical skills.

Mayor Washington's thoughtful proposals reassure those of us who are convinced that our national energy can find a new direction, and the substance of his remarks deserves the attention of every American sharing his concern. Therefore, Mr. President, I ask unanimous consent that Mayor Washington's address of June 9 be included in the RECORD.

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

COMMENCEMENT ADDRESS BY MAYOR WALTER E. WASHINGTON AT GEORGETOWN UNIVERSITY, JUNE 9, 1968

Your Eminence, Cardinal O'Boyle, Reverend Harbrecht, President Campbell, fellow honorees, distinguished alumni, members of the graduating class, and friends: I am delighted to be able to participate in the One Hundred Sixty-ninth Annual Commencement at Georgetown University.

As I look into the eyes of the members of the graduating class, they appear to raise the question, "What can you say that will guide us now?"

I would like to be able to respond by saying, "My friends, here is the answer," but this would not be fair. There is no easy answer. Perhaps the best answer to the graduates may be found in the challenge that Senator Kennedy made to the students of the University of Kansas, when he said, "Give me your help, give me your hand, and we will build a new America." Our response to that request will tell the nation and the world that Robert F. Kennedy, Martin Luther King, Medgar Evers and John F. Kennedy have not died in vain—that a bullet does not kill a cause—that the goals and dreams of these men can still come true.

We mourn Robert Francis Kennedy. We know that this city and the nation will miss him. Senator Edward Kennedy said in his eulogy yesterday:

"My brother need not be idealized or enlarged in death beyond what he was in life. He should be remembered simply as a good and decent man who saw wrong and tried to right it, saw suffering and tried to heal it, saw war and tried to stop it.

"Those of us who loved him and who take him to his rest today pray that what he was to us, and what he wished for others, will some day come to pass for all the world."

As I sat at the mass in St. Patrick's Cathedral, I reflected with concern upon the words of Archbishop Terence J. Cooke. And now I wish all of you to reflect upon these words with me—

"We have always believed that national unity is indispensable if these blessings are to be achieved and that an America divided in its ideals cannot survive.

"We mourn Robert Kennedy. But let us not miss the meaning of his life. We, too, must live in faith. We must respond to God's call. We must answer our neighbor's call for true freedom and equality.

"Our response will be made in loving God and loving our neighbor, in proving our love by service, in serving by confronting and resolving problems of poverty, race, violence and war."

Senator Kennedy was concerned with the purposes to which the nation has directed its resources, with the lives of those in poverty, and with the responsibilities of the affluent to use their knowledge and power.

My concern is not with purposefully committed wrongs; it is with our failure to realize a hope so nearly achieved, which is to enlarge the boundaries of peace, prosperity and progress.

Do we want to have an abundance of things or do we want to free man from limitations? Do we maintain systems of law and order as ends in themselves or do we maintain law and order as a system for insuring justice and opportunity? Do we acquire an education as if it were a property or do we become more educated as a way of being of greater service? Do we develop power to control others in order to have our way or do we acquire power in order to develop the nation and each single individual in it?

Questions of purpose cannot be answered by computers, by city planners, by contests of power, or by balances of power. They must be answered in philosophical terms by policy makers who take their direction from the people. The universities as institutions of higher education have a clear responsibility

to enable their graduates to deal with these questions honestly.

The American democratic tradition bridges the time from the New England town meetings to television. Today's issues are complex and more information is required to make good decisions. Professionals who have been trained in institutions of higher education often feel that it is impossible for anyone who is not trained to have an intelligent opinion. These professionals fail to understand that their skills should enable them to assist people and that their skills can translate the desires and wishes of people into workable plans. The professional in a truly participatory democracy needs to begin to act as a staff member carrying out the wishes of those affected.

Traditionally, professionals have been taught not only skills, but the value of these skills to society. As a result, they are promoted into influential positions, are united into associations and unions which frequently preclude others from practicing their skills, and are constantly reminded that they are uniquely prepared to perform particular kinds of services. But they often have little, if any, direct contact with the people who need their services. A professional trained in this manner is skilled in things, not people; in the delivery of materials, not service; in the performance of tasks, not in cooperative citizen planning.

The second reason why participation is difficult to achieve is related to the first. Those who feel cut out of the decision-making process and who feel they are not getting their fair share have lost confidence in the professional whose acts are based on isolated academic training rather than on actual needs. Often with this approach, no meaningful or effective results occur. Their skills have made no difference in the lives of people they seek to serve. In the case of many minorities, the result has been to worsen, rather than to improve their condition. Members of minority groups are demanding a role in the process before the decisions are made. They want to bring to the situation the very information that was not provided to professionals during their training—information about people. Often the poor, in order to make their wishes felt, are required to understand complicated regulations, prepare cases, rewrite plans, review the criticisms of their plans, and then sometimes raise matching funds.

If we are to encourage participation and cooperative action, we must develop procedures that allow those with a minimum of resources to be included in the process. We must, therefore, develop procedures that permit full participation by all.

Our concern about the nation and the fundamental problems that I feel underlie effective action will suggest changes that are possible in institutions of higher education.

The call for innovation in higher education has been made by the Commissioner of Education, Harold Howe II. He said, . . . "Despite our national pride in diversity, a surprising 'sameness' permeates most of American higher education."

He also recognized the lack of a "rational, informed concern for student growth in that somewhat frightening and highly personal matter of feelings and emotions." "I do believe," he further said, "that faculty and administrations must recognize the profound influence their attitudes toward students have on emotional and personal development."

This suggests that we listen to our students; that we must recognize legitimate protest and legitimate involvement. Administration and students must then move forward together to create conditions that will afford dignity and opportunity for all men in our society. To have dignity and opportunity, we must stamp out racism, violence, prejudice and poverty.

In moving in these directions, universities can perform a great service by translating

scholarly knowledge into practical action in our society. Institutions of higher education must examine ways to become more relevant, innovative and responsive.

Our society needs all of the skills that colleges help people acquire. At the same time, the various disciplines must learn to work with each other and with those outside the academic community.

The academic community should provide the environment and experience that ultimately permits the community to benefit from scholarly knowledge that has been translated into practical action. One result of this application of knowledge should be changes in the systems and institutions of society. We all recognize the need for making changes that will improve the life of people in the inner city.

One approach to improving their lives is to make it possible for residents to acquire the credentials, training and resources to take part in the mainstream of American life. In line with this approach, universities have made special scholarships available, have accepted so-called "high risk" students, and have established pre-college programs. Even so relatively few have benefitted so far.

We need an approach that brings the massive impact of education and action into the ghettos. The courts of California have declared that attending a university is a benefit, not a privilege. That benefit should carry with it an obligation to serve, to perform and to insure that the boundaries of peace, prosperity and progress include everyone in our society.

A new point of view on the part of universities may lead the way for business, government and society to adopt a policy of inclusion rather than exclusion.

The poor cannot afford long periods of non-productivity.

One approach to solving the problem of time is the development of the two-year degree, the Associate of Arts. The theory behind such a program is that a person can get started on a professional career, go to work, and get his bachelor's degree while working.

Yet this is only a partial answer to the problem of time and speed of learning, because if the person does not find the time or money to continue, he remains a subprofessional.

Just as college needs to be able to examine all points of view and to use the best rational means to arrive at a theory or plan of action, the city, at large, needs also to be intelligently open to innovative ideas and to be prepared to respond to such ideas with positive action.

To be very pointed for a moment, the city you have called home during your college years, Washington, D.C., needs you now. What we need is reason, a belief in the humanity of people, a love for our home, and a commitment to make the city a good place for everyone to live.

Certainly, metropolitan Washington, which contains the second greatest collection of highly educated persons in the nation, can demonstrate the power of reason, wisdom, and cooperation.

If the university and its graduates are seriously concerned with our problems in America now and with the destiny of America, they can:

1. Develop corporate leaders who can serve as staff for the people;
2. Bring about those changes in the system which will pull many into a better life;
3. Speed up the process of learning and make it more relevant to the needs of people; and
4. Seek to re-create the university's better features within the total community.

These actions will translate scholarly knowledge into practical action, will provide solutions to problems of purpose, participation and procedure, and will establish a true, lasting memorial to heroes that rest in peace.

The voices of Robert F. Kennedy, Martin

Luther King, Jr., Medgar Evers, John F. Kennedy and other leaders of our democracy will continue an unending discussion.

As the Mayor of the city you have called home during your college years, I leave you with some extemporaneous remarks made by our late Senator Robert Kennedy, speaking on the death of Dr. Martin Luther King. He was in Indianapolis, Indiana on April 4, 1968, when he said:

"What we need in the United States . . . is love and wisdom and compassion toward one another, and a feeling of justice toward those who still suffer within our own country, whether they be white or they be black.

"Let us dedicate ourselves to what the Greeks wrote so many years ago: To tame the savagery of man and make gentle the life of the world. Let us dedicate ourselves to that, and say a prayer for our country and for our people."

#### "TOWARD AN EXPANDED DEMOCRACY"—ADDRESS BY RICHARD M. NIXON

Mr. MUNDT. Mr. President, yesterday evening former Vice President Richard M. Nixon spoke to the Nation over one of the major radio networks. The title of his address was "Toward an Expanded Democracy." During a national period characterized by civil strife and disorder, Mr. Nixon's thoughtful appraisal of where we are, how we got there, and the direction in which we as a nation should move should be of deep interest to thoughtful citizens everywhere.

Mr. Nixon recognizes that much of today's violence and disorder is the product of those commonly called the "alienated"—people who either have never had faith in America's institutions or who have lost it. He traces through the history of the last third of a century the factors and events which have caused so many of our people to lose their sense of community. More important, he sets out the framework of how he intends to re-establish for the people that essential sense of community within which all the elements of our society at last can function.

Mr. Nixon's speech is an excellent documentary and a thoughtful, well-reasoned approach to a better America. I recommend it to the attention of Senators and 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:

#### TOWARD AN EXPANDED DEMOCRACY

(An address by Richard M. Nixon, CBS radio network, June 27, 1968)

In recent years, and tragically in recent weeks, America has been rocked by disorders, shocked by crime, stunned by assassinations, and left in puzzled fury by a wave of unruly demonstrations and mass obstructionism not only in the streets of our cities, but in the halls of our great universities.

Faced with epidemic disorder, one part of the answer is both to strengthen and to use the forces of law. But this by itself is not enough. If we are to restore domestic peace, we sooner or later must bring those who threaten it back within the system.

At the same time, we need a searching new look at our political and social "system" itself.

#### THE ALIENATED

Much of today's violence and disorder is the product of those commonly called the "alienated"—those people who either have

never had faith in America's institutions, or who have lost it. They can be found in student mobs besieging a university building, or looting in a ghetto riot, or peddling the literature of hate. They challenge our society because they reject what they think are its values; they threaten it, because all too often they also reject its restraints and its procedures for peaceful and orderly change.

Among these alienated there are strident voices, harsh voices, crying out for anarchy for its own sake. These are the extremists who reject all authority except their own, and whose heroes are the Che Guevaras of the world—men for whom the act of revolution is an end in itself, and the particular cause a mere excuse for violent means.

But if we look closely, we see that these extremists are a small minority. When they are isolated from their followers, they can readily be dealt with by the forces of law.

Most of the alienated are not so extreme. But they are people with a long catalogue of dissatisfactions with things as they are. It's worth examining this catalogue. When we do, some curious facts emerge.

Let's look at some of the things they're angry about:

A paternalism that robs the individual of his sense of self.

A widening gulf between the individual and his government, as effective power moves further and further away.

A political dialogue littered with broken promises, with false phrases and inflated hopes.

A racial dialogue still studded with the old stereotypes—on both sides—that reinforce old fears and play on old distrusts, in which old arguments about past guilt block new perceptions of right and wrong.

A deep sense of social injustice—of a fundamental conflict between the "power structure" and "human rights."

A welfare system that breaks families apart rather than holding them together, and that robs the person of pride and privacy as the price of filling his stomach.

A disillusionment with wars that seem avoidable, in places that seem remote.

An anxiety about the future, and about the place of the individual—who more and more seems alone and powerless against an overwhelming society.

Through all these complaints, there runs a common thread: that society in the mass is losing touch with the individual in the flesh; that the sense of community—of a place of belonging where leaders listen and respond—has crumbled; that the power to control decisions immediately affecting one's life is vanishing; that that unique, precious, indescribable thing—the individual human mind, heart and spirit—is being injured, or neglected, or slighted.

What's significant is that in this, the alienated are not alone.

#### THE QUIET REVOLUTION

In part, their complaints echo the complaints of millions of other Americans, people who are neither young nor poor, and who are proudly in the mainstream of American life and determined to stay there.

During the past five months I've campaigned in twenty-two states and talked with thousands of people from every walk of life. I've had a chance to sense the mood of America, in the way that only a candidate who goes to the people sense it.

And I've found something.

If we listen, we'll discover that the white man in the Boston suburb shares many of the same frustrations as the black man in the Chicago ghetto. Not all, of course. But he, too, wants to be heard. He, too, wants dignity—the dignity of being a man, not a number, not a category or a census statistic.

Those protesting college students who carry signs reading: "Do not fold, bend, staple or mutilate. This is a human be-

ing," speak not only for the student revolt, but for the frustrations of Americans everywhere.

Beyond the disorders, there's another rebellion going on today. This other is a quiet revolution. It's a rebellion by the great, quiet majority—those who pay their taxes, go to their jobs, perform their civic duties, send their children to school or college. I'm sure it includes many of you listening tonight.

In part, this quiet revolution is a protest against the violence and the excesses that have marked a time of tumultuous change, and also against the heavier-and-heavier demands of an age of impatience.

It's a rebellion against taxes, and against the ever-higher piling of Federal tax on state tax on local tax.

It's a demand for moderation—moderation in the tone of public discourse, in the style of public protest, in the posturing and promises of public officials.

But it's also something more.

The people who make up this great quiet majority want a voice in the shaping of their own future. They're not against change; what they want is to participate in the process of change, to help mold the future to their own designs rather than be swept along by impersonal forces.

They too want a voice.

In fact, if there is one thing common to all groups, all races, all ages, in America today, it is this: a deep, gut feeling that they want to be a part of things, to have a say in things, to have a voice—and to have that voice heard.

#### THE FIRST STEP

Today's conflicts are part of a pattern of social upheaval and generational upheaval, at a time when the old ordering of forces is being challenged by new.

The task of our generation is to resolve these conflicts, and bring peace among these forces.

Finding that we do have shared grievances is the first step toward breaking down those barriers that have set group against group, generation against generation. It's the first step toward finding answers.

When we look closely, we see that much of what is lacking in our society today is precisely what America was established to provide.

Ours was conceived, in the eloquent simplicity of Lincoln's words, as a government of the people, by the people and for the people.

As we look back over this middle third of the century, we find that we have been getting more and more government for the people, but less and less government of the people and by the people.

And in this lies the root of much of today's frustration.

#### LOSS OF COMMUNITY

Our whole development as a nation has been a great experiment, a continuing process of trial and error.

We have a system today that's an outgrowth of the experiments of the 30's—when the nation, faced with crisis, turned in fear and desperation to Washington. To make its experiments work, Washington took more and more power into its own hands. At the same time, we were becoming a truly continental nation. Air travel was beginning to link the coasts. Radio and the movies were beginning to give us a national culture. East and West, North and South, all were discovering one another. Then came television, which more than ever broke down the sense of local community. All across the nation, people were not only hearing the same words but seeing the same pictures, in their own living rooms, night after night.

There was World War II, which brought the nation together in a shared, sustained intensity of experience not equalled before or since—and which again, and necessarily,

centralized power in the Federal government. After World War II we went through a new kind of experience, a wrenching readjustment not only to an uneasy peace, but to a new and unaccustomed role of world leadership and world responsibility.

The nation's horizons were thrust wide. Suddenly, what happened in Rangoon or Rio de Janeiro mattered in America, and what happened in Washington mattered in Rangoon and Rio.

At the same time, of course, this was a period of sweeping social change, of technological revolution, a time when the forces that shaped our lives kept getting bigger and more remote.

It seems obvious, now, that this would have been a time in which the place of the individual, his sense of security, of uniqueness, of belonging, would be gravely threatened.

#### ROOTS OF DISORDER

No great movement, no trend, takes place in a vacuum. The spread of violence and disorder is obviously no accident; obviously, it has roots in the patterns of current history.

These roots are many and complex. But I am suggesting tonight that one of the central roots is this: the steady erosion of the sense of person, of a place within the system, that we have allowed to accompany the development of our mass society.

As everything around him has gotten bigger, the individual has gotten smaller by comparison. He's been lost in the mass of things, his voice drowned out in the chorus.

The machinery of government seems increasingly remote, increasingly incapable of meeting his needs when action is needed. The community itself begins to appear less relevant, and its standards and restraints become less effective.

He feels that the *system* has left *him*.

One reason people are shouting so loudly today is that it's so far from where they are to where the power is. If we fail to bring power closer—if we persist in treating complex local needs from remote centers—we'll be repeating tomorrow mistakes that already have added dangerously to the frictions of today.

#### REVOLUTION OF IDEAS

I have pointed out tonight that, in differing degree, the alienated and the rest of us share many of the same frustrations, and I have traced these to the patterns of our recent history.

Can we do anything about it?

We can.

Among many of our leading thinkers, there's been another quiet revolution going on—a revolution of ideas about the way the nation should be organized to deal with its problems.

After a third of a century of concentrating power, an old idea is winning a new acceptance: the idea that what we need is a dispersal of power. What we need is not one leader, but many leaders; not one center of power, but many centers of power.

Richard Goodwin stated this proposition cogently: "Whatever our particular position, the one overriding goal of political life must be to help restore and strengthen that faith of the individual in himself which is the source of national direction and generosity of deed."

This is a concept in which I deeply believe.

It also is the clearest-cut issue of this year's Presidential campaign.

The man who is most likely to be nominated by the Democratic party—Vice President Humphrey—is a man I respect. He is a man of honor and a man of his convictions. And he honestly believes in the old ways.

I believe in a new way.

Power has been flowing to Washington for a third of a century, and now it's time to start it flowing back—to the states, to

the communities, and most important, to the people.

Every program I offer in his campaign will be tested against this standard: Does it increase the power of the people, or diminish it? Does it enhance the self-respect, the pride, of the individual human being, or reduce it?

#### TIME TO MODERNIZE

We now are at a great turning-point. We have to decide which way to go: whether to take the old road that leads to a government getting bigger and bigger, and more and more impersonal—the road that leads to more rebellions more frustration—or whether we take a new road.

Every idea has its time. And the time is now for the idea of an expanded democracy, of moving government closer to the people, of breaking massive problems into manageable pieces. This way the people can participate, they can be involved, their voices can be heard and heeded.

It's time to think anew and act anew.

Our government today is a propeller-age structure in a space-age world. In giving a new pride of place to the individual, the need is not to dismantle government, but to modernize it.

#### A SEARCHING REAPPRAISAL

One of the first tasks of the next President should be to set in motion a searching, fundamental re-appraisal of our whole structure of government—not only of the Federal departments and agencies, but also of state and local government, and its relation to the Federal structure.

The two Hoover Commissions, which studied the organization of government for Presidents Truman and Eisenhower, performed a major public service. But thirteen years have passed since the second Hoover Commission made its report, and during those years our population has grown by some 35 million; three new Cabinet departments have been created; and the whole pattern of relationships among governments and people on all levels has been profoundly changed.

There are new relationships between city and suburb; new patterns of direct Federal involvement in the cities, and new layers upon layers of authority for the individual citizen to fight his way through.

The Commission on Government Re-Organization I am now proposing would be a commission with a difference. It would have a far broader mandate than those given the Hoover Commissions.

It would thoroughly study ways of increasing the efficiency of government organization. But its focus would be equally on the *responsiveness* of government.

Toward this end, it would be charged with searching out every feasible means of decentralizing government, of getting it closer to the people, of transferring functions to state and local governments, of creating new instrumentalities where appropriate to involve the people at the community level directly in the decisions that affect their own lives.

It would seek new ways to transfer functions from government to private enterprise, and also to the great, vital voluntary sector—to enlist the energies of those millions of Americans who stand ready and eager to serve and to help, in the best American tradition.

Its broadly-based membership would include the best management talent, the best government talent, and also the best academic talent from many disciplines. And one of its charges would be to start from a new premise: to search out what the people *want* from government today, and then to proceed to the question of how those wants can best be satisfied.

#### VICE PRESIDENT'S ROLE

I have said that if I were President, I would give the Vice President major addi-

tional duties in helping administer the domestic functions of government. One of the first of these duties would be to involve himself directly and personally in this entire effort to move government closer to the people, and to make it more responsive. And in making the decision on the Vice Presidential nominee, this is one of the major factors I will consider.

This new, decentralized approach will require a strengthening and modernizing of state and local governments, so they can adequately discharge their new responsibilities. It will require a time of readjustment, perhaps even of difficult transition. It will require trial and error. But trial and error is itself a part of the new concept, for the concept is rooted in a basic belief that no one man, and no one group of men, has all the answers.

This new distribution of authority will mean different things to different people.

To the black man, it will mean not only the opening of doors to the larger community that have previously been barred, but also greater control, greater independence, within his own community.

For the student, it will mean a greater share in the decisions that affect *his* own community—not necessarily in matters of educational curriculum, or basic university administration, but in the personal things—the rules of living—that mean so much.

For all, it will mean a chance to be heard. It will mean responsive government. It will mean a continuing process of give-and-take. It will mean burying the old concept that you can't fight City Hall. It will mean the power of doing represented by thousands of voluntary associations with millions of members.

#### REESTABLISHING COMMUNITY

It's in this way that we can reestablish the sense of community, and thus the framework within which *all* the elements of our society at last can function.

I don't think we can buy off the alienated with more money.

I don't think we can suppress them with more police.

But I do think that as we make government more responsive, as we re-ignite trust and reestablish a sense of community, we can bring many back within the system. By improving the means of orderly change, we can reduce the temptation to disorderly change.

But we shouldn't take this new path just to bring peace to our cities or just to bring calm to our campuses, or just to bring contentment to the suburbs. We should do it because it's right—because people do matter, and people do have rights, and because the securing of those rights is the first business of government.

What we need is nothing less than a revolutionary new approach. Government hasn't kept up with the times. The times have been rapidly changing, but government has been only growing. As it's structured today, government simply can't keep abreast of the mushrooming complexity of country. Power has to be spread out; otherwise it can't be responsive. We have to make our government structures into a set of precision instruments, tooled for particular function.

That's the government side of the coin.

#### ENLISTING THE ENERGIES

The other side is that we need a massive effort to ensure that private energies *are* enlisted, that local governments *are* modernized, that the voluntary sector does step up to the ball.

This can't be let go by default.

For let me be very clear: in turning away from ever bigger government we are not turning our backs on ever bigger problems. Our aim is not to ignore the problems, but better to solve them. It's not to neglect the poor, but better to serve their needs. It's not to sit idly by while our air and water are

polluted, but to establish the most direct and effective means of control. It's not to give up in despair at snarled transportation, but to enlist the energies of those most directly affected in straightening out the snarl.

As we turn away from the old paternalism of the 40's and toward the expanded democracy of the 70's, we'll discover a new dignity, a new unity, a new stability in America. We'll discover anew that this land is our land, all of us together, that its destiny is our destiny. We are one nation, together and inseparable, and if that proposition has been tested in these past years, tested in the fires of our cities, tested in war and in the bitter debates the war engendered, tested in demonstrations and civil disobedience and in the wondering conflict of the generations, the nation has shown that it can pass that test. Despite our troubles, there's a gathering today of the forces that are going to cement our society back together again—determined that decency and justice will prevail, and determined that reason shall rule.

Emerson wrote that "governments have their origin in the moral identity of men." Woodrow Wilson told us: "I believe in democracy because it releases the energy of every human being."

To make its expanded democracy work, America will need the willing hands of millions of individual people—proclaiming by their deeds that moral identity which is the rock our freedom rests on. America will need their involvement. It will need their ideas and their energies.

That is why, in this campaign, in this watershed year, I am asking not just for your votes in 1968, but for your continued help in the next Administration. That is why I ask not just your support, but also your enlistment in this great adventure that stretches before us.

#### FOREIGN TRADE POLICY IMPERATIVES EXPRESSED BY EMERGENCY COMMITTEE FOR AMERICAN TRADE

Mr. MONDALE. Mr. President, on Friday, June 14, a panel of members of the Emergency Committee for American Trade testified on its behalf before the House Committee on Ways and Means, which is now holding the most comprehensive hearings on foreign trade since 1962. The emergency committee's 53 members represent major segments of American manufacturing, banking, merchandising, and publishing firms with extensive domestic and international commitments. They derive large portions of their income from export sales, and they employ thousands of American workers in export trade.

The emergency committee points out:

The reciprocal trade agreements program is entirely consistent with the principles of Free Enterprise market economy, and it should commend itself to the economic conservative no less than to the political liberal.

The committee realizes that some American producers may be facing unfair competition from exports, but it believes that such problems "can be resolved within the tested framework of a multilateral trading system and an expanding world economy."

The emergency committee's witnesses were Mr. Arthur K. Watson, chairman of the board of IBM World Trade Corp.; Mr. William Blackie, chairman of the Caterpillar Tractor Co.; Mr. T. A. Wilson, president of Boeing Co.; and Mr.

Robert Purcell, chairman of the International Basic Economy Corp. Their statements include their views on trade quotas, agreements restricting imports across-the-board to certain percentages of domestic consumption, and special import taxes. I ask unanimous consent that the statements be printed in the RECORD.

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

#### STATEMENT BY ARTHUR K. WATSON ON BEHALF OF THE EMERGENCY COMMITTEE FOR AMERICAN TRADE

Chairman Mills and members of the Committee, my colleagues and I are pleased to testify here today on behalf of the Emergency Committee for American Trade. With me are Mr. William Blackie, Chairman of the Caterpillar Tractor Company, Mr. T. I. Wilson, President of Boeing Aircraft, and Mr. Robert Purcell, Chairman of the International Basic Economy Corporation. I am Chairman of the Board of IBM World Trade Corporation and am speaking today also as Chairman of the Board of the Emergency Committee, and I am also currently serving as President of the International Chamber of Commerce.

As its name suggests, the Emergency Committee was formed in response to the serious threat which has recently been posed to the 34-year-old reciprocal trade agreements program. Our 53 members represent major segments of the manufacturing, banking, merchandising and publishing sectors of the American economy. We did not have time enough to obtain the approval of every member for this statement. We do believe that the views expressed herein accurately express the consensus of our Committee. They are based on public statements agreed to by members and on continuing communication with them.

We have joined together in the Emergency Committee—and we are here today—because of our conviction, as businessmen, that a substantial and growing volume of two-way trade, based on reciprocity, is essential to the economic health of the United States. We are not free trade theorists. We recognize that some American producers may be facing unfair competition from imports and that some American exporters, including members of the Emergency Committee, are being discriminated against in foreign markets. We recognize also that the Ways and Means Committee is concerned, properly so, about the decline in the U.S. trade balance.

We hope to deal with these and related issues straightforwardly and practically. We believe that they can be resolved within the tested framework of a multilateral trading system and an expanding world economy.

I want to make it clear at the outset that our companies have a tangible economic stake, amounting to many billions of dollars annually, in this system. We believe that for American industry trade means increased sales, profits, and lower unit costs . . . that it means job opportunities for our workers, who are among the best-paid in the United States and therefore in the world . . . that trade is a spur to the technological advancement on which America's economic progress so heavily depends.

While we are here frankly to defend our own economic interests, we believe that the national interest is likewise identified with a liberal trade policy. Parenthetically, I might say that it is regrettable in some respects that the reciprocal trade agreements program has come to be known as a "liberal" trade policy. This is an adjective that may lose as many votes as it wins. The important thing is that the reciprocal trade agreements program is entirely consistent with the prin-

ciples of the Free Enterprise market economy, and it should commend itself to the economic conservative no less than to the political liberal.

The members of the Emergency Committee are convinced, on the basis of practical experience, that two-way international trade is a powerful engine of economic growth. We have witnessed the effect in our own companies and industries.

For example, among the members of the Emergency Committee are the nation's largest aircraft makers, Boeing, McDonnell Douglas, Lockheed and United Aircraft. One member company, Lockheed Aircraft Corporation, exported \$249.3 million worth of products in 1967 and imported only \$13 million. It employed an estimated 8,000 to 10,000 employees in export business that year.

Overall, jet aircraft and parts are one of the nation's largest exports, totaling \$921 million in 1967, up from the total of \$226 million of five years earlier. In his statement to this Committee on June 4, Secretary Wirtz estimated that 60,000 jobs in the aircraft industry result from this export business.

The simple yet essential truth, Mr. Chairman, is that for many major industries sales in the world market are frequently the difference between high cost production and production sufficient to permit achievement of scale economies, and, therefore, markedly lower costs. The aircraft industry is but one example of an industry that would be unable to achieve economies of scale without access to international markets.

By the same token, however, this dependence on foreign export markets makes their industry very vulnerable to retaliation. Our customers are often governments or government-controlled entities. If we damage our trading partners, they can turn elsewhere for their purchases.

My own corporation has a vital stake in world trade. IBM exported \$222.9 million worth of products in 1967, compared to \$84.9 million in 1963. IBM's total net contribution to the U.S. balance of payments was \$353.6 million in 1967. It is very difficult to estimate the employment resulting from these exports. But we do export parts and equipment from plants in all parts of the country.

#### THE BALANCE OF PAYMENTS AND TRADE POLICY

As businessmen and responsible citizens, we are greatly concerned with the weakening trade balance and with our recurrent balance-of-payments deficits.

An essential question for public policy is whether in light of a declining trade surplus we should continue the trade policy that seeks liberalization of barriers to trade, or whether we should reverse that policy by imposing import restrictions such as the quota proposals before the Congress, or special import taxes.

The business community firmly believes that the most feasible answer to the balance of trade problem is reduction of the size of the federal deficit, both by cutting expenditures and by raising taxes. These steps are fundamental if we are to control domestic inflation and thus temper the economic forces that on the one hand have made imports more attractive to consumers and more necessary for the economy, and on the other hand have made U.S. exports less competitive in the world market.

We believe that an overwhelming majority of the nation's businessmen want enactment of the expenditure cut/tax increase package fashioned by the House-Senate conference. It is the essential step needed to help restore our trade surplus, help restore confidence in the dollar, and improve international monetary stability.

Domestic price stability is clearly important if U.S. industry is to remain competitive world-wide.

#### SPECIAL IMPORT TAXES

Direct measures have been suggested as necessary to improve the payments balance

by improving the balance of trade. Some advocate that the United States impose special restrictions on imports. Others have recommended a special import surcharge—some a border tax on imports with a corresponding rebate on exports.

The proposal most widely discussed as a "corrective" for a payments deficit is a flat percentage surcharge on imports. The surcharge level most frequently discussed is 10 percentage points. Thus, if the duty on commodity X is currently 5%, a 10% tariff surcharge would bring the total duty up to 15%—an increase of major significance.

The overwhelming majority of the Emergency Committee for American Trade is opposed to a tariff surcharge. An important reason is the harmful economic effect of raising costs in an economy that is striving to remain internationally competitive. Exports would fall because of higher component costs. Ironically, there is also the possibility of increased imports of products made with cheaper foreign raw materials. A surcharge would also mean higher prices to U.S. consumers at a time when many American families are already suffering the effects of inflation.

Finally, there is the problem of foreign countermeasures. It is very likely that other countries would follow with their own special import taxes, thereby lowering the level of international trade but with no net advantage to the U.S. trade account.

Many of the same disadvantages would attach to a 2% border tax/export rebate, which has also been suggested as a balance of payments remedy and, more particularly, as a basis from which the United States could begin to negotiate removal of other countries' border taxes.

This is a most complex issue, having to do with theories of taxation and the rules of the GATT. As this Committee knows, GATT rules permit indirect turnover taxes on domestic production to be rebated when goods are exported, and permit an equivalent tax to be levied on imported goods. Under these same GATT rules, the U.S. uses the same border tax and rebate system to reflect our own manufacturers' excise taxes, such as those on tires and tubes at our border.

When the border tax system was conceived in 1947, it was considered an "equalization" tax, based on a theory that indirect taxes are passed on to consumers. The theory of taxation on which the border tax system was based is now widely challenged. It appears obvious that indirect taxes are not all passed to the consumer. In whole or part they may be absorbed by sellers. It appears equally obvious that direct corporate taxes, on which the U.S. heavily relies, are not completely absorbed by corporations, as the theory held, but may to varying degrees be passed on to consumers in higher prices.

U.S. negotiators have recently opened talks in GATT to obtain changes in the border tax. We believe this is the best course of action at this time. It is difficult to expect that a 2% charge on imports and a 2% rebate on exports, such as had reportedly been proposed within the Treasury, would produce any real impact on our balance of trade. Although a program of rebate would mean cash in hand to our members, we understand that many of our major trading partners could legally justify additional border taxes should the U.S. choose this course of action. Such a course, even though to our own immediate advantage, would in the end be self-defeating.

Neither do we think that a border tax or a tariff surcharge are needed for bargaining reasons, even were our trading partners to accept such measures without retaliation. There are existing remedies in U.S. law for inequities against some American firms and industries. The countervailing duty law provides protection against foreign imports that are subsidized. Section 337 of the Tariff Act of 1930 is intended to provide a recourse for

those firms that suffer because foreign firms and their U.S. agents or distributors are violating our anti-trust laws. We have treaties of Friendship, Commerce and Navigation with most countries, treaties that provide that unfair trade practices, and discrimination in other matters such as investment, shall be removed. We have an anti-dumping law designed to curb the selling of foreign goods in this market at prices below those in the home market of the exporter. A national security provision in the 1962 trade act provides for an investigative procedure and special import protection when a sound case of national defense essentiality is made. We further have in the 1962 trade act an escape clause and adjustment assistance procedure. Finally, we have the provisions of the General Agreement on Tariffs and Trade, rules that give us rights to take action against foreign trade practices that violate our rights. No doubt these mechanisms can and should be employed more vigorously. But we submit, Mr. Chairman, that they provide a very strong basis for protecting ourselves from injurious foreign practices that are felt by our businessmen both here and abroad.

Mr. Chairman, what concerns us as businessmen about both types of special import charge is not only the likely harmful impact on our trade, but, equally, the impact of an international trade "war" on U.S. business operations overseas. It is vitally important to this country that the climate for U.S. foreign investments be as healthy as possible.

The profits of American owned businesses abroad strengthen American firms and the American economy. These foreign business operations are in a sense the hostages of foreign governments. They operate under host country laws, and they depend on a favorable business climate in those countries. Foreign hostility toward American firms would be one the first results of a trade war started by this country. There are a number of ways in which this hostility could be expressed—none of which would be helpful. I have in mind such devices as government taxes and licensing policies that could be used to discriminate against existing and prospective U.S. investments.

The diminishing strength of the balance of trade is a serious problem. Putting our own domestic economy in order is the overriding corrective measure. Other measures such as vigorous diplomatic representations on behalf of U.S. interests are in order. The offer of sixteen of our major trading partners to accelerate their Kennedy Round tariff cuts has been encouraged by our Committee in direct contacts with overseas business organizations. While the present offer is conditional on certain U.S. actions that may prove unacceptable, it is in the right direction of multilateral solutions to domestic problems.

#### ORDERLY MARKETING AND EQUITABLE TRADE

The nation's balance of payments problem and the weakness of the trade account have been used by the proponents of trade restriction as a compelling reason for the more usual types of trade restriction. In a time of balance of payments crisis, national economic policy should help create a more competitive domestic economy. Proposals for import "ceilings" and quotas are inherently anti-competitive devices, the opposite of the type of measure that should be taken.

For these general reasons, the Emergency Committee for American Trade objects very strongly to the restrictive trade formulae in what are called "orderly marketing" or "equitable trade" bills. A notable example of these, H.R. 16936, would automatically impose quantitative import limitations on the basis of simple arithmetic formulae. In effect this "omnibus" approach to import restriction employs the quota device, but in a disguised form. Without prior proof of injury to domestic industry, import ceilings would

be imposed based on rates of growth of imports, variously calculated, over varying time periods, and in different regional markets.

The application of these formulae would be an administrative nightmare. Experience with the operation of present import quotas, on cotton, textiles, oil and sugar, and the like has proved the difficulty of administering an import quota program and the impossibility of fairly allocating the quota among different domestic consumers and foreign suppliers.

Perhaps the greatest danger of the "omnibus" quota, or "equitable" trade approach is its rhetorical appeal. Its proponents argue that, in contrast to an inflexible quota, the "ceiling" approach would permit imports an assured growth as rapid as that of domestic consumption of particular products. They would hope to put aside the possibility of foreign retaliation by claiming that the ceilings would not actually "cut back" imports, but that they would merely allow "equitable" growth in tune with the rest of the market.

These arguments on their face sound reasonable and fair. But such market control devices have no precedent in the domestic economy, and they should not. As American businessmen, we believe that the so called orderly trade approach to competition and the marketplace is the antithesis of the competitive philosophy and attitudes that have made this economy the richest and most progressive in the world.

#### QUOTAS

A major concern of the Emergency Committee are the many quota proposals now before Congress. It is not possible to explore here the problems of each commodity for which there is a quota proposed. Invariably each case for protection from foreign competition has different characteristics and causes.

Some firms or even industries may have some major problems which make them vulnerable to import competition. We do not ignore factors that make import competition unfair and disruptive. Our purpose is to find ways to make adjustment to competition easier, and to remove unfair trade practices, either through the application of existing statutes, the creation of new statutes, or by changes in, or creation of, new international rules.

The Emergency Committee's view is that quotas are a negative, self-defeating form of response both to problems of competition and to problems of unfair trade practices. By their nature, quotas reduce incentives to modernize, to cut costs, to increase productivity and output—the essential underpinnings of our high standard of living and wages. These forces would be weakened behind a shield of government restrictions which operate as subsidies. In the long run, our economic growth and high standards of living depend on the ability of efficient industries to compete in our own and in world markets, and we believe that trade legislation and policy should be directed to this objective.

Mr. Chairman, I have visited Europe several times in recent months, as well as Latin America. The leading businessmen I talked to in each country are all concerned with our balance of payments problem and with the prospect of trade restrictions here. To a man, however, they believe that restrictive actions by the United States would initiate a competitive series of restrictions in their own countries, with everyone a loser and no one a winner.

#### LOW-WAGE IMPORTS

Let me touch on employment. Some sophisticated exponents of import protection, using a computer analysis, have attempted to demonstrate a direct causal relationship between imports and labor displacement between 1958/60 and 1964, particularly in what

are called low-wage industries. At this point in our statement I will state only that our own analysis shows that rising productivity was a much more important cause of the loss of jobs in these industries than was the rise in net imports. Furthermore, from 1964 to 1966 six of the nine industries which are claimed to have suffered most from import competition actually showed increases in employment because of a vigorous rise in their sales.

We are prepared to discuss this in more detail.

#### OBJECTIVES FOR AMERICAN TRADE POLICY

As a general objective, we believe that the continuing thrust of U.S. trade policy must be reciprocally and progressively to reduce trade barriers of all kinds. Though the Kennedy Round succeeded in reducing the average tariff levels of most major industrial countries to quite low levels, many high rates remain to be dismantled.

But tariff reduction should no longer be the principal objective of trade policy. That objective must be a new effort to document and progressively eliminate "other-than-tariff" barriers to trade. These barriers, along with the traditional tariffs and quotas, can both impede trade and greatly distort trade patterns.

#### FAIR COMPETITION POLICY

Our experience in world markets leads us to the firm recommendation that we begin now to lay the foundations for a "fair competition policy" that would achieve a substantial degree of commonness in the environment in which international business is transacted. The objective of this policy should be to create a code or series of codes that would establish common norms and standards.

The new International Antidumping Code is an example of the type of international agreement that I have in mind. Without attempting to judge the technical question of whether or not the U.S. antidumping law and the International Code are in conflict, we believe that the Code is a positive step forward and indicates the direction towards which policy should aim.

#### STRENGTHENING THE CONDUCT OF U.S. FOREIGN ECONOMIC POLICY

If the United States is to cope fully with trade problems and is to be able to effectively encourage creation of a world program for fair economic competition, thought should be given to improved administrative mechanisms for the conduct of trade and related foreign economic policies. A minimum requirement is to make permanent the Office of the Special Representative for Trade Negotiations and to strengthen its ability to handle the many complex foreign trade and commercial issues that daily confront it. Beyond this, we suggest that this country begin to plan for eventual creation of a foreign economic policy agency with Cabinet status.

We suggest that the Ways and Means Committee give thought to this proposal in framing new legislation.

#### ADMINISTRATION TRADE BILL

The proposed 1968 Trade Expansion Act is necessary at this time for a number of reasons. The so-called "housekeeping" authority it contains will simply allow the President to use the tariff cutting authority left over from the 1962 Trade Expansion Act to conduct properly the nation's commercial relations. It would also give the President the bargaining power he might need to conduct negotiations to correct special problems arising between the United States and one or several of its trading partners. It is our understanding that the Administration has no intentions or plans to enter into any broad-scale tariff negotiations should the housekeeping authority be granted.

A major problem of the Kennedy Round was the American Selling Price (ASP) sys-

tem of customs valuation, a system which permits duties on four kinds of imports to be based on the U.S. price of the competitive product, rather than the actual price of the import itself. Though essentially it is a technical problem of import valuation, ASP is a choice example of a non-tariff barrier to trade. Administration spokesmen have discussed at length the nature of the ASP system, and spokesmen for those who oppose change in the present system will no doubt exhaustively explore the technical aspects of this method of customs valuation in days to come.

We can only make some general observations here. First, in my post as President of the International Chamber of Commerce, I talk regularly with businessmen abroad. I have been deeply impressed by the extent to which foreign businessmen see the American Selling Price system as a major impediment to trade relations, as a symbol of the difficulty of competing in the American market. I am convinced that the American Selling Price, unless modified to conform to the standard methods of valuing imports, will impede further meaningful progress in removing foreign non-tariff barriers, and creating conditions of fair competition in world trade by eliminating restrictive business practices.

It is very difficult for one group of businessmen to suggest remedies for another. We do not wish to be in that position, and would merely rest our comments about ASP on these thoughts: uniformity of commercial practice is a particularly desirable objective in international business; the ASP system itself has outlived the conditions that made it desirable in 1922 as a measure to encourage development of the then "infant" benzenoid chemical industry; ASP stands in the way of really meaningful future liberalization of world trade through removal of the other-than-tariff restrictive trade practices of other countries.

The proposed trade bill would also authorize annual appropriations to finance the U.S. contribution to the budget of the General Agreement on Tariffs and Trade. We support this proposal, because we believe that in any meaningful effort to establish uniform world competition rules the General Agreement on Tariffs and Trade would likely be the principal instrument through which to achieve this objective.

#### CONCLUSION

We have tried to demonstrate the nature of our economic stake in a freer trade policy. We believe that restrictions such as quotas and orderly marketing ceilings are unwarranted and inconsistent with a free enterprise economic system. We believe that the balance of trade problem must be met by fundamental U.S. economic policy measures, rather than by measures of external control. We are convinced that any advantage the United States attempts to gain through restrictionist schemes will be more than wiped out by retaliation from our trading partners.

For the future, we recommend that a policy of fair competition in world trade be formulated and implemented appropriately, and that primarily in this way problems of unfair foreign trade practices be corrected. The President's trade proposals would be a first step forward.

#### STATEMENT BY ROBERT W. PURCELL, CHAIRMAN OF THE INTERNATIONAL BASIC ECONOMY CORP.

Mr. Chairman, my name is Robert W. Purcell. I am a member of the Emergency Committee for American Trade. For the past several years I have been officially connected with the International Basic Economy Corporation successively as President, Chairman of the Board of Directors, and most recently, Chairman of the Finance Committee. This corporation, generally referred to as IBEC, is engaged in a number of business activities

specifically designed in part to contribute to the economic development of less developed countries on a private enterprise basis. To that end, we have business activities in some 18 countries which are classified as less developed and therefore the object of aid and support in line with our Government's official foreign policy.

Through this network of business organizations, we are in close contact with these countries' business leaders, professional men, political leaders, and others engaged in all walks of life. The first point I wish to make here this morning is that the people in these less developed countries view with great alarm any move by the Government of the United States which will tend to decrease world trade and the ability of these countries to participate in it. They frankly fail to comprehend any policy of the United States which, while giving financial aid to them on the one hand, will, on the other, impair their ability to export their products through world trading channels to the United States. They point out that when other industrialized countries retaliate against U.S. protectionism by erecting trade barriers of their own then their export trade would be adversely affected elsewhere in the world. I submit, Mr. Chairman, that the adoption here of protectionist measures would be a sad step backwards in our continuing endeavors to maintain good relations between this country and the developing nations of the world.

The second and final point I wish to make this morning, Mr. Chairman, relates to a question that is frequently used to arouse the emotions—the effect of imports on jobs.

It has been argued, frequently and vigorously, that American industry needs protection against imports so that our people will not lose their jobs. We all understand the seriousness of such a charge. But I must say that this argument sounds a bit strange today, considering that the national unemployment rate is now down to 3.5%, that experienced wage and salary workers have an unemployment rate of 3.2%, and that unemployment among married men is down to the extremely low level of 1.6%. We have, in fact, a situation that has edged beyond full employment toward one of over-employment, and the resulting labor shortages are a significant force behind our current inflationary problem.

This is not to deny that high unemployment rates continue to exist in certain areas and among certain groups in our economy. Everyone is aware that there is considerable unemployment among the young, among Negroes, in depressed areas and in the ghettos. The question at issue, however, is whether or not import quotas or similar devices will actually improve the employment situation for these people. We find no compelling evidence that it will. If we are to solve the unemployment problem that now exists in various pockets in our economy, the tools used are going to have to be the kind that can be applied directly to the problem where it exists. General tools, like import quotas covering entire industries, will not do this job and will give us more inflation. Furthermore, it is erroneous to think that industries or even particular enterprises protected by quotas will provide real solutions to the problems of unemployment and poverty. What they would do is trap people in low-paying jobs and virtually guarantee continuation of their status as low-wage workers.

In 1968, in testimony presented to a subcommittee of the House Education and Labor Committee, this job argument was offered in a slightly different form by the Trade Relations Council. It was based on a computer analysis of data on employment, imports and exports for certain U.S. industries. A key table in that analysis covered 35 industries, all of them at the relatively small four digit Standard Industrial Classification code level. The 35 industries were

labor-intensive; all 35 showed a decline in employment from the average for 1958-60 to 1964; and all showed an increase in net imports over those same years. The implication was plain. Imports were presumably causing the decline in employment, and the decline was particularly bad because labor-intensive industries offer many of the beginning jobs for people with low skills.

The 35 industries involved had lost a little over 200,000 jobs over the period involved. About 3/4 of this loss was concentrated in 9 of the 35 industries. Our economists examined these nine industries. Our analysis showed that most of the jobs involved were lost because of a rise in productivity in the industries involved. Imports had nothing to do with the loss of most of these jobs. It is true that imports exceeded exports by a greater margin in 1964 than 1958/60 in every one of the nine industries examined, but the rise in net imports accounted for only a small fraction of the actual decline in jobs. In Footwear, where the job decline due to imports was greatest, 3,450 out of 12,764 production worker jobs lost could be traced to imports. However, in Sawmills and Planing Mills only 2,053 out of 42,133 could be traced to imports, and in Bakery Products only 117 production workers jobs out of a total of 18,713 jobs lost could be attributed to imports. The implication that imports caused most of the job losses is erroneous. While the loss of even one job can be a personal tragedy, even this must be offset against the 2.9 million American jobs based on exports which are at hazard when we consider protectionism and the retaliation it would provoke.

One last point is worth making about the nine industries that were analyzed. During 1964-1966, six of them showed employment increases, and the others showed a reduced rate of job loss.

Details of our analysis are available if the Committee would like to pursue this question further.

I want to thank you for this opportunity to present by views.

STATEMENT OF WILLIAM BLACKIE, CHAIRMAN,  
CATERPILLAR TRACTOR CO.

I would like to support the position of the Emergency Committee—by appealing for Protection—for protection of the jobs of millions of Americans who earn their living through all the manufacturing and commercial processes involved in exporting from the U.S.

In total, I am informed that such employees far exceed any number that could possibly be harmed by any increase in imports; and I presume that one of the important objectives of our trade policy should be net advantage to us in terms of employment.

Using my own employer, Caterpillar Tractor Company, only for pragmatic illustrative purposes: we expect our exports this year to exceed \$500 million (and hopefully to make a contribution of about that amount to the U.S. balance of payments). That will be about one-third of our total sales and on the basis of a U.S. employment of more than 48,000 we estimate that about 15,000 of our people owe their jobs to these exports.

(As I observe the constitution of this committee's membership, I might perhaps interject here the information that the greater proportion of our work force is engaged in Illinois, and it is no coincidence that Caterpillar is both the largest employer and the largest exporter in that state. Other employment is located at our plants in California, Iowa, Ohio, Pennsylvania, and Wisconsin.)

(In a further digression, it might not be wholly inappropriate to mention that \$500 million is roughly one-half of the adverse balance of trade for the entire U.S. steel industry, and when that industry decries the paucity of its exports it generally seems to overlook the fact that Caterpillar and steel-

users like it are, in effect, its export department.)

These results have been attained gradually over a number of years and we believe we can carry them forward further provided that, in addition to the hazards at home, we are not handicapped by a reduction of opportunity to sell into other countries by reason of restrictions imposed by their governments.

In every developed country, just as in ours, there are industries that would rather operate under the shelter of some form of protection than face up to the rigors of open competition. And again, just as in our country, those industries are looking for every possible opportunity to justify a claim for protection from their external competitors.

Not unexpectedly, the arguments offered in support of their claims are about the same as those advanced here—fuller employment, defense essentially, balance of payments betterment, etc. To be sure, none can claim harm from "cheap American labor." Instead they claim to be the suffering victims of the "technological gap" between U.S. industry and theirs. They want, in effect, to be protected from our skills—from those proficiencies which have made it possible for American industry to pay higher wages and still be competitively effective in world markets.

Among the opportunities which could be created for such claims by foreign industries, and for responsive actions by their governments, would be any action on the part of our government to restrict their imports into this country. After years of multilateral reciprocity in the progressive expansion of international trade, we would be faced with a variety of unilateral retaliatory measures—leading to a regressive restriction of both international trade and international competition.

In the beginning, the battle would be fought on the grounds of price. But price is only one of the elements in the competitive discipline. In the long run it is likely to be superseded by the more important element of innovation—of invention—of ideas. Could it be entirely accident or coincidence that, in American industry today, those exports which are contributing so gratifyingly to our balances of trade and payments are, for the most part, being made by industries which, on the one hand, have had little or no protection from foreign competition and, on the other hand, have produced a disproportionately large contribution of innovation and enterprise.

Mr. Chairman, gentlemen, in any competitive situation, the way to win is to avoid the creation of conditions under which one will lose. In my judgment we cannot retreat our way out of our present predicaments. We must continue the advances made by our predecessors. We are in good position to continue the move forward, expanding our employment, increasing our tax base, strengthening the value of our dollar, and contributing more than ever to the welfare of that troubled world in which we hold such a responsible, leadership position.

STATEMENT OF T. A. WILSON, PRESIDENT, THE  
BOEING CO.

Mr. Chairman, we appreciate having the opportunity to appear before this Committee to express The Boeing Company's belief in the importance of freer world trade—not just its importance to the commercial jet transport industry—but, more importantly, to the trade balances of the United States.

We view the expansion of world trade as being vital to the economic well-being of this nation. Unilateral or more severe import restrictions, in our view, would invite retaliatory trade restrictions which could seriously injure the United States, its consumers, the economy and business and labor generally.

With respect to labor, in his statement to this Committee on June 4, Secretary Wirtz estimated that 60,000 jobs in the aircraft

industry result directly from export business. In our company alone, today, we conservatively estimated that our foreign sales account for 15,000 of our employees. Since we subcontract approximately one-half of our work a comparable number of people would be employed by our subcontractors.

Now, Mr. Chairman, despite foreign government monopolies, subsidies, and other competitive advantages, the United States commercial jet transport manufacturing industry has sold and delivered to foreign customers one-third of its total output since the beginning of the jet age in 1958. Since 1958 these exports have averaged more than \$300 million annually. For the last three calendar years, the average has been more than \$500 million annually. The immediate future looks even better. Market forecasters are estimating a foreign market for commercial jet transports averaging \$1 billion a year during the next decade. Conversely, imports by United States airlines of jet aircraft have totaled \$200 million since the beginning of the jet age.

A remarkable penetration of the world market has been achieved, with United States manufacturers capturing about 70% of total sales of jets to foreign airlines. However, the imposition of additional United States import barriers could reduce the demand for our products. In the long run, such action might further encourage certain foreign countries to support their airplane manufacturing industries in the development of competitive products that could reduce significantly the United States' share of the world market.

The demand for United States jet transports by the world's airlines is directly affected by the extent and trend of world trade. It is generally accepted that the ease of long range travel created by jet aircraft has stimulated and in turn is stimulated by international trade.

Because of the critical status of the country's balance of payments position, a United States Government position reaffirmed its support of freer world trade is considered to be most important. We believe that the United States should continue its lead in demonstrating to the world that free trade is the cornerstone of the economies of free nations. Certainly, no country has more to lose from pursuing the dangerous policy of restricting trade than the United States of America.

The simple, yet essential, truth, Mr. Chairman, is that companies in the forefront technologically need world markets to remain competitive. Sales in the world market are frequently the difference between high cost production and production sufficient to permit achievement of scale economies, and, therefore, markedly lower costs.

By the same token, however, this dependence on foreign export markets makes our industry extremely vulnerable to retaliation. Our sixty foreign customers include governments and government controlled entities. As an example, three of the largest are British Overseas Airways Corporation, Air France and Lufthansa of West Germany. The first two (BOAC and Air France) are wholly government owned and the third (Lufthansa) is about 75% government owned. In light of such government-airline relationships, it would seem likely that, should the United States institute trade restrictive actions, the governments of the countries affected might be inclined to further support foreign airplane companies whose products presently are not generally competitive with those produced in the United States.

RICHARD NIXON STANDS TALL  
AND STATESMANLIKE

Mr. HRUSKA. Mr. President, the campaign for the Presidency continues, and

as it does, the questions of who can win, who is attacking whose character or ability, and who is making gains or losing ground continue to be asked, both in and out of the press.

Two items that I believe are significant caught my eye recently. They show that Richard Nixon continues to stand tall and statesmanlike despite the unsubstantiated attacks being made upon him.

Both were published in the Washington Evening Star. One is an editorial entitled "Politics of Desperation" and was published June 25. The other is a column written by James J. Kilpatrick, published June 27. I ask unanimous consent to place them in the RECORD.

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

[From the Washington (D.C.) Evening Star, June 25, 1968]

#### POLITICS OF DESPERATION

Nelson Rockefeller's bid for the Republican nomination has now evolved to its inevitable final stage: The Rough and Tumble Tactics of Desperation.

The governor's opening gambit was to announce his availability, to sit back and to wait for a draft to develop. No discernible ground swell was forthcoming, so he announced his active candidacy and toured the country delivering a series of high level position papers. Still the populace failed to rise. Next, a saturation television ad campaign. And now the all-out personal attack on the front runner, Richard Nixon.

Having timed his announcement of candidacy to coincide with the expiration of the filing date for the last of the primary elections, Rockefeller's only hope of influencing the convention delegates lies in the public opinion polls. He must show so well on the political handicappers' charts that the delegates simply cannot afford to overlook so obvious a winner. Up to the present time, however, the results have been less than startling.

Now Rockefeller has come out swinging, taunting, name calling and occasionally landing perilously close to the belt line with out-of-context quotations. He has the voters' attention, which is the basic requisite. But he still has, as we see it, a whale of a selling job to do.

Nixon, meanwhile, seems well advised to keep his cool and to decline a direct reply to Rockefeller's verbal clouts. His willingness to enter the primaries and his ability to bring out the vote has already helped the former vice president to shed his image of the loser. If Rockefeller gets too carried away with his present pier six tactics, Nixon's other political albatross—his reputation for ruthless opportunism—could end up around Rockefeller's neck.

#### NEW FIGURES FOR ROCKEFELLER'S NUMBERS GAME

Nelson A. Rockefeller, who has turned into a tiger on the campaign trail, apparently is picking up a few Brownie points in his belated chase after Richard Nixon. Early in the week, pollsters found gains for the New York Governor in Ohio and Pennsylvania. The Evans-Novak team, working a Cleveland beat, turned up a few sparks for Rocky, but nothing to call an inferno.

The governor's favorite pitch is the old reliable fast ball, hurled in tight: Nixon is a loser, Rockefeller is a winner. No Republican can hope for the White House, says Mr. R., unless he can carry the electoral votes of the big Eastern and Midwestern States, plus California. The big States cannot be carried unless the big cities within them are carried.

Here the governor sighs a lugubrious high. Nixon just can't carry these cities.

Thus, we now have been reminded repeatedly that Nixon in 1960 was doing fine in New York State until the returns came in from New York City. He was carrying Pennsylvania until he got to Philadelphia. He was leading in Michigan until he hit Detroit. Rockefeller just happens to have the figures in his pocket. As a matter of fact, he has them in his head. Ask him.

But in recalling these unpleasant incidents, is the governor being divisive? Is he violating his party's eleventh commandment which forbids speaking ill of another Republican? The governor reacts with an injured who-me, boss? No, indeed. He is merely citing the record. He is only mentioning a few figures. He thinks it better for the convention to consider realities. And the realities in the Rockefeller view are that Nixon is a loser and Rocky a winner.

Well, two can play the numbers game. It is doubtful, to begin with that anything very useful can be drawn from the experience of Nixon-Kennedy eight years ago in terms of Nixon-Humphrey or Nixon-McCarthy come November. Even so, it is worth recalling that in the straight Democrat-Republican race in New York, Nixon actually ran ahead of John Kennedy; the loss came with the Liberal Party's vote for JFK. Nixon lost Pennsylvania in 1960 by 116,000 votes in five million cast; he lost Michigan by only 67,000 in 3.3 million cast. He lost Illinois by fewer than 8,000, and the probabilities are that 5,000 of these were crookedly counted. This is not an appalling record as background for a Nixon-Humphrey contest.

Meanwhile, what of the Rock? M. Stanton Evans, editor of the Indianapolis News, recently pulled together a few pertinent figures of his own. If Rockefeller is a "winner," he concluded, you can't prove it by Rockefeller's record.

In 1958, Rockefeller polled 3,127,000 votes, or 53 percent of the total, to win election in New York. Four years later, he dropped to 3,082,000 and 51 percent. In 1966, though he spent a fortune and campaigned frantically, the figures fell to 2,691,000 and 44 percent. This is the pattern of a winner?

There is more. A Republican convention, urged to consider realities, will want to consider the reality of Rockefeller's coattail effect. A real winner ought to be able to carry others of his party into office with him, as Romney did in Michigan.

Evans looked for coattails and saw nothing but the seat of Rocky's pants. In 1956, before Rockefeller gained control of the Republican party in New York, the State had 26 Republicans and 17 Democrats in the House. After three Rockefeller terms, the delegation is composed of 26 Democrats and 15 Republicans. In 1966, New York Republicans, under Rockefeller's leadership, lost control of the State Assembly and barely held the State Senate. A study of 57 legislative districts found that Rockefeller actually ran behind the legislative candidates in 41 of them.

Would Rockefeller pull Republican candidates for Congress into office with him? It seems highly unlikely. It is Nixon, on the contrary, who demonstrated in the 1966 congressional campaigns that he can rally GOP organizations to the GOP cause. The records of Nixon's devoted labors just two years ago also count among the "realities" the convention will want to consider before it embarks upon the long and Rocky road.

#### THE SUPREME COURT NOMINATIONS

Mr. HARTKE. Mr. President, the Senate has received the names of two distinguished Americans and jurists as

nominees of the President for the Supreme Court of the United States. Judge Homer Thornberry, of the Fifth Circuit Court is proposed as a new Associate Justice. The nominee for Chief Justice is not one who is new to the Court, but rather one who in the past 3 years of service as the newest Associate Justice has shown the skills, the temperament, and the brilliance in the law which demonstrates conclusively his fitness to preside over our most august judicial body.

Nor has Abe Fortas been a stranger to the Court on which he serves in the years before taking his seat there. It deserves note that he was the choice of the Supreme Court itself to serve as the court-appointed attorney in the famous and precedent-setting Gideon case. It was the successful presentation of that case by Abe Fortas which established the principle that our judicial system owes to an indigent defendant in a serious criminal case the services of a legal defender, even though the Court had to overrule its own past precedents.

Besides his recent legal eminence as an Associate Justice, Mr. Fortas has a long reputation as a brilliant member of the bar. His service in the Government has included that of General Counsel to the Public Works Administration at the age of 29, to go on only 3 years later to the post of Under Secretary of the Interior. In private practice the firm of which he was a partner gained a deserved reputation as not only one of the best in the Nation's Capital but as one of the best in the Nation. No small part of that reputation derived from the abilities, so often sought by persons at the highest level, of Abe Fortas.

Consequently, Mr. President, I am personally among those who are pleased by the prospect that Associate Justice Fortas may soon become Chief Justice Fortas. I shall certainly vote for his confirmation, and that of Judge Thornberry as the nominee for the seat Justice Fortas will be leaving. As Chief Justice Warren said in a comment on the proposal of Mr. Fortas for the seat he is leaving:

I know he will be a great Chief Justice.

#### A MORE EQUITABLE SYSTEM FOR INDUCTION INTO ARMED FORCES

Mr. HART. Mr. President, on April 26, 1968, I introduced, for myself and Senators BROOKE, CASE, KENNEDY, MONDALE, and YARBOROUGH, S. 3394, a bill to provide a more equitable system of selecting persons for induction into the Armed Forces.

Specifically my bill (S. 3394) first, reverses the existing order of induction in order to draft 19 year olds first; second, creates a "prime selection" group from which draftees would be selected. This "prime selection" group would consist of three classes of draft registrants: (a) 19 years olds, (b) deferred registrants whose deferments cease, (c) registrants between 20 and 26 who are not now deferred and have not been called; third, states no draft registrant shall remain a member of the "prime selection" group for more than 1 year; and, fourth, removes from current law the provision prohibiting the

administration from setting up a draft lottery.

Basically, this bill is an effort to equitably spread the burden of the draft among all groups, provide the Army with younger, stronger, more easily trainable draftees, and return to the language of the Senate-passed 1967 draft bill which contained no provision prohibiting a lottery.

Since introducing S. 3394, I have received a number of wires and letters urging its passage. In short the response to S. 3394, especially from the academic community has been most gratifying.

I ask unanimous consent to have printed at this point in the RECORD four letters commenting on S. 3394 which I have received from presidents of institutions of higher learning in Michigan.

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

DELTA COLLEGE,

University Center, Mich., May 29, 1968.

Hon. PHILIP A. HART,  
U.S. Senate, Washington, D.C.

DEAR SENATOR HART: Thank you for your letter regarding your bill to amend the selective service act. I have asked our Academic Dean and our Dean of Students to add their judgments to my own, and we are in essential agreement on the following two points:

First, while this would tend to decrease the anticipated enrollment of male students for us, such a decrease probably would not be significant in numbers. In any case, our enrollment has increased so rapidly that we now have difficulty meeting the faculty, staff, space, and equipment needs. So while, on the surface, this might seem to be a detrimental effect of your bill, it is probably a moot point as to whether this effect is detrimental at all, merely neutral in its effect, or perhaps might be considered actually advantageous.

Second, your bill would be of tremendous assistance to us in terms of our faculty needs. Last year, primarily because of our growth, we had to recruit 35 new faculty members. This year, depending on our growth, we will need to recruit between 40 and 55. As the bill presently stands, without your amendments, it can seriously deplete the available supply of graduate students who are finishing their master's degree. These people supply a major source of new faculty members for us. One of the major effects of your bill would be, of course, to make it possible for these students to stay in school for a longer period of time, as they have been able to do in the last few years.

We would like to express all possible support for the enactment of your bill.

Sincerely,

D. J. CARLYON,  
President.

ALBION COLLEGE,  
Albion, Mich., May 31, 1968.

Hon. PHILIP A. HART,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR HART: Thank you for sending me a copy of Senate Bill 3394 which you have introduced to amend the Military Selective Service Act of 1967. This is a step forward, I believe. It does capitalize on the vigor and unattached character of the nineteen-year-old candidate for military service. It avoids the focus on students who would normally be in graduate school. The fact that it does not exclude these students nor, at the same time, make an undue use of them for military service is an important virtue. A modified lottery such as you propose has virtue.

In short, I would feel much more comfort-

able with your bill than the present arrangements. I hope it will be enacted.

Thank you for giving me a chance to look at this proposal.

Sincerely yours,

LOUIS W. NORRIS,  
President.

REFORMED BIBLE INSTITUTE,  
Grand Rapids, Mich., May 29, 1968.

Senator PHILIP A. HART,  
Washington, D.C.

DEAR SENATOR HART: In response to your query of 20 May concerning the amendment that you have proposed to the Military Selective Service Act of 1967 (Senate S 3394), our Institute administration expresses its deep interest and favor for your suggestion.

Cordially yours,

DICK L. VAN HALSEMA, Th.D.,  
President.

MACOMB COUNTY  
COMMUNITY COLLEGE,  
Warren, Mich., June 6, 1968.

Hon. PHILIP A. HART,  
U.S. Senate  
Washington, D.C.

DEAR MR. HART: Thank you for your informative letter on the proposed amendments to the Military Selective Service Act of 1967. I appreciate your continued efforts to remove the aura of uncertainty characteristic of our present system with respect to deferments for education. I feel most sincerely that a great deal of the antagonism and resentment concerning the draft is directly attributable to the real and supposed inequities of the present system.

Those eligible for draft in the "prime selection" group must know that all comparable young men are equally subjected—and that those temporarily deferred are certain of future eligibility.

Any system which promotes fair and equitable selection yet which allows those desirous of furthering their education to their fullest potential to do so without interruption, shall in the long run promote our democratic interests.

I heartedly concur that nineteen-year-olds merit the first attention of Selective Service. Having anxiously waited through their one year in the "prime selection" group or having their military obligation behind them will allow them to plan and lead more personally constructive lives. Those not called may pursue their vocational-educational goals with a sense of permanency, having served their period of eligibility. Those drafted, upon their return, may make excellent use of their G.I. Bill benefits through continuing their education rather than spending years waiting for the draft engaged at interim employment.

A most immediate concern to those responsible for the operations of educational institutions is the loss of deferment of those in graduate school. Staffing any community college with highly skilled educators holding the Master's degree is difficult at present. With selective service raiding the graduate schools of those attempting to meet this minimum requirement available staff will reach a most critical point, necessitating salary bidding at an all time high with its accompanying costs or lessening the requirements to the obvious detriment of post-secondary education.

You have my most sincere thanks for your efforts on behalf of education. I feel assured that the interests of education, so closely a part of our American philosophy, will remain at the forefront of your thoughts.

Sincerely yours,

JOHN R. DIMITRY,  
President.

Mr. HART. Mr. President, the need for draft reform is urgent. Every hour and every day Congress refuses to consider S. 3394, and S. 3052, the comprehensive

draft reform bill introduced by the distinguished junior Senator from Massachusetts, bring us closer to the complete implementation of the highly inequitable 1967 Military Selective Service Act.

Mr. President, while on the subject of selective service reform, I invite the attention of Senators to a recent Northern California U.S. District Court decision, Petersen against Clark.

In passing the 1967 Military Selective Service Act, Congress added a provision which denies judicial review of any draft classification and processing action unless the registrant is a defendant in a criminal action. In other words, under the 1967 Selective Service Act, decisions of the Selective Service System are insulated from Federal court review unless a registrant desiring to challenge a draft classification accepts the stigma of being charged with a criminal violation of the draft law.

Mr. President, I have always felt that the 1967 draft act's section 460(b)(3), which denies judicial review unless the draft registrant is a defendant in a criminal action, raises serious constitutional due process questions. Thus, I was particularly interested to learn of the California district court's decision in Petersen against Clark. In this decision, the court specifically held that section 460(b)(3) was in fact unconstitutional.

I ask unanimous consent to have printed in the RECORD the recent—May 28, 1968—California U.S. District Court decision of Petersen against Clark.

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

[U.S. District Court for the Northern District of California, Civil No. 47888]

NORMAN LLOYD PETERSEN, PLAINTIFF, v.  
RAMSEY CLARK, ET AL., DEFENDANTS

ORDER DENYING DEFENDANTS' MOTION TO  
DISMISS NATURE OF THE CASE

Plaintiff filed this action seeking to enjoin his then-scheduled induction into the armed forces of the United States. He alleged that he had been illegally classified and ordered to report for induction. Basically, he set forth numerous alleged procedural errors committed by his local board in the classification process which led to the order to report for induction. Said errors, plaintiff contended, denied him due process and hence vitiated the validity of the order to report for induction.

On January 23, 1968, after this court heard oral argument and allowed plaintiff to amend the complaint, it was held that 50 U.S.C. App. § 460(b)(3), properly construed, barred a civil action to enjoin an induction on the grounds pressed by plaintiff. This court continues to be of the view that congressional intent was indeed to eliminate civil review of the validity of such orders. See *Breen v. Selective Service Bd.*, 36 U.S.L. Week 2597 (U.S. Dist. Ct., D. Conn., March 13, 1968).

The order of January 23, 1968, as amended by this court's order of January 29, 1968, also ruled that plaintiff's amended complaint raised a substantial federal question appropriate for resolution by a three-judge court pursuant to 28 U.S.C. § 2282. The federal question is whether section 460(b)(3) is constitutional. A three-judge court was designated by the chief judge of this circuit. On February 20, 1968, a pretrial order was entered by this court and on March 14, 1968, this court approved a stipulation of the parties staying further proceedings in this case. The parties then believed that *Oestereich v. Selective Service Local Board No. 11—F.2d—*

(10th Cir. 1968), in which certiorari was then to have been sought, see 36 U.S.L. WEEK 3375, raised the issue of the constitutionality of section 460(b)(3).<sup>1</sup> From a reading of the memorandum filed by the Solicitor General in *Oestereich*, both sides later discovered that the Supreme Court may not decide the question which is precisely presented in this case. On April 3, 1968, the defendants asked to be relieved of the stipulation and filed a motion to dismiss this action.

On January 25, 1968, plaintiff refused to submit to induction into the armed forces of the United States. On April 23, 1968, plaintiff filed a motion basically seeking injunctive relief to prevent criminal prosecution for his noncompliance with the induction order, and seeking declaratory relief that the order was invalid. The civil suit is barred if section 460(b)(3)<sup>2</sup> is constitutional so as to oust this court of subject matter jurisdiction to review plaintiff's classification and processing other than in a criminal case.

On April 26, 1968, oral argument was heard by the three-judge court. On May 13, 1968, after consideration by the three-judge court, it was determined that the action, insofar as it attacked the constitutionality of section 460(b)(3), did not necessitate a three-judge court. The three-judge court then remanded the case to this court for further consideration.

#### THE MOTION TO DISCUSS

The pleadings heretofore filed and the oral argument to the three-judge court clearly frame the issue in this case: Is it unconstitutional and a denial of due process for Congress to deny a person the opportunity to have civil judicial review of his selective service classification and order to report for induction in an "article-three" or "constitu-

<sup>1</sup>In his memorandum in *Oestereich*, the Solicitor General argues that the issue in that case "does not necessarily involve the constitutional validity of the provision of Public Law 90-40 [which is 50 U.S.C. App. § 460(b)(3)]" because "it is possible to construe the language [of section 460(b)(3)] as applicable to the generality of situations where the local board has applied its judgment, but to exclude purported action of a board which is in fact contrary to an exemption which has been expressly granted by statute." This court finds it difficult to distinguish a congressional determination to grant exemption to ministers and ministerial students, 50 U.S.C. App. § 456(g), from a congressional determination to grant exemption to conscientious objectors, 50 U.S.C. App. § 456(j), or, for that matter, deferments to students (by such rules and regulations as the President may prescribe), 50 U.S.C. App. § 456(i). Compare *Kimball v. Selective Service Local Board No. 15*, 36 U.S.L. Week 2677 (S.D. N.Y. 1968). Indeed, it is difficult to see why all the functions of Selective Service boards, including the withdrawing and terminating of deferments and exemptions, are not classification functions pursuant to the direction of Congress. Such functions involve the board's "judgment." *Cf.*, 50 U.S.C. App. § 456(k). In any event, there can be no "ducking" of the issue as presented in the instant case, for here the court is clearly concerned with the application of section 460(b)(3) to the "generality of situations where the local board has applied its judgment."

\* No judicial review shall be made of the classification or processing of any registrant by local boards, appeal boards, or the President, except as a defense to a criminal prosecution instituted under section 12 of this title . . . after the registrant has responded either affirmatively or negatively to an order to report for induction, or for civilian work in the case of a registrant determined to be opposed to participation in war in any form. . . .

tional" court<sup>2</sup> prior to a criminal prosecution pursuant to 50 U.S.C. App. § 462?

Plaintiff contends, in effect, that Article III's grant to Congress of the power to regulate original jurisdiction of the federal courts<sup>3</sup> other than the Supreme Court<sup>4</sup> is limited by the fifth amendment's due process clause which guarantees the right to an article-three court in circumstances such as are present here.<sup>5</sup> This case involves the specific situation where a federal administrative agency places an individual in the position of having to either: (1) comply with an allegedly invalid order when compliance may subject him to such restraint of liberty as military service entails or (2) risk criminal prosecution to judicially test the order's validity.

#### A. Congressional power to regulate the jurisdiction of the lower Federal courts

The United States Constitution, Article III, provides:

##### Article III.—The Judiciary

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. . . .

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States; between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

Article III has engendered considerable and continuing debate centering on whether

<sup>2</sup>See *Glidden v. Zdanok*, 370 U.S. 530 (1962); *Nat'l Mut. Ins. Co. v. Tidewater Transfer Co., Inc.*, 337 U.S. 582 (1949); *Williams v. United States*, 289 U.S. 553 (1933); *O'Donoghue v. United States*, 289 U.S. 516 (1933); *Ex Parte Bakelite Corp.*, 279 U.S. 438 (1929).

<sup>3</sup>The most extreme statement of the power is that since Article III confers the power to abolish the district courts (and courts of appeals), Congress can regulate their jurisdiction in any manner whatsoever. *E.g.*, *Harlan v. Pennsylvania R.R. Co.*, 180 F. Supp. 725 (W.D. Pa. 1960).

<sup>4</sup>*Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803).

<sup>5</sup>At oral argument, the question was raised whether a decision holding section 460(b)(3) unconstitutional would cast doubt on the validity of statutes such as 28 U.S.C. §§ 1331, 1332, each of which imposes a \$10,000 prerequisite to jurisdiction. Clearly a federal forum in the form of a constitutional court is denied to some potential litigants. This court is not persuaded that a decision respecting section 460(b)(3) carries any implications for federal question and diversity dollar limitations on jurisdiction. Dollar amounts do not confront an individual with choosing between prison and compliance with allegedly invalid government action. Only in such cases as dollar amounts might somehow create such a risk or choice would their validity be drawn in question by this decision.

the Judiciary Act of 1789, 1 Stat. 73, creating lower federal courts, merely complied with the constitutional mandate that the judicial power "shall be vested" or was a gratuitous act of Congress which Congress was free to withhold or later revoke. See *Wright, Federal Courts* §§ 1, 10. The precise question, however, of whether Article III itself prohibits Congress from abolishing the lower federal courts is not raised in this case. The reason of course, is that Article III is not the only guide to congressional power, for there is precedent construing the due process clauses of the fifth and fourteenth amendments and their implications concerning a right of judicial review.

At oral argument, plaintiff's counsel was asked whether Congress could abolish the United States District Courts and Courts of Appeals. The reply was a qualified "yes". The qualification was that some other (constitutional or article-three) court would have to be created in a case such as this one where an administrative body acts upon an individual in a coercive way. Counsel's answer either (1) ignored the holding in *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803), for surely original jurisdiction could not be conferred on the Supreme Court to enjoin military inductions if *Marbury* is viable; (2) implied that appellate review by the Supreme Court of a classification would suffice, such a scheme being like that held constitutional in *Yakus v. United States*, 321 U.S. 414 (1944); or (3) was sophistry since opting for the creation of a new, lower constitutional court would, in reality, be the equivalent of a "no" answer.

The thrust of plaintiff's attack on section 460(b)(3) has been that the fifth amendment's due process clause is a limitation on congressional power to regulate jurisdiction. If due process requires either (1) appellate review of induction orders by the Supreme Court or (2) original jurisdiction of injunction actions to enjoin inductions in lower constitutional courts, prior to the time a person could raise the defense of an order's invalidity in a criminal case, then section 460(b)(3) is unconstitutional. Even if one of the foregoing alternatives is required to satisfy due process, Congress is still free to abolish the lower courts if Congress would prefer to place review in the Supreme Court. Section 460(b)(3) proscribes both alternatives.

#### B. Due process and the elimination of all review

Despite Article III and the argument that Congress has plenary power over jurisdiction of the federal courts, but for original jurisdiction of the Supreme Court, most authorities are singularly alike in their reluctance to agree that Congress could completely abolish judicial review in a case such as this which involves the validity of an administrative order to report for induction. For example:

There is so much authority for the proposition that Congress is free to grant or withhold the judicial power that it might seem unnecessary to belabor the point. Yet lingering doubts remain. *Wright, Federal Courts* § 10.

In *Lockerty v. Phillips*, 319 U.S. 182 (1942), involving congressional power to vest special courts with power over Emergency Price Control Act disputes, the Court declared:

The congressional power to ordain and establish inferior courts includes the power "of investing them with jurisdiction either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good."

Yet the Court specifically reserved the question whether a prohibition of all relief would be constitutional. In *Yakus v. United States*, 321 U.S. 414 (1944), the Court upheld a scheme which provided, as the only review in a constitutional court, an appeal

to the Supreme Court from an administrative determination. The scheme went so far as to be the exclusive means of review. If a person by-passed his appeal, he was prohibited from raising his defenses even in a criminal case. The Court said:

There is no constitutional requirement that that test be made in one tribunal rather than in another, so long as there is an opportunity to be heard and for judicial review which satisfies the demands of due process. . . . 321 U.S. at 444

A leading commentator has declared:

[T]he "Congressional power to ordain and establish inferior federal courts includes the power 'of investing them with jurisdiction . . . in the exact degrees and character which to Congress may seem proper. . . ." Certainly this latter proposition is generally true, although theories as to . . . due process . . . may constitute peripheral qualifications upon the otherwise unlimited power of Congress to withdraw, curtail or in some other manner qualify a jurisdictional grant. Moore, Federal Practice [paragraph] 0.60[2].

At least one court of appeals has asserted:

We think . . . that the exercise by Congress of its control over jurisdiction is subject to compliance with at least the requirement of the Fifth Amendment. That is to say, while Congress has the undoubted power to give, withhold, and restrict the jurisdiction of courts other than the Supreme Court, it must not so exercise that power as to deprive any person of life, liberty, or property without due process of law. . . . *Battaglia v. General Motors Corp.*, 169 F. 2d 254., 257 (2d Cir. 1948).

Congress surely cannot dilute or abrogate existing constitutional guarantees in the guise of exercising its authority to vest, withhold or restrict the judicial power of inferior courts. If section 460 (b) (3) had provided for no review even in a criminal trial, the issue would be presented squarely of whether Congress could eliminate all review of the administrative action. If Congress can eliminate all review, then *a fortiori* section 460(b) (3) would be constitutional.

This court is not unmindful of the proposition that—

The very nature of due process negates any concept of inflexible procedures universally applicable to every imaginable situation. . . . "[D]ue process," unlike some legal rules, is not a technical conception with a fixed content unrelated to time, place and circumstances. . . .

As these and other cases make clear, consideration of what procedures due process may require under any given set of circumstances must begin with a determination of the precise nature of the government function involved as well as of the private interest that has been affected by governmental action. . . . *Cafeteria & Restaurant Workers Union Local 473 v. McElroy*, 367 U.S. 886, 895 (1961).

Mr. Justice Frankfurter, concurring in *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123, 162-63 (1951), declared:

"[B]y 'due process' is meant one which, following the forms of law, is appropriate to the case, and just to the parties to be affected. It must be pursued in the ordinary mode prescribed by the law; it must be adapted to the end to be attained; and whenever it is necessary for the protection of the parties, it must give them an opportunity to be heard respecting the justice of the judgment sought. . . . "Whether acting through its judiciary or through its legislature, a State may not deprive a person of all existing remedies for the enforcement of a right, which the State has no power to destroy, unless there is, or was, afforded to him some real opportunity to protect it. . . .

The requirement of "due process" is not a fair-weather or timid assurance. It must be respected in periods of calm and in times of trouble; it protects aliens as well as citizens.

But "due process", unlike some legal rules, is not a technical conception with a fixed content unrelated to time, place and circumstances. Expressing as it does in its ultimate analysis respect enforced by law for that feeling of just treatment which has been evolved through centuries of Anglo-American constitutional history and civilization, "due process" cannot be imprisoned within the treacherous limits of any formula. Representing a profound attitude of fairness between man and man, and more particularly between the individual and government, "due process" is compounded of history, reason, the past course of decisions, and stout confidence in the strength of the democratic faith which we profess. Due process is not a mechanical instrument. It is not a yardstick. It is a process. It is a delicate process of adjustment inescapably involving the exercise of judgment by those whom the Constitution entrusted with the unfolding of the process.

The notion that some review of administrative action which operates in a coercive way on an individual is essential to due process has found expression in Supreme Court decisions dealing with administrative functions other than Selective Service and manpower mobilization. For example, in the case of *American School of Magnetic Healing v. McAnnulty*, 187 U.S. 94 (1902), the Court held that where the Postmaster General illegally excluded letters from the mails by administrative order, a citizen could resort to the courts. The Court more or less assumed that some inherent judicial power existed. Thirty-four years later, the Supreme Court more explicitly stated the justification for judicial review. In a case where judicial review was sought of maximum rates for various services that stockyards rendered, such rates being fixed by the Secretary of Agriculture, the Court said:

But to say that their findings of fact may be made conclusive where constitutional rights or liberty and property are involved, although the evidence clearly establishes that the findings are wrong and constitutional rights have been invaded, is to place those rights at the mercy of administrative officials and seriously to impair the security inherent in our judicial safeguards. . . . Under our system there is no warrant for the view that the judicial power of a competent court can be circumscribed by any legislative arrangement designed to give effect to administrative action going beyond the limits of constitutional authority. *St. Joseph Stock Yards Co. v. United States*, 298 U.S. 38, 52 (1936).

Concurring in *St. Joseph*, Mr. Justice Brandeis stated:

[I]n deciding when, and to what extent, finality may be given to an administrative finding of fact involving the taking of property, the Court has refused to be governed by a rigid rule. It has weighed the relative values of constitutional rights, the essentials of powers conferred, and the need of protecting both. 298 U.S. at 81.

The supremacy of law demands that there shall be opportunity to have some court decide whether an erroneous rule of law was applied; and whether the proceeding in which facts were adjudicated was conducted regularly. To that extent, the person asserting a right, whatever its source, should be entitled to the independent judgment of a court on the ultimate question of constitutionality. But supremacy of law does not demand that the correctness of every finding of fact to which the rule of law is to be applied shall be subject to review by a court. 298 U.S. at 84.

In this circuit, the Court of Appeals has stated, "[E]ven final action of an administrative agency, although declared unappealable by legislation, has always been subject to attack in court if fundamentals were violated." *Bustos-Ovalle v. Landon*, 225 F.2d 878, 880 (9th Cir. 1955). (The quote is dic-

tum, as the case involved an alien's attempted review of an administrative order permitting him to depart the country voluntarily. The court's holding denied review on the ground that administrative remedies had not been exhausted.)

In the landmark case of *Ex Parte Young*, 209 U.S. 123 (1908), an issue was whether Minnesota, through an administrative agency, could prescribe rates that railroads could charge for tickets and impose, in the event of an unsuccessful attack after violating the rates, a fine or imprisonment. The Supreme Court declared:

The company, in order to test the validity of the acts, must find some agent or employe to disobey them at the risk stated. The necessary effect and result of such legislation must be to preclude a resort to the courts . . . for the purpose of testing its validity. The officers and employes could not be expected to disobey any of the provisions of the acts or orders at the risk of such fines and penalties being imposed upon them, in case the court should decide that the law was valid. The result would be a denial of any hearing to the company. 209 U.S. at 146.

We hold, therefore, that the provisions of the acts relating to the enforcement of the rates, either for freight or passengers, by imposing such enormous fines and possible imprisonment as a result of an unsuccessful effort to test the validity of the laws themselves, are unconstitutional on their face. . . . 209 U.S. at 148.

It is true that *Ex Parte Young* was dealing with state, not federal, action and hence with the fourteenth, not the fifth, amendment. Whether every violation of the fourteenth amendment would also constitute a violation of the fifth amendment<sup>6</sup> need not be decided, for there is extent authority that insofar as the finality of federal administrative orders is concerned, some judicial review, at least of the procedural regularity of the administrative determination, is necessary at some time. In addition to the cases cited above, language in *Yakus v. United States*, 321 U.S. 414 (1944), implies that there is a right to some review:

There is no constitutional requirement that that test be made in one tribunal rather than in another, so long as there is an opportunity to be heard and for judicial review which satisfies the demands of due process. . . . 321 U.S. at 444.

and

The petitioners are not confronted with the choice of abandoning their businesses or subjecting themselves to the penalties of the Act before they have sought and secured a [full review and] determination of the Regulation's validity. 321 U.S. at 438.

In *Yakus*, the issue was whether, in determining the validity of price control legislation, Congress could require review of orders in a special legislative or article—one court with appellate review to the Supreme Court as the exclusive mode of review, even to the exclusion of review in a criminal proceeding. The Supreme Court answered in the affirmative. And even as to factual finality, there is some doubt as to the power of Congress to make administrative determinations final. In addition to the cases cited above, in *Crowell v. Benson*, 285 U.S. 22 (1932), the Court held that where a person's compensation recovery hinged on whether he was an employee working in interstate commerce, the administrative findings could not be given finality. Deeming the facts to be "constitutional", the Court said:

[I]f Congress may substitute for constitutional courts, in which the judicial power of the United States is vested, an [administrative agency] . . . for the final determination of the existence of the facts upon which the enforcement of the constitutional rights of the citizen depend . . . [t]hat would be to

<sup>6</sup> Cf., *Bolling v. Sharpe*, 347 U.S. 497 (1954).

sap the judicial power as it exists under the Federal Constitution, and to establish a government of a bureaucratic character alien to our system, wherever fundamental rights depend, as not infrequently they do depend, upon the facts, and finality as to facts becomes in effect finality in law. 285 U.S. at 56-57.

In his treatise on administrative law, Professor Davis collects the cases dealing with this question of whether all review could be foreclosed (which he terms the question of "unreviewability") and concludes:

When we line up the unreviewability cases on a scale, with rights in the nature of benefits at one end and obligations imposed through the governmental program at the other end . . . we find that most of the cases are bunched near the benefit end of the scale, and we find not a single clear-cut authority for unreviewability at the obligation end of the scale. . . . 4 Davis, Administrative Law § 28.19 (p. 104).

The conclusion seems to be justified that not a single case upholding unreviewability is an entirely satisfactory authority in support of the idea that due process permits denial of review of questions of law, procedure, and substantial evidence when the party seeking review is resisting enforcement of a legal obligation. *Id.*, § 28.10 (p. 106).

Perhaps questioning the propriety or constitutionality of unreviewability in the selective service context, the Supreme Court, in *Estep v. United States*, 327 U.S. 114 (1946), refused to construe the word "final" as meaning that no judicial review was permitted. Although draft board classifications were to be final, the Court held that judicial review in the criminal case was not meant to be precluded. See 327 U.S. at 120.

Mr. Justice Murphy, concurring, was explicit: "[J]udicial review of some sort and at some time is required by the Constitution. . . ." 327 U.S. at 130. Further, "As long as courts are open and functioning, judicial review is not expendable." 327 U.S. at 132.

This court can perceive no significant difference between giving finality to a state administrative order and a federal administrative order where either order requires compliance or criminal prosecution. The court concludes that Congress cannot make selective service induction orders unreviewable. Due process is offended by an administrative order which demands compliance or a term of imprisonment. One commentator has recalled "Hamilton's insight that limitations on governments are not worth a fig without courts to enforce them."<sup>7</sup>

The question then remains whether section 460(b)(3) is constitutional in confining review to the criminal prosecution.

#### C. Due process and the timing of judicial review

Having concluded that some judicial review of an order to report for induction is required by due process, the court notes that section 460(b)(3) does provide for review, but only at a criminal prosecution for vio-

lating the order.<sup>10</sup> Plaintiff contends that conditioning judicial review on compliance with the allegedly invalid order (and testing it by habeas corpus) or on risking imprisonment at a criminal prosecution should the order be found valid, is to deter many from testing the validity of orders at all, in effect provides for no hearing for some persons unwilling to risk prosecution (since the efficacy of habeas corpus is questionable<sup>11</sup> and, in any event, can come only after compliance with the order alleged to be invalid<sup>12</sup>), and hence violates due process.

Before turning to the merits, though not raised by the parties, the court feels compelled to discuss certain jurisdictional questions. The court is satisfied that a "case or controversy" exists concerning the validity of section 460(b)(3)—it precludes plaintiff from bringing a civil suit, plaintiff wants to bring a civil suit to enjoin criminal prosecution (originally to enjoin his induction), plaintiff contends the statute is unconstitutional, defendant contends the statute is constitutional. The court believes, however, that a serious question does exist whether plaintiff has "standing" to assert a constitutional defect which is based on a rationale which may have no relation to plaintiff himself. In other words, plaintiff's argument, simply stated, is that the statute precludes civil suits prior to the time he must comply with or violate the induction order. Yet plaintiff has already made that choice. He chose to violate the order.

It is a well-settled principle of constitutional adjudication that when a statute is attacked as violative of the first amendment, a plaintiff may raise hypotheticals or situations other than his own to illustrate the statute's unconstitutionality.<sup>13</sup> It is a less well-established principle that the same rule applies in a non-first amendment context. The clearest illustration in which the Su-

<sup>10</sup> The statute—section 460(b)(3)—may even be read to preclude review by habeas corpus after induction into the armed forces. No decision of which this court is aware has so construed it. Neither party in this case suggests such an interpretation to be correct. At oral argument, counsel for the government conceded that if habeas corpus were precluded a serious constitutional question would be presented, U.S. Const., Art. I § 9. This opinion assumes that habeas corpus after induction is an available remedy.

As the Solicitor General notes in his memorandum (n. 1) in the *Oestereich* case:

Public Law 90-40 does not explicitly preserve the habeas corpus remedy. However, the law prior to 1967 (when P.L. 90-40 was adopted) clearly permitted habeas corpus as a means of testing the validity of an induction order. *Witmer v. United States*, 348 U.S. 375, 377; *United States ex rel. Reel v. Badt*, 152 F. 2d 627 (C.A. 2); *United States ex rel. Samuels v. Pearson*, 151 F. 2d 801 (C.A. 3). The legislative history of P.L. 90-40 makes it plain that Congress intended to preserve the generally prevailing law with respect to judicial review of Selective Service classifications (H. Rep. No. 267, 90th Cong., 1st Sess., pp. 30-31). In addition, the statute provides for review after the registrant has responded "affirmatively" to the induction order; such review could only be by habeas corpus, since in these circumstances there would be no basis for a criminal prosecution. There would be room for doubt as to the constitutional validity of a reading of the statute which would abolish habeas corpus as a means of contesting an induction order. U.S. Constitution, Art. I, Sec. 9.

<sup>11</sup> See 56 Calif. L. Rev. 448, 660.

<sup>12</sup> *de Rozario v. Commanding Officer*, F. 2d (9th Cir. 1967).

<sup>13</sup> *Cf.*, 55 Calif. L. Rev. 549, 557-58 nn. 73-74 and accompanying text; Wright, Federal Courts § 13.

preme Court has allowed a litigant to raise constitutional claims of others in a non-first amendment case is *Barrows v. Jackson*, 346 U.S. 249 (1953). In *Barrows*, A, a white homeowner, sued B, a white seller of realty, alleging that B, A's former neighbor, had violated a restrictive covenant not to sell B's house to a non-white. A sought damages. The Court permitted B to raise the argument that such a covenant, if enforced, would impair the equal protection rights of non-whites seeking to purchase realty.

This court is satisfied that plaintiff may make his argument concerning the constitutionality of section 460(b)(3) for two reasons: First, *Barrows* is not materially different from this case, and since *Barrows* made it clear that the rule is neither constitutionally compelled nor forbidden, and since plaintiff did file this action at a time prior to the date set for induction, the court thinks plaintiff should be permitted to raise the arguments referred to even though he has made his choice. Second, the court is not convinced that there is no argument which does not apply to plaintiff personally. The court is cognizant of what is at least the practice in this district where even after indictment if a registrant submits to induction the criminal charge is dismissed. Therefore, if plaintiff is permitted to civilly challenge the validity of the induction order and he is wrong, he may still avoid the risk of imprisonment attendant on an unsuccessful challenge.

Turning then to the question of the constitutionality of section 460(b)(3) and its deferring of judicial review to the criminal prosecution, the court will first examine certain cases dealing with administrative rate-making and provisions for judicial review.

*Ex Parte Young*, 209 U.S. 123 (1908), has already been discussed. In that case the United States Supreme Court held that a state rate-making scheme which permitted a test of the validity of the orders only at the risk of imprisonment if the person is wrong was unconstitutional. The language in *St. Joseph Stock Yards Co. v. United States*, 298 U.S. 38 (1936), has also been quoted wherein the Supreme Court implied that finality in administrative rate-fixing was contrary to notions of due process.

In *Wadley Southern Ry. Co. v. Georgia*, 235 U.S. 651 (1915), the Court had before it a rate fixed by the state railway commission. The Court distinguished the case where if a railroad went to court to test the rate and lost, it had to pay a substantial penalty which accrued while litigating the validity. Instead the Court found that state law did provide for a way to test the rate without risking the penalty and held that the railroad had waived that judicial route.

A similar holding is found in *St. Louis, Iron Mtn. & So. Ry. Co. v. Williams*, 251 U.S. 63 (1919). In both *Wadley* and *Williams* the Court strongly implied that if an unsuccessful judicial test of rates would result in penalties being imposed, as in *Ex Parte Young*, the judicial review provisions would be unconstitutional. In *Oklahoma Operating Co. v. Love*, 252 U.S. 317 (1920), a state corporation commission determined that a laundry was a monopoly and then proceeded to regulate the laundry's rates. The only way to test the regulation was to defend a contempt proceeding for noncompliance, and an unsuccessful defense resulted in severe monetary penalties. The Supreme Court held that the scheme violated due process. See also *Colling v. Kansas City Stock Yards Co.*, 183 U.S. 79 (1901). Again, in *Missouri Pac. Ry. Co. v. Tucker*, 230 U.S. 340 (1913), a case in which the rates could be tested only by risking substantial fines in the event of an unsuccessful challenge, the Court held the scheme unconstitutional, citing *Ex Parte Young*. In *Pacific Tel. & Tel. Co. v. Kuykendall*, 265 U.S. 196 (1924), the Court held that federal courts could suspend penalties which

<sup>7</sup> See 56 Calif. L. Rev. 448 (1968), dealing with legislative considerations and policy in limiting review. The commentator explicitly declined to deal with the constitutional question involved in this case.

Not directly involved in this case is the constitutional question of what scope of review is essential to due process; that is to say, the continuing vitality of *Estep v. United States*, 327 U.S. 114 (1946).

<sup>8</sup> *Currie, The Three-Judge District Court in Constitutional Litigation*, 32 U. Chi. L. Rev. 1, 9 (1964). See also *Ohio Bell Telephone v. Pub. Util. Comm'n of Ohio*, 301 U.S. 292 (1932).

<sup>9</sup> In an article-three or constitutional court.

were accruing pending a suit to test the validity of rates and which would be imposed in the event of an unsuccessful challenge. And in *Porter v. Investors Syndicate*, 288 U.S. 461 (1932), the Court construed a statute to mean that the effect of an administrative order would be stayed pending the institution of a test suit by an aggrieved party. *Reisman v. Caplin*, 375 U.S. 440 (1963), dealt with the provisions for judicial review of an Internal Revenue summons issued pursuant to Section 7602 of the Internal Revenue Code of 1954. A unanimous Court recognized the principle of *Ex Parte Young* and the cases cited above. The holding in *Reisman* was that the judicial review provisions were constitutional because they allowed a challenge without having to choose between compliance or penalty.

An examination of the foregoing authorities, and especially the recent decision in *Reisman v. Caplin*, compels the conclusion that judicial review cannot be conditioned on the risk of incurring a substantial penalty or complying with an invalid order. More precisely, it should be stated that the foregoing is the conclusion in situations other than a selective service context. The court is left with the problem of balancing the interests of the government and the individual in the selective service context to see if what the government cannot do in other factual situations it may do when the governmental function involved is the raising of armies.

The court is unable to say that the financial penalties involved in most of the above cases or the risk of contempt constitute a less severe burden on the individual than the risk of imprisonment attendant upon an unsuccessful challenge of an induction order. What of the government's interest? It is certainly arguable that raising taxes and collecting rates is less important to government than mobilizing manpower for the armed forces. While this court is not competent to weigh the competing policies and necessities, it is willing to assume that the efficient operation of the selective service system is a more important function than any of the governmental functions discussed in the foregoing cases. However, since the risk to the individual is also substantial, and accrues as a result of a statute which would appear to be unconstitutional in a context other than selective service, the court must assess the consequences of a holding that the statute is unconstitutional. Due process is, of course, not an inflexible concept. The borders of due process may vary with the situation. The determination of the substance of due process in a given context must rest on an analysis of the competing interests. As has already been said, the individual's stake weighs heavily in the balancing process. If the individual chooses to contest the validity of the administrative order, and the individual is wrong, the individual finds himself convicted of a crime. The court is of the view that allowing civil review in advance of criminal prosecution would not disrupt the selective service system. The court is aware that the Solicitor General, in his memorandum (pp. 3-4) in the *Oestereich* case, declared:

Under this statute, a registrant must either refuse induction and risk criminal prosecution, or submit to induction and seek a writ of habeas corpus, in order to obtain judicial review. While this scheme undeniably requires a registrant to incur a serious risk in order to obtain review of his draft classification, Congress has determined that the need for postponing judicial review in such situations outweighs any countervailing considerations. Public Law 90-40 was designed "to prevent litigious interruptions of procedures to provide necessary military manpower" (113 Cong. Rec. S8052 (June 12, 1967) (Sen. Russell); see *Falbo v. United States*, 320 U.S. 549, 551-554). Indeed, if pre-induction review were generally available, many men could be expected to bring suit in the

hope of avoiding, or at least postponing, military service. Postponement of judicial review serves the national interest in preventing delays in the induction process, and the rights of the individual can be vindicated through the availability of post-induction review. Congress has thus struck a balance consistent with the Constitution.

In determining whether judicial review satisfies due process, a court cannot totally abdicate the balancing process to Congress.

Assuming civil review was available, what would the consequences be? First, assume that an individual's induction order is valid. Most likely, in a civil suit, the validity will be determined in the injunction proceeding following a brief hearing on an order to show cause. Once determined, the probabilities are that the validity will not be relitigated in the subsequent criminal case. The individual, having obtained a judicial declaration that his order to report is valid, may submit to induction, avoiding the consequence of a criminal conviction which would have obtained had he lost his challenge in the criminal case. Alternatively, he may choose to have a trial on the issue of the wilfulness of the refusal to submit. At such a trial, the court may avoid the now necessary procedure of having to excuse the jury whenever a witness gives testimony relating to the validity of the induction order, which issue is solely for the court to decide, *Martinetto v. United States*, F. 2d (9th Cir. 1968).

Therefore, the time taken in civilly adjudicating the validity of the induction order might have the following two effects: (1) the need for a few trials will be obviated by voluntary compliance with orders which have been judicially declared valid, and (2) some time will be saved at trials because the issue of the order's validity probably will not have to be litigated. The court has experienced such trials where briefs and argument on the validity of the induction order has been made both before and after the jury's verdict, with a considerable consumption of time. Second, assume the induction order is invalid. In this case, the need for calling and empanelling a jury will be completely eliminated and the court will experience a net saving in time.

Accordingly, this court believes that no substantial burden on the judiciary will be experienced by entertaining civil jurisdiction of suits to determine the validity of induction orders. Furthermore, since only the timing and not the scope of review will be affected, the number of men who will ultimately be found to have been validly classified will not be changed. Hence, no interference with the governmental function of raising of armies will result from civil jurisdiction.

Having weighed the consequences of section 460(b)(3) upon the individual, having considered the implications of a declaration that the statute is unconstitutional, and having considered the numerous authorities suggesting that such a statute would be unconstitutional in other contexts, the court holds that due process in this particular context demands that it is unconstitutional to restrict a registrant to the criminal trial forum to raise the defense that his order to report for induction was invalid because of procedural errors committed by the administrative agency in the classification process.<sup>14</sup>

<sup>14</sup> Expressly not decided herein is the question of whether, in every case, the same quantum or scope of judicial review is required. The court is here faced with a very specific situation in which a registrant must face induction or imprisonment to test the validity of his order and in which even in a criminal case the scope of review is extremely circumscribed. Hence, the risks attendant on the criminal trial are even greater than in the usual case where judicial review is permitted to invoke the substantial evidence test.

#### D. The remedy of habeas corpus

The contention is made that section 460(b)(3) is not unconstitutional because due process is satisfied by the existence of the post-induction remedy of habeas corpus. Although the efficacy of habeas corpus in the military context has been questioned,<sup>15</sup> this court is not of the view that section 460(b)(3) is constitutional, even assuming habeas corpus is effective.

First, one must recognize that to utilize habeas corpus one must be inducted into the armed forces.<sup>16</sup> Second, submitting to induction is the equivalent of compliance with the administrative order alleged to be invalid.<sup>17</sup> Third, the mere existence of habeas corpus as a remedy after the substantial deprivation of liberty should not serve to abrogate the duty to prevent the damage if possible.<sup>18</sup> The court doubts that in a criminal trial our system of justice would tolerate, for example, the deferring of all fourth or fifth amendment claims or defenses until after a factual finding that a defendant committed certain acts and require that they be raised by way of habeas corpus after confinement.

Accordingly, the court holds that the mere existence of habeas corpus as a remedy following induction into the armed forces of the United States, does not justify the elimination of a person's due process right to judicial review of an order to report for induction without the risk of imprisonment or compliance with a potentially illegal and untested administrative order. To repeat the words of the Court in *St. Joseph Stock Yards Co. v. United States*, 298 U.S. 38, 52 (1936):

Under our system there is no warrant for the view that the judicial power of a competent court can be circumscribed by any legislative arrangement designed to give effect to administrative action going beyond the limits of constitutional authority.

#### CONCLUSION

The court holds that Congress cannot deny pre-criminal judicial review in some constitutional or article-three court to review the validity of an order to report for induction into the armed forces of the United States.<sup>19</sup>

In finding section 460(b)(3) unconstitu-

<sup>15</sup> 56 Calif. L. Rev. 448 (1968).

<sup>16</sup> *de Rozario v. Commanding Officer*, — F.2d — (9th Cir. 1967).

<sup>17</sup> See *American School of Magnetic Healing v. McAnnulty*, 187 U.S. 94 (1902); *St. Joseph Stock Yards Co. v. United States*, 298 U.S. 38 (1936); *Crowell v. Benson*, 285 U.S. 22 (1932).

<sup>18</sup> See Hart, *The Power of Congress to Limit the Jurisdiction of Federal Courts: An Exercise in Dialectic*, 66 HARV. L. REV. 1362, 1381-83 (1953). There is also the view that as long as Congress has charged the courts with an enforcement power to criminally try persons for noncompliance with orders to report, the court ought to be able to determine the validity of said orders without jeopardizing a person's liberty. Cf., *Yakus v. United States*, 321 U.S. 414 (1944); *Ex Parte Young*, 209 U.S. 123 (1908); *Reisman v. Caplin*, 375 U.S. 440 (1964); *Estep v. United States*, 327 U.S. 114, 132 (Murphy, J., concurring) (1946).

<sup>19</sup> Defendants have contended that even absent section 460(b)(3), prior case law precludes civil review in a case such as this one. This court is of the view that the opinions are not as clear as the government asserts, some being based more on the rationale that plaintiffs had not exhausted administrative remedies than on a true lack of constitutional jurisdiction. See, e.g., *Breen v. Selective Service Local Board No. 16*, — F. Supp. — (D. Conn. 1968); compare *Daniels v. United States*, 372 F.2d 407 (9th Cir. 1967) (issuance of order to report for civilian work constitutes end of administrative process for purposes of raising defense at criminal trial).

tional in that it denies pre-criminal and pre-compliance judicial review, this court has not impaired congressional power under Article III to restrict the jurisdiction of the lower federal courts. Congress may, for example, adopt a scheme such as was involved in the *Yakus* case where no review of the administrative order was available at the criminal trial. Whether such a choice would be made by Congress, this court is neither able nor competent to say. But as long as the United States District Courts do exist, as long as the fifth amendment is the law of the land, and because the authorities herein cited are the law of the land, this court feels compelled to entertain plaintiff's civil suit to determine the validity of his induction order and to determine whether an injunction against criminal prosecution is justified.

Therefore,

It is ordered that the defendants' motion to dismiss is denied.

It is further ordered that further proceedings—in the nature of an order to show cause why plaintiff's order to submit to induction should not be declared invalid and why prosecution for failure to comply therewith should not be enjoined—are stayed pending further order of this court.

It is my opinion that this order should be an appealable order pursuant to 28 U.S.C. § 1292(b) because it involves a controlling question of law—whether 50 U.S.C. App. § 460(b)(3) results in an unconstitutional denial of due process—as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation.

Dated: May 28, 1968.

ALFONSO J. ZIRPOLI,  
U.S. District Judge.

Mr. HART, Mr. President, the Petersen against Clark decision merely dramatizes and reemphasizes the need for a complete congressional reevaluation of the Military Selective Service Act of 1967.

I am hopeful that Congress will promptly consider my draft reform bill—S. 3394—and also the well-reasoned comprehensive draft reform bill—S. 3052—introduced by the senior Senator from Massachusetts [Mr. KENNEDY].

#### THE NATION DEMANDS EFFECTIVE GUN CONTROLS

Mr. TYDINGS, Mr. President, the clamor for effective gun controls in America today does not come from voices crying in the wilderness. Many Members of Congress have added their voices to this cause. The President has urgently requested effective gun control legislation. Countless public figures have spoken out in favor of gun controls. The Emergency Committee for Gun Control and many other responsible organizations, public and private, have joined forces in this cause. The demand for action is so widespread, in fact, that a stranger coming into our midst from some distant land would wonder why the problem had not been solved a long time ago.

The need for firearm registration and licensing has existed for decades. Public opinion polls for decades have shown massive support for gun controls. The toll of tragedy caused by guns grows higher with each succeeding year. What is the roadblock?

Why does Congress seem so unresponsive to the clear wishes of the majority of Americans? As we all know, the an-

swer is very complicated. For example, there are traditional attitudes against gun controls in some parts of the country. Another element of the problem has to do with a lack of understanding as to exactly what the proposed gun control legislation would do.

Until recently, public apathy was widespread. Finally, there has always been the opposition generated by well-organized and highly vocal lobbies which feel their interests will be damaged by any gun control legislation.

At this time, I have no wish to get into a detailed discussion of what has or has not happened in the past. Instead, I would like to talk about the present—what the Nation is asking for, and what we here in Congress need to do now. For this purpose, I will quote briefly from a number of editorials throughout the country, all asking for positive action on gun control legislation.

Mr. President, there has been no massive, comprehensive search on my part to scan every newspaper from every city in the Nation. The editorials I shall cite came to me because of my well-known commitment to effective gun control legislation. There may be other editorials which are against gun controls, which have not come to my attention. But, the geographical distribution of the newspapers from which I shall quote is highly significant. These editorials come from newspapers in 20 States, coast to coast, in all sections of the country.

From the Des Moines Register:

Britain has a long history of firearms control—and an enviably small number of deaths by shooting.

The Daily News, New York:

Let's Try These Controls.

The Denver Post:

Right now, it certainly will help to write congressmen, state legislators and city councilmen in support of more effective gun control and registration laws.

All persons of good will who deplore violence can take heart from the fact that because of the pressure of public opinion opposition in Congress to effective gun control legislation is showing signs of cracking.

The Philadelphia Evening Bulletin:

What should be remembered about restrictions on interstate commerce in deadly weapons is that they back up states and localities in efforts to achieve adequate gun regulation within their borders.

The time has come for Congress and the states to move at once and more strongly on gun legislation.

The Atlanta Constitution:

Gun registration in no way would interfere with a "citizen's constitutional right to bear arms"—if indeed there were such an individual right—yet the NRA continues parroting such nonsense.

There is growing sentiment, reflected in recent opinion polls and among some members of Congress, that the only way to stop this nation from becoming an armed camp where murder and maiming by firearms is becoming almost commonplace, is to enact a federal firearms registration law.

Time for Gun Controls Is Now.

The Boston Globe:

We have gone past the point where we can worry about the inconvenience good gun laws might cause sportsmen and owners and sellers of firearms.

The Christian Science Monitor:

But the time, the demand, the impetus for normal, sensible gun control legislation is here now. Let Congress act!

Nothing short of the registration of every privately owned, commercially stocked and publicly assigned firearm in the United States can provide a gun control worthy of the name.

The Louisville Courier-Journal:

Public sentiment and the arguments from Congressmen are running strong in favor of effective new controls."

Chicago Sun-Times:

While the crime bill was designed to make America's streets safe, they will not be safe until all firearms are controlled.

Gun controls—sound and inclusive ones—are a national need.

Chicago Daily News:

The best gun control bill yet introduced is the Tydings bill requiring registration of all handguns, rifles and shotguns, and licensing of all owners or possessors of firearms.

The great awakening seems to be taking place. The heretofore silent majority of Americans who favor gun control is speaking up, stirred finally by the murder of Sen. Robert F. Kennedy to say "Enough!"

The Newark, N.J., Evening News:

Gov. Hughes has directed a strong but merited attack on Congress for its equivocation and delay in enacting an effective gun-control law. As the governor who pushed through the Legislature the strongest such law in the nation, Mr. Hughes is well qualified to speak on this subject.

It may be argued that no law can keep a madman or criminal from getting his hands on a gun. More to the point, however, is the fact that countries with strong gun curbs have fewer homicides.

Ithaca Journal:

There is no attempt to take away the right to keep and bear arms. The goal is the registration of firearms in an attempt to keep them out of the hands of the mentally unstable and the criminally bent.

In practically all of the legislation that has been proposed, there is no intent to deprive an individual of the right to own guns, except where there is clear evidence that he is a criminal or is insane or is otherwise not qualified to own and shoot a gun.

The Louisville Times:

National public opinion polls have indicated that most Americans—although they may not be as prone as members of NRA to write letters to Congress—do think there ought to be some restrictions on the sale of firearms.

The Los Angeles Times:

No amount of political pressure, real or imagined, can now be allowed to prevent effective gun restrictions.

Firearms Curbs Must be Uncurbed—Pretty Soon!

The Philadelphia Inquirer:

We should think that responsible gun owners would join the fight for sensible controls.

The Cleveland, Ohio, Plain Dealer:

Seventy-one percent of the American public, according to a Harris poll in April, favored stricter gun control as urban crime increases. Congress should heed this opinion.

The Minneapolis Star:

The President and the public, shocked by the rising crime rate and by the assassination of Sen. Robert Kennedy, wants far more stringent regulation of gun sales.

**The Milwaukee Journal:**

Our permissive tolerance of almost universal firearms ownership, and of promiscuous firearms traffic, is nothing short of scandalous.

**The New York Times:**

Risks that can be reduced need to be reduced after so much killing and crime. If some members of Congress continue not to think so, it is time their constituents demand action.

The obvious hole is, as we have repeatedly noted, failure to regulate interstate shipment of rifles and shotguns.

President Johnson has said, "Americans should not have to wait any longer for a strict gun-control law." We agree. The strictest—because it would inform the proper police officials about who owns private firearms—is Senator Tydings' bill. The time to pass it is now when the public demands a real law.

**The Baltimore, Md., News American:**

Those in favor of gun control laws are not organized into such groups as the N.R.A. They are simply the millions of Americans who are horrified by the continuing carnage wrought upon this nation by lax firearms legislation.

I have yet to hear a convincing reason why every legally owned gun of any description should not be registered and held under a license.

**New York Post:**

What the country must be told bluntly is that men engaged in the big business of domestic munitions are fighting to preserve their business-as-usual.

**Newark Sunday News:**

The United States is the only highly developed nation without gun registration or other control. We can hardly consider ourselves civilized until Congress provides it.

**The National Observer:**

In Britain, the homicide rate per 100,000 persons runs one-eighth the rate in the United States, the rate for robbery one-tenth the U.S. rate, and the rate for aggravated assault one-seventeenth. When 5,126 Americans were being murdered by firearms in 1963, 24 Britons were dying by the same means.

**The Nashville Tennessean:**

The Choice for Congress: Gun Lobby or the People.

**Long Island, N.Y., Newsday:**

The Congress should heed the President's plea to close the "brutal loopholes" in our gun laws.

**St. Louis Globe-Democrat:**

But reasonable precautions over sale of guns, all kinds of guns, could curtail crimes of passion, drunken gun brawls, accidental gun deaths and suicides. If so many guns aren't so handy, such mortal incidents should be less common. Responsible gun owners would hardly suffer under such laws.

**The Salt Lake Tribune:**

No gun control law, not even one making it a capital crime to possess firearms, will completely rid this violence-prone nation of the pistols, rifles, shotguns and even machine guns and bazookas held by millions of its citizens for diverse reasons.

But a strong, fair and enforceable law which protects legitimate gun users while making it more difficult for crackpots, hate-mongers and petty crooks to acquire lethal weapons would be a long needed improvement over the hodgepodge of weak and ineffective state and federal gun control laws now in force.

**The Sacramento Bee:**

Certainly, even meaningful gun control legislation would not stop criminals bent upon crime from stealing or otherwise obtaining weapons. But even if it were effective to a small degree, it would be worth the little inconveniences it might impose upon a few gun lovers. It would be a start toward making this a truly civilized nation.

Yet Congress still refuses to pass an effective gun law although there are in the hands of the citizens of Sacramento County alone half as many guns as there are in the hands of 46 million Englishmen.

**The Philadelphia Sunday Bulletin:**

The public will have to continue to speak out if it really wants the general permissiveness on guns ended.

**The St. Louis Post-Dispatch:**

What is at stake in Congress is not denial of the privilege of bearing arms. What is at issue is reasonable regulation in the interest of public safety.

**The Wall Street Journal:**

It is becoming increasingly clear that if the pistols and rifles are left readily available in urban America, then some unpleasant changes are going to be made in other American traditions.

**The Wichita Sunday Eagle:**

Registration May Be Best Way to Control Gun Use.

**The Washington Post:**

Americans now live in much too close proximity to each other to leave guns lying around at random for their mutual destruction.

For years, the National Rifle Association, spokesman for sportsmen and the firearms industry, has managed to drench Congressmen in a downpour of letters opposing reasonable firearms regulation anytime anyone proposed it. Congress needs to be told that this special interest group does not speak for the Nation.

The aim of the gun lobby is quite clear: it hopes to frustrate firearms control by the tactics of delay. It is now howling for hearings indiscriminately on the Administration bill and the Tydings bill—in the confident expectation that if it can hold off congressional action for the rest of this session, the public excitement on the subject will subside until another national leader is shot down. Congress will mistake the temper of an aroused public if it allows this tactic to prevail.

Neither the Administration bill nor the Tydings bill pending before Congress jeopardizes in any way the right of sportsmen to obtain, own and use firearms.

Mr. President, I ask unanimous consent that these and other editorials be placed in their entirety in the RECORD.

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

[From the Boston (Mass.) Globe, June 11, 1968]

**ARE WE MATURE? ARE WE HUMANE?**

The shock of Sen. Robert F. Kennedy's murder will not by itself bring about good gun control legislation. That was shown last Thursday when the House passed the Omnibus Crime Control and Safe Streets Act which contains pitifully weak gun control provisions.

As Sen. Joseph D. Tydings (D-Md.), put it on television Sunday, "Nothing is going to move the Congress, nothing is going to move the state legislatures across the country except a tremendous outpouring of demands from citizens of this country."

As Attorney General Ramsey Clark said, also on TV Sunday, "It is absolutely essential to the safety of our people that we come to grips with the need to regulate firearms."

That means letters, telephone calls and telegrams to your representatives in the state legislatures and Congress. Make them change their minds if they previously have voted with the gun lobby. It means a whole new anti-violence, anti-gun force to loosen the grip the gun lobby has had on Washington for generations.

It means also that groups—clubs, lodges, churches, civic and veterans' organizations, labor unions, chambers of commerce—should put on the pressure.

The American Legion National Executive Committee last May passed a resolution in favor of legislation prohibiting the sale of mail order firearms to unlicensed individuals and requiring local permits for all those who want to purchase firearms. That should stimulate state departments and local Legion posts to call for good gun controls.

The passage of adequate gun control legislation, of course, could not bring about an abrupt end to violence in the United States. But it certainly could help by making it more difficult for criminals, the mentally unsound and the underage to buy and own and misuse firearms. All firearms should be registered so they can be traced. Why shouldn't every gun-owning citizen be required to be licensed?

We have gone past the point where we can worry about the inconvenience good gun laws might cause sportsmen and owners and sellers of firearms. It is tragically inconvenient to society that, in this country in 1966, firearms accounted for 6400 murders, 10,000 suicides and 2600 accidental deaths. No one needs to be reminded again of the three most terrible killings of the past five years.

The passage of adequate gun law legislation might also have a secondary effect. It could demonstrate to the world and to ourselves that Americans are mature enough and sufficiently humane to be serious in their efforts to end the killing.

[From the Atlanta (Ga.) Constitution, June 7, 1968]

**TIME FOR GUN CONTROLS IS NOW**

If ever there were a time for passage of an effective gun-control law, it is now.

Congress rushed passage of the so-called Safe Streets and Crime Control Bill yesterday, an action spurred by the tragedy in Los Angeles. But that bill mocks the tragedy because some of its amendments mock justice.

The bill does have a gun-control provision, but the controls are weak in that they merely forbid mail order sales of handguns.

What is needed is a separate gun-control bill which would require registration of all firearms. Would such a law have prevented the tragedy in Los Angeles and the assassinations of President Kennedy and Dr. Martin Luther King Jr.? Maybe not. But a California gun registration law did lead to quick and positive identity of the suspect in the assassination of Senator Kennedy. If Tennessee had had a law requiring registration of all firearms, including rifles, police probably would have made a quicker positive identification of the suspect in the King assassination.

Would a law requiring registration of all firearms interfere with the citizen's so-called "right to bear arms?" Without getting into the argument about what that "constitutional right" means, we submit that such a law would not interfere.

We have yet to hear anyone suggest that laws requiring registration of motor vehicles infringe on the "right" to possess automobiles. So why not nationwide registration of firearms?

Any adult without a record of criminal violence or mental illness would still have the

"right" to possess as many handguns, rifles and shotguns as he desired and could afford. He could have them, but he would be required to register them.

Such a law not only would aid the police in solving crimes in which firearms were used, it also would deter people with criminal records from having firearms in their possession. Possession of firearms by such people would invite arrest and imprisonment whether or not any crime other than possession of an unregistered weapon were involved.

So, rather than take away anyone's right, a gun registration law applying to all types of firearms would give us more protection. It certainly would add an effective weapon for police in their war against crime.

[From the Atlanta (Ga.) Constitution, June 13, 1968]

#### START OVER ON GUN CONTROLS

The House Judiciary Committee has beaten back another effort by President Johnson to put stronger controls on the mail order traffic of firearms in this country.

There is the smell of blackmail in the committee's action, just as there was when the House forced the President to accept a \$6 billion spending cut as the price for a 10 per cent income tax surcharge. The President paid off on that one, but Congress still dallies unconscionably on the tax bill even as inflationary heat imperils our economy.

What Southern Democrats and Republicans on the Judiciary Committee appear to be asking as the price for the administration gun bill is that the President sign the so-called Safe Streets and Crime Control Bill recently passed by Congress. This bill has a provision that would prohibit mail order sales of handguns, but it also has some provisions which would strike down basic rights guaranteed persons accused of crimes and would provide virtually uncontrolled use of electronic eavesdropping devices by police.

The bill rejected by the committee would extend the ban on mail order sales to all firearms, including rifles and shotguns.

It would be better for the President to veto the Crime Control Bill and for Congress to start all over again on crime and gun controls soon. It is time for Congress to start listening to the people, rather than to the gun lobbyists and to those who would enforce the law by striking down fundamental rights on which our laws are based.

There is growing sentiment, reflected in recent opinion polls and among some members of Congress, that the only way to stop this nation from becoming an armed camp where murder and maiming by firearms is becoming almost commonplace, is to enact a federal firearms registration law. Such a law should not bar responsible citizens from owning firearms, but it should make possession of any kind of firearms by persons with violent criminal records and the known mentally ill illegal.

Banning mail-order sales of firearms while perhaps desirable, will not solve the problem, a problem that becomes increasingly dangerous. A gun registration law is what is urgently needed.

[From the Philadelphia (Pa.) Evening Bulletin, June 6, 1968]

#### CONGRESS AND GUNS

Regardless of the kind of firearm used by Sen. Robert Kennedy's assassin or how it was procured, this latest act of violence is another reminder of the intolerable laxity which generally prevails in the United States in permitting guns to flow without effective check into the hands of people who may turn them against others.

In January 1967, a Gallup Poll showed Americans to be overwhelmingly in support of tighter restrictions on gun ownership. This applied not only to a ban on people be-

ing able to send away for guns through the mails, but also to support for requiring the registration of handguns, rifles and shotguns. The identity of the man who shot Sen. Kennedy was established through the weapon he used.

If anything like this sentiment prevails in the country today—and the criminal violence by the gun over the past 16 months certainly must have reinforced it—Congress and the states are lagging far behind the public's desire for sane and sensible regulation of guns.

There is before Congress today, embedded in an anticrime bill, a provision to ban the sale of handguns (but not rifles and shotguns) to individuals through the mails. It would be of some help to states and localities which have moved in the direction of effective gun legislation on their own. But many state legislatures, like Congress itself, have been deterred from effective action by the gun lobby and the outcries of sportsmen who mistakenly insist in confusing stronger regulation with denial of the law-abiding citizen's access to firearms for legitimate use.

The time has come for Congress and the states to move at once and more strongly on gun legislation.

The failure to do so has become a national disgrace. It borders on criminal negligence itself; it caters to the violent; it makes a mockery of expressions of concern for law and order as it does of expressions of sorrow and outrage when national leaders are struck down.

[From the Atlanta (Ga.) Constitution, June 18, 1968]

#### WHO IS "PARROTING NONSENSE"?

Congress at last is hearing from the American public on gun controls, and it looks as if the chances are at least 50-50 that the comparatively weak control measures passed and proposed this year will be discarded in favor of a gun-registration bill.

The deluge of mail flooding congressmen's offices has changed the minds of many legislators who as recently as last month opposed all gun-control legislation. For example, Senate Majority Leader Mike Mansfield of Montana, who with other Western senators was not enthusiastic about curbing on mail order sales of guns, is now calling for gun registration.

The public endorsement of gun registration caught the National Rifle Association and other gun lobbyists off guard. NRA president Harold W. Glassen hastily called a press conference and accused the American people of "behaving like children, parroting nonsense, accepting unproved theory as fact, and reacting as the German people did in the 1930s as the Goebbels propaganda mill drilled lies into their subconsciousness and dictated their every move."

Mr. Glassen's was an intemperate attack, one he will probably regret. We can be certain of one thing: he is now hard at work organizing his own letters-to-Congress campaign. Whether it will be as effective as the ones he has organized in the past remains to be seen. It certainly will lack the spontaneity and sincerity of the one he claims is being launched by "Americans behaving like children."

It is becoming increasingly clear to many people alarmed by the armed violence, murders and assassinations that the NRA and other arms industry lobbyists have been "parrotting nonsense" for too many years. Gun registration in no way would interfere with a "citizen's constitutional right to bear arms"—if indeed there were such an individual right—yet the NRA continues parroting such nonsense. We register our automobiles, yet no one has seriously suggested that this takes away anyone's right to own an automobile.

Another parrot of irrelevant nonsense, Gov. Lester Maddox, says he will veto any gun

registration bill passed by the Georgia Legislature, which is another argument for a federal firearms registration law. Gov. Maddox's reaction to gun registration? "No one has shouted about the 300 policemen shot down in the past year!"

But, governor, those shootings are a part of what a growing number of American citizens are concerned about. These citizens are alarmed at the increasing violence in our society, violence that too often explodes from the mouths of guns. And, governor, every responsible police organization heard from thus far—from the FBI to the International Association of Chiefs of Police—has endorsed registrations of firearms. These organizations certainly do not represent "children parroting nonsense."

[From the New York Daily News, June 20, 1968]

#### LET'S TRY THESE CONTROLS

The Johnson administration's gun-control bill got an encouraging 9-0 Yes vote Tuesday from the Senate Judiciary subcommittee on juvenile delinquency.

This measure would outlaw mail-order sales of rifles, shotguns and handguns . . . confine over-the-counter gun sales to state residents . . . require careful dealer records of gun and ammunition sales . . . forbid handgun sales to persons under 21 and long gun sales to those under 18 . . . limit machine gun and heavy weapon sales to Treasury Department licensees . . . outlaw interstate shipment of ammunition.

This looks to us like happy-medium legislation—a sensible compromise between those who would disarm every U.S. citizen and those who want no limitations at all on sale or possession of even the deadliest weapons.

We hope Congress will pass the Johnson bill, or something much like it. It can be repealed if found unsatisfactory; and it just might make U.S. trigger-happiness problems less serious.

[From the Denver (Colo.) Post, June 16, 1968]

#### FOUR WAYS TO DEESCALATE VIOLENCE

We have been touched by the stories of people all over the nation, fed up with the sort of violence dramatized by the slayings of Dr. Martin Luther King and Sen. Robert Kennedy, turning in the guns they own to the police.

There are a lot of thoroughly good and decent people in this country.

But if we really want to sweep away the poisonous emotional atmosphere that makes so many normally peaceful people violence-prone or violence-tolerant, there are a few things any citizen can do which probably are more practical than turning in guns. For those who are seeking things they personally can do, let's list some practical ways to deescalate violence in America:

1. Right now, it certainly will help to write congressmen, state legislators and city councilmen in support of more effective gun control and registration laws.

As amazed Europeans never tire of telling us, America is the only big, civilized nation in the world that allows its citizens to own guns as a "right". In all other nations, gun ownership is a privilege, closely regulated and restricted to responsible citizens. And the citizens of those nations seem to like it, or at least feel safer, that way.

This is the only suggestion we have that involves making or changing a law.

2. One of the big things any citizen can do is to help take the profit out of the commercialized violence that infests so much of television, the movies, plays and literature these days. How? It's easy.

If the television show is full of meaningless violence, as so many are, turn it off. Or don't tune it in in the first place.

If the movie or play is touted as violent,

"shocking"—which usually means mindlessly sadistic—don't go.

If the reviews say the same thing about a new book, don't buy it.

Most of these shows and books are written to make money, not because the writers have anything to say. If they don't make money, they are dead. By shunning them, we can hasten their demise without lifting a finger.

3. More positively, we can support, as individuals, those people and institutions in society, who stand firmly for restoring the process of social change in this nation to peaceful, non-violent channels. We can and should support them vocally, in writing and, where appropriate, with money.

4. But above all, we need to be supporting vocally, in writing, with our ballots and without money—all those who are trying through peaceful means to make this a more just society.

Without this, anything else we do is probably futile.

We hear the cry on all sides now for "law and order". But that is not the true goal for America. That is not enough; it never was enough and it will never be enough.

The South used to maintain law and order. Our cities used to maintain law and order. But behind those facades of law and order injustices grew and justified resentment of them festered. Now we are paying the price for those injustices.

The price is not only strife and violence itself, it is the mental turmoil in people of good conscience who are reluctant to support law and order unconditionally until the injustices are remedied.

But if we truly support and achieve justice for all Americans—effective schools for all, honorable jobs for all, open housing for all, equal treatment in law for all, responsive government for all—law, order, a peaceful and happy society will follow in the train of justice.

This is something every citizen can help to attain, in some way, every day. This is a goal worthy of Americans.

[From the Denver (Colo.) Post, June 13, 1968]

#### KEEP GUN CONTROL PRESSURE ON CONGRESS

All persons of good will who deplore violence can take heart from the fact that because of the pressure of public opinion opposition in Congress to effective gun control legislation is showing signs of cracking.

Letters from voters back home who have been jarred by the assassinations of Sen. Robert F. Kennedy and Dr. Martin Luther King are convincing some lawmakers that sentiment for controls is fully aroused at last.

As a result it now appears likely that the House Judiciary Committee will soon approve a bill to extend to rifles and shotguns the ban on mail-order sales which has already been voted for handguns.

Such legislation would be too small a step to satisfy most people at the grassroots, however, so it is encouraging that Sen. Joseph D. Tydings, D-Md., has announced he will introduce a bill for the registration of all guns under a system which would make it illegal for juveniles, criminals and mentally disturbed persons to have them.

The bill seems needlessly complex in that it would give states one year in which to enact registration laws of their own, after which the federal registration plan would go into effect only in states which had not complied.

The national interest in gun control is so great that there seems little reason to bring the state governments into the picture at all. But Senator Tydings has put his finger on the important need of the moment, which is for registration of guns.

Significantly, opinion polls have shown a strong consensus for registration for many

years but those who want controls have been out-lobbied by gun manufacturers and their allies.

Senator Tydings has been a careful student of criminal trends in this and other countries.

"Our gun laws are, in fact, about as flimsy as those of any nation in the world," he said recently.

"We tolerate a level of gun crime in this country which is unthinkable in any civilized nation in the Western world.

"In England, which has a gun registration law, firearms account for only 10 per cent of all murders. In our country where the murder rate is 13 times greater, guns account for 60 per cent of all murders and are used in 58 per cent of all robberies.

"Gun murders take nearly 20 lives a day in this country. Ninety-five of every 100 policemen murdered in this country are killed with guns, one-fourth of which are rifles or shotguns."

Veteran observers in Washington say it will be difficult to get a gun registration law enacted at this session. The gun lobby is loud and spends a great deal of money.

However, a continuous stream of letters and telegrams from folk back home who, like Senator Tydings, are convinced we have reached an intolerable level of gun crimes, could prove most effective.

If the demand is strong and persistent Congress will respond.

[From the Christian Science Monitor, June 10, 1968]

#### JUST NORMAL GUN CONTROL

There just is no weight of argument against the control of rifles and shotguns—as well as pistols and revolvers. So why, in the name of conscience, intelligence, prudence and safety, should Congress not get on immediately with the business of bringing the sale of rifles and shotguns under tight control.

Surely no further shootings, of individuals of high or low degree, should be necessary to overcome the resistance of those who would leave America a nation of unregulated gun-toters.

In frontiersland the sheriff and the cowboys went well-armed. But the days of the frontier are past. And no proposed legislation—let us be very clear about this—will keep legitimate hunters and sportsmen and gun fanciers from purchasing and keeping firearms. But stricter controls just might keep a gun out of the hands of a deranged person, a hardened criminal, addict, or alcoholic. A gun should become a society-regulated instrument, not something to be kept handy until anger or dementia spills over and another murder statistic is chalked up.

The Bill of Rights provides for arms bearing only for the purpose of maintaining a militia.

Let's keep in mind the deplorable tabulations which the President has presented: Each year in the United States guns are involved in more than 6,500 murders. This compares with 30 in England, 99 in Canada next door, 68 in West Germany, 37 in Japan.

Congress has passed its controversial anti-crime bill, but there remains a "brutal loophole." To close this, President Johnson urges Congress to make it unlawful to sell not only pistols but rifles and handguns by mail order (a mail-order rifle killed President Kennedy), to limit sales to those under 21, and to prohibit the sale of rifles and shotguns in one state to residents in another. (This to protect strict states against lenient states.)

Sure, other efforts are necessary, too. Less glamorizing of gunplay in films. Less emphasis on violence, sadism and brutality in art and society. San Francisco's Mayor has urged his city dwellers to turn in their handguns—no questions asked—as a commemorative gesture to Senator Kennedy.

But the time, the demand, the impetus

for normal, sensible gun control legislation is here now. Let Congress act!

[From the Christian Science Monitor, June 15, 1968]

#### REGISTER EVERY LAST FIREARM

Nothing short of the registration of every privately owned, commercially stocked and publicly assigned firearm in the United States can provide a gun control worthy of the name. To such a law must be attached drastic penalties for disobedience. If the Senate and the House of Representatives do not pass such legislation, they will be playing false with the safety of every man, woman and child in America and will be dishonoring the memory of those national leaders who, in recent years, have been brutally assassinated.

Notwithstanding reports that a wave of public sentiment is now increasing congressional willingness to pass strict legislation, we believe that only unremitting voter pressure can lead to any worthwhile remedial action. Congressional dislike of offending powerfully organized lobbies (in this case the National Rifle Association) is too well known to allow of any complacency on this score.

We do not believe that the present administration bill now before Congress is enough. Primarily, it forbids the mail-order sale of rifles and shotguns. While this may be better than nothing, it is only barely so. What is absolutely required is a law requiring every last gun-owner and gun-buyer to register every old and new firearm. This would at least bring some measure of control over guns bought locally and not through the mail.

To this, as we mentioned above, must be attached severe penalties for the possession of any unregistered or incorrectly registered firearm. This law is necessary since it would place upon the gun-bearer or the gun-poseessor the obligation of proving that he had come by the weapon lawfully. Failure to prove this would be prima facie evidence of guilt, subjecting one to the penalties which such a crime deserves.

For years, there has been an almost unanimous demand on the part of law enforcement officials, from the Federal Bureau of Investigation chief, J. Edgar Hoover, on down, that the gun traffic be brought under control. It is a national disgrace that only a series of assassinations has been able to move Congress to the point where it was willing to bother with firearm legislation.

The ridiculousness of the opposition to strict controls can be seen from the statements of Harold W. Glassen, the rifle association's president. He termed efforts to control guns childish and nonsensical, and then went on to say that Americans were being deceived on this issue in the same way that the Nazis deceived the German people.

If this is the level of the association's thinking, we cannot think of a better reason for disregarding its views.

[From the Louisville (Ky.) Courier-Journal, June 15, 1968]

#### AN OUTRAGED PEOPLE CAN, AND MUST, ROUT THE GUN LOBBY

At last something may be done about the lethal traffic in firearms in this country. The public is aroused as never before. Congress is hearing from the people, for a change, not just from the gun lobby, and a significant shift in mood can be detected on Capitol Hill.

The Post Office Department has decided not to wait on Congress. Postmaster General W. Marvin Watson has announced new regulations requiring that packages containing guns be clearly labeled "firearms"; that delivery of firearms be held up until the chief law-enforcement officer of the community to which the package is addressed is notified, and that sawed-off shotguns and short-barreled rifles be banned from the mails

unless addressed to authorized law-enforcement or military personnel.

All of this the Post Office Department could have done long ago. It didn't, apparently, because there was not sufficient public pressure to control firearms. It is only a stopgap measure. It is still up to Congress to enact strict controls.

The very least Congress should do is outlaw the interstate shipment of handguns, rifles and shotguns to individuals. It also should require registration of all firearms. The gun lobby, right on cue, claims that these restrictions will violate the rights of hunters and sportsmen, but it should be obvious by now that the gun lobby and the people who parrot its propaganda are strangers to the truth.

#### THE NEW JERSEY EXAMPLE

Two years ago New Jersey enacted a strict law covering the purchase of rifles and shotguns as well as handguns. Since then, the sale of hunting licenses has actually increased. "The law is preventing the sale of guns to those who should not have them," says Senator Case of New Jersey, "and it is not deterring legitimate sportsmen."

But neither facts nor reason have any effect on the gun lobby. The National Rifle Association has dealt in falsehood and distortion for so long that its responses are as predictable, and automatic, as those of Pavlov's dog.

Senator Tydings of Maryland has called for a congressional investigation of the gun lobby. One is overdue. The Senator also announced that he is asking the Internal Revenue Service to explain why the NRA is classified as nonprofit and why it is not required to register as a lobby. It is past time for the federal government to take a hard look at the operations of the NRA.

The public concern, and outrage, now being manifested in the wake of the assassination of Senator Kennedy must not be dissipated. "Laxness of U.S. gun controls is a national disgrace," the *Los Angeles Times* declares. "The rest of the world can only wonder how a civilized society can tolerate so obvious a threat to its safety."

We cannot tolerate it and remain civilized.

[From the Louisville (Ky.) Courier-Journal, June 18, 1968]

#### THE NRA LOBBYISTS TAKE AIM

The full lobbying power of the National Rifle Association is focused now on efforts to offset a spontaneous demand for new controls on the sale of weapons which developed after the slaying of Robert F. Kennedy. Even that experienced and powerful group, however, seems unequal to the task.

Public sentiment and the arguments from Congressmen are running strong in favor of effective new controls.

Senator Warren G. Magnuson who formerly accepted the NRA position now argues: "The inconvenience (of gun controls) will be so insignificant; the contribution to the law and order of our society, so great."

This, basically, is the line taken by the thousands of citizens who already have asked their congressmen to favor new legislation and the line which the NRA has now made the target of a massive letter-writing campaign. In the past, the NRA has been able to use these tactics to convince enough legislators that most Americans favor easy access to deadly weapons. This was true even when survey after survey showed increased support for effective controls.

The organized efforts—with support from 900,000 adult members—still could prevail if the NRA can generate more pressure than that developed by the unorganized majority in favor of strong legislation. Many individuals already have told their congressmen how they feel, and even more will have to do so if the effect of the NRA campaign is to be offset.

In supporting such controls, the American Civil Liberties Union points out that strong legislation is not only necessary but is consistent with the right-to-bear-arms provision of the Constitution (Second Amendment) which says: "A well-regulated militia being necessary to the security of a Free State, the right of the people to keep and bear arms shall not be infringed." ACLU spokesmen said the right to keep and bear arms applied only to the preservation of a militia and not to the possession of guns by individuals.

Such a right, the ACLU feels, must be limited in support of the more important freedom of "free and fearless debate on which our free society rests."

Reason is on the side of the strict controls but reason will prevail only if the emotional campaign waged by the NRA can be matched by a continuation of the flow of letters from the majority.

[From the Chicago (Ill.) Sun-Times, June 20, 1968]

#### GUN BLOODSHED GOES ON

The great public outcry for gun controls appears to have swayed a previously reluctant Senate. The administration's firearms legislation has made encouraging early progress. Even Sen. Everett M. Dirksen (R-Ill.) has relaxed his stand against gun curbs.

Nonetheless, a first-inning score doesn't end a ballgame. If the nation is at last to see an end to free traffic in killer weapons, the public must continue to press for the strongest possible gun-control measures.

Only the most stringent restrictions can reduce the bloodshed that has become a national shame. An Associated Press survey showed that between midnight Sunday and Wednesday morning 49 persons died by gunfire in the United States. There were 29 homicides, 16 suicides and four accidental deaths. In the Chicago area alone on Tuesday, two persons were killed and six wounded in shooting tragedies.

The administration is seeking rifle and shotgun controls similar to handgun curbs that were written into the omnibus crime bill. Mail-order sales of long guns would be banned. Over-the-counter sales to out-of-state residents would be forbidden. No one under 18 could buy a rifle or shotgun. These are sound restrictions. Yet why not go even further and approve legislation for registering all guns and licensing all owners as proposed by Sen. Joseph D. Tydings (D-Md.)?

In any case, Congress must remain convinced that the public wants firearms legislation. The gun lobbies certainly will not relax their efforts. In Springfield Tuesday gun proponents sought to repeal the state's new owner-registration law, which goes into effect July 1. As usual, the arguments for killing the law ignored the lives it might save and hinged on specious allusions to communism and fascism.

We urge again that the American electorate counter such red-herring tactics and apply pressure on their lawmakers. Gun controls—sound and inclusive ones—are a national need.

[From the Chicago (Ill.) Daily News, June 18, 1968]

#### TOWARD SANE GUN LAWS

The great awakening seems to be taking place. The heretofore silent majority of Americans who favor gun control is speaking up, stirred finally by the murder of Sen. Robert F. Kennedy to say "Enough!"

Deluged by mail from their constituents, Senators and Representatives long intimidated by the gun lobby are shifting position to support stronger control laws. Even the arms manufacturers have come forward with a disclaimer to the effect that they are not really opposed to strict regulation of gun sales.

The tide was long in turning. Just last month the Senate voted down an amendment to the anticrime bill that would have applied to rifles and shotguns the same weak restrictions reluctantly accepted for pistols and revolvers. But the chances now are favorable—unless the American public goes to sleep again—for some really meaningful legislation to curb the deadly traffic in guns.

Just how deadly that traffic is can easily be demonstrated by the record. Last year—apart from the Vietnam war—more than 20,000 Americans died by gunfire and 100,000 were wounded. Of the fatalities, 7,000 were labeled murder or homicide, 3,000 were accidental, and 10,000 were suicides.

Since 1900, nearly 800,000 Americans have been killed by privately owned guns—far more than 630,768 Americans killed in all the wars this nation has fought in its two centuries.

The easy access to guns in the United States has horrified visitors from abroad, who have wondered when we were going to outgrow the raw violence of the now-vanished frontier. Yet every effort to enact laws to restrict gun ownership or register firearms ran afoul of the potent gun lobby led by the National Rifle Assn.

Even after the assassination of Sen. Robert Kennedy, a spokesman for the NRA could angrily denounce the wave of gun-control demands. "We see Americans behaving like children," he said, "parroting nonsense, accepting unproved theory as fact and reacting as the Germans did in the 1930s as the Goebbels propaganda mill drilled lies into their subconsciousness."

We would hardly call 20,000 gun deaths a year unproved theory or nonsense. And it is the rankest kind of demagogery for an outfit that has bragged it could produce half a million letters opposing gun control within 72 hours to invoke the Goebbels ghost against its opponents.

When George Gallup first polled the nation on gun control 34 years ago, 84 per cent favored strong legislation. The percentage has not changed appreciably. If this majority continues to make its voice heard, this nation may finally put a rein on the only consumer product whose sole purpose is to deal destruction and death.

[From the Newark (N.J.) Evening News, June 13, 1968]

#### COURTESY OF CONGRESS

Gov. Hughes has directed a strong but merited attack on Congress for its equivocation and delay in enacting an effective gun-control law. As the governor who pushed through the Legislature the strongest such law in the nation, Mr. Hughes is well qualified to speak on this subject.

Noting that the President's request for a ban on the mail order sales of rifles and shotguns is bottled up in committees of both houses, Gov. Hughes accused Congress of "encouraging lunatics, addicts and criminals" to purchase arms through the mails. He pointed out that New Jersey's two-year-old ban on sales of firearms had stopped the purchase of 890 guns. But there is nothing to prevent mail order sales to lunatics, addicts and criminals, he said, "by courtesy of the U.S. government."

Even as the governor spoke, the House Judiciary Committee by a tie vote blocked the mail order ban. A new vote is scheduled, however, amid signs that the gun lobby is beginning to lose ground. Even in the Senate, where gun-control prospects are bleakest, members are hearing from the folk back home.

Gov. Hughes' statement should help refute the specious argument heard in Washington that firearms control is a matter for the states. If New Jersey, with its new law, cannot control this deadly traffic to unfit purchasers, what state in the nation can?

[From the Newark (N.J.) Evening News, June 18, 1968]

#### TIME TO ACT

Public pressure following the assassinations of Sen. Robert Kennedy and Rev. Dr. Martin Luther King Jr., at last appears to be outweighing the obstructionist pressures of the National Rifle Association and assorted sportsmen's organizations.

Influential members of the Senate Judiciary Committee are changing their minds. There now is hope that the deadlock which has bottled up effective gun-control legislation will be broken this week.

True, veterans like Sens. Mansfield and Dirksen still believe gun regulation should rest with the states. This permissive attitude nevertheless has one serious flaw.

Residents of, say, New Jersey, with its strong gun-control law, still can mail-order a gun from states where weapons are sold as freely as fishing rods or snorkel tubes. Fifty uniform state laws could close the gaps in the mail traffic in firearms—but so could one sound federal law.

Such legislation is represented by the Tydings bill which the Senate Judiciary Committee promises to re-examine this week. While they are at it, the 18 members of the committee might also add the reasonable requirement that long guns—shotguns and rifles—bear serial numbers, as pistols must do.

It may be argued that no law can keep a madman or criminal from getting his hands on a gun. More to the point, however, is the fact that countries with strong gun curbs have fewer homicides. Here in our own country over the last three years, guns figured in 69 per cent of the homicides in free-wheeling Texas, while the figure has been 38 per cent in New Jersey since it adopted its restrictive gun law. In addition, New Jersey's law last year kept guns out of the hands of 890 unstable persons—those with records of narcotics addiction, alcoholism, mental illness or criminality.

Shock, compassion or any other emotion arising out of the slayings of the Kennedy brothers and Dr. King is buttressed by statistics. Also by just plain common sense. It's about time Congress saw it that way.

[From the Ithaca (N.Y.) Journal, June 19, 1968]

#### SUPPORT FOR GUN CONTROLS

Those Americans who seek new restraints on the nation's traffic in guns have gained some solid support in recent days.

Here are some of the developments:

The Ithaca Gun Co., has urged Congress to adopt legislation further strengthening existing federal firearms laws by banning all interstate mail-order shipments of shotguns and rifles to individuals.

Three other manufacturers of firearms have modified their opposition to the administration's control proposals.

Sen. Mike Mansfield, D-Mont., majority leader of the U.S. Senate, has endorsed a bill requiring the registration of all firearms and the possession of a permit for their use.

The U.S. Conference of Mayors has called for the banning of interstate mail-order sales.

The National Association of Attorneys General has asked for "restrictive and realistic legislation."

A Senate Judiciary Committee subcommittee has approved a bill to ban the sale, by mail order, of shotguns and rifles.

If this country is ever to have realistic legislation controlling guns, it is essential that Congress know the feelings of those supporting such laws. It is not too late for individuals to write to their senator, Jacob K. Javits, and their congressmen in The Journal's circulation area, Howard W. Robinson, Samuel S. Stratton, and Charles E. Goodell. Letters may be addressed to Sen. Javits at the Senate Office Building and to

the representatives at the House Office Building, Washington, D.C.

For those who may still be unconvinced, here are two contrasting statements:

President Johnson, appealing to Congress "in the name of sanity, in the name of safety, and in the name of an aroused nation, to give America the gun control law it needs."

Harold W. Glassen, president of the National Rifle Assn.: "We are witnessing the strange and masochistic spectacle of tens of thousands or normally proud and level-headed Americans begging the federal to take from them by force of law one of their basic civil rights, the right to keep and bear arms."

Mr. Glassen's statement does not bear scrutiny. There is no attempt to take away the right to keep and bear arms. The goal is the registration of firearms in an attempt to keep them out of the hands of the mentally unstable and the criminally bent.

The tens of thousands of Americans referred to by Mr. Glassen are far from making a spectacle of themselves. On the contrary, they are making a lot of sense.

[From the Ithaca (N.Y.) Journal, June 6, 1968]

#### GUNS AND THE NATION'S HISTORY OF VIOLENCE

"The history of violence in the United States over the past 10 years is eloquent evidence that we need more, not less control of firearms, particularly military and quasi-military weapons."

These words were spoken by Frank C. Ramon, Seattle's police chief, right after the Supreme Court of the United States voided the National Firearms Act of 1934. The decision was handed down on Jan. 29.

The act applied to sawed-off shotguns, machine guns, mufflers, and silencers, but not to full-size shotguns, rifles, and pistols. One section required registration and payment of a tax by makers, dealers, and importers of guns covered by the law. Another section required Treasury Department approval of sale or transfer of these weapons.

The Supreme Court ruled that application of the statute exposed an individual to prosecution on another charge. The process thus violated, the court held, the Fifth Amendment's privilege against self-incrimination.

The weapon that fatally wounded Sen. Robert F. Kennedy early Wednesday morning was by no means a military or quasi-military weapon. It was a pistol of light caliber. But at short range even a light weapon can inflict mortal damage.

In February President Johnson asked for gun-control legislation. He said:

"Last year two million guns were sold in the United States. Many of them were sold to hardened criminals, snipers, mental defectives, rapists, habitual drunkards, and juveniles. There is no excuse for this."

In May, the U.S. Senate rejected a proposal to ban interstate, mail-order sales of rifles and shotguns. It is ironic that the chief sponsor of the measure is Sen. Edward M. Kennedy, D-Mass., brother of Robert and of the assassinated President John F. Kennedy.

The Senate did ban the same kind of sales of pistols and revolvers, except to licensed dealers; prohibit the sale of handguns to minors and out-of-state buyers, and raise standards and fees for the licensing of gun dealers.

In New York State, the Assembly rejected Gov. Rockefeller's request for a law licensing all rifles and shotguns in the state.

The powerful lobby opposed to gun controls bases its case on the Second Amendment of the Constitution: "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

The President's Commission on Law Enforcement has asserted that the Supreme Court and lower courts have consistently interpreted this amendment to prevent federal

interference with a state militia and not with regard to an individual's right to bear arms.

The commission has also said that licensing and registration of guns would merely constitute an inconvenience and would not penalize the law-abiding owner of a gun.

Americans have the right to keep and operate automobiles, but there is no great outcry over the licensing of operators and the registration of the vehicles.

In practically all of the legislation that has been proposed, there is no intent to deprive an individual of the right to own guns, except where there is clear evidence that he is a criminal or is insane or is otherwise not qualified to own and shoot a gun.

That sign on automobile bumpers, to the effect that if guns are outlawed, only outlaws will own guns, is misleading in the extreme. There is no campaign to outlaw guns, only to regulate their use.

It is also silly to assert that registration of guns will put an end to murders and wanton shootings. But such a statute could well be a deterrent that would reduce the nation's appalling crime rate and its proliferating tendency to violence.

[From the Louisville (Ky.) Times, June 18, 1968]

#### NEW SUPPORT FOR CONTROL OF FIREARMS

After President John F. Kennedy's assassination Congress passed a stronger civil-rights law than it had been willing to pass upon his urging while he lived.

An aftermath of Senator Robert F. Kennedy's assassination may be a federal law that applies stricter controls over firearms in private hands than had seemed possible before.

Six senators who have heretofore opposed a ban on mail-order sales of rifles and shotguns now support President Johnson's plea for such legislation.

Senator Joseph D. Tydings, D-Md., and nine other senators meanwhile are sponsoring an even tougher bill, and Senate Majority Leader Mike Mansfield has given it his support. This one would require federal registration and permits for all firearms, unless states pass their own registration laws. President Johnson over the weekend called on the 50 states to write jointly and enact uniformly a model gun-control law.

The omnibus crime bill, passed by Congress but still unsigned by the President, contains a ban on mail-order sale of handguns but makes no reference to rifles or shotguns. The stricter bill being sponsored by the administration would not only prohibit mail-order sale of rifles and shotguns, but would prohibit their sale to nonresidents of a state and to persons less than 18 years old, and would prohibit sale of handguns to persons less than 21 years old.

Meanwhile, opponents of gun-control laws have not been idle. The National Rifle Association (NRA) is urging its 900,000 members to deluge Congress with letters opposing stricter gun controls. It has employed this method in the past with great success. Now, however, spontaneous letters expressing a national sentiment for restriction on sales of guns have been reaching the White House and members of Congress. National opinion polls have indicated that most Americans—although they may not be as prone as members of NRA to write letters to Congress—do think there ought to be some restrictions on the sale of firearms.

#### A CASUAL COMMERCE

Most of them do not believe that restricting sales will make assassinations impossible, or make crime disappear from American cities. Neither do most of them believe—as some opponents of gun controls profess to believe—that a law restricting sales and requiring registration of owners is a first step toward confiscation of all privately owned firearms.

Most of them take the rational view that commerce in firearms is all too casual, and

that steps need to be taken to record ownership of guns in the public interest.

Senator Warren Magnuson, D-Wash., chairman of the Senate Commerce Committee, is one of those newly committed to prohibiting mail-order sale of rifles and shotguns. It was not only the assassination of Kennedy that changed his views, he has said, but "the violence and terror surging through the streets of every city and every state."

"This has become a matter of deep conscience," he said.

It has become more than a letter-writing contest between members of NRA and the unorganized opponents of indiscriminate firearms sales.

[From the Los Angeles (Calif.) Times, June 6, 1968]

#### TO PROTECT THE NATION FROM ITSELF

This nation must do more than mourn the horrifying attempt upon the life of Sen. Robert Kennedy.

Anguish must lead to action if we are to curb the ugly violence that so infects American life. No society can long tolerate such a threat.

Congress has the obligation to begin by controlling the means of violence—through legislation far stronger than any pending or even proposed. No amount of political pressure, real or imagined, can now be allowed to prevent effective gun restrictions.

Without delay, Congress should require that every firearm in the United States be registered. No handgun, rifle or shotgun should be sold without a check of the purchaser and the weapon by local police. And all interstate gun sales ought to be prohibited.

The pallid restraints upon lethal weapons voted by a timid Senate are totally unacceptable in the wake of the gunning down of yet another national leader.

As amended and sent to the House, the pending restrictions would only limit interstate traffic in handguns. Rifles and shotguns were deleted in a vote that should shame the Senators who were influenced by the loud but empty arguments of the gun lobby.

Let there be an end to the terrible nonsense that restraint upon the possession of death weapons is not needed in a civilized and complex society. No other nation in the world is so foolish as to countenance gun control laws as weak as those in the United States.

There is nothing in the Constitution that gives a citizen the indiscriminate right to own a gun or that prohibits the government to impose restrictions. Who can seriously argue that nothing should be done to keep dangerous weapons out of the hands of criminals, psychotics and juveniles?

It may be argued that even with such laws the would-be assassin of Sen. Kennedy could still have armed himself. Perhaps. Perhaps not. Surely the gun he used could have been far more readily traced.

Surely Lee Harvey Oswald would not have been able to buy the mail-order rifle that killed President Kennedy had the proper laws been enacted. And many of the more than 6,000 persons murdered with guns last year, or the nearly 3,000 accidentally killed, would undoubtedly still be alive if Congress had protected the public.

"What in the name of conscience will it take to pass a truly effective gun control law," demanded the President of the United States.

The shooting of Sen. Kennedy is the final outrage. Congress must now act to protect the nation from itself while there is still time.

[From the Los Angeles (Calif.) Times, June 12, 1968]

#### FIREARMS CURBS MUST BE UNCURBED—PRETTY SOON

(By Paul Coates)

It was about a month ago when the Senate refused to vote effective curbs on rifle sales.

By 53 to 29, they rejected an amendment introduced by Senator Edward M. (Ted) Kennedy that would have extended the ban on mail order handgun sales to include rifles and shotguns.

At the time, Ted Kennedy said failure to include rifles and shotguns in the mail order ban would be "a loophole for death and destruction."

Now we read that even in the wake of this new assassination, the Congress has passed what President Johnson called "a watered-down version of the gun control law I recommended." And a bill that was labeled, by liberal congressmen, "a cruel hoax."

Among those voting against the Kennedy amendment were California's Sen. George Murphy and Congressman James Utt from Orange County who said of gun control legislation: "such a scapegoat will not solve our society's breakdown."

Perhaps you might have expected such a remarkable statement from Utt. Over the years, he has issued rather startling pronouncements.

In 1963 Utt said that he "regards Ralph Bunche (then the U.N. under secretary) 'more inclined to the communist bloc than the U.S.'" He labeled the late Adlai Stevenson as "a dedicated socialist."

On May 30, 1968, Utt said in a speech that he would risk atomic warfare to gain the release of the Pueblo and her crew. He said also that the United States could win the war in Vietnam by bombing a single dam. "All we have to do is drop a bomb on the Red River dam and we'll kill a million of them."

So, I suppose it's no use in letting Utt know your feelings about gun control. But since Sen. Murphy has to be sensitive to all the people of California and not just the ultra conservative segment in Orange County, maybe we can do something to change his mind. At least we can barrage him with letters and telegrams.

Unfortunately, we can't do anything about another member of the Congress who voted against the Kennedy amendment—Sen. Mike Mansfield who comes from one of the "hunting" states and, apparently, voted the way he thought the people in Montana would wish him to vote.

Mansfield is a celebrated liberal in the Senate. But possibly, his liberal ideals were weighed against the looming vision of the polling booth. And the ideals lost.

The Senate, of which he is the majority leader, also made a puzzling rejection of an amendment by Sen. Edward W. Brooke that would outlaw the sale to private individuals of anti-tank guns, bazookas, mortars and other such military weapons.

Why? In God's name, why?

If this attitude of lunacy continues; if the Congress doesn't vote in strict gun control measures, the day might come when there will be such a public cry against this outrage, that there will be no guns in our country at all, except for essential purposes. And the National Rifle Assn. will be abolished. I hope that day is fast approaching.

[From the Philadelphia (Pa.) Inquirer, June 12, 1968]

#### A TIE VOTE

Although a tie vote in the House Judiciary Committee Tuesday has temporarily stymied efforts to enact strong gun-control legislation, this is not the end of the story.

Another attempt will be made to get the bill onto the House floor. Success may well be in the offing. The deadlock was a disappointment but the narrowest of the defeat was indicative of mounting realization on Capitol Hill, as across the Nation that gun regulations are necessary as a step in curbing the crime and violence that plague our society.

In view of the tragic events of the past week, the continuing reluctance of some Congressmen to take a realistic stand in favor of gun controls is hard to understand. Presi-

dent Johnson, who earlier this week had met with his newly-appointed commission to study violence in America, expressed shock at the House committee's negative vote. That is our feeling, too.

We should think that responsible gun owners would join the fight for sensible controls.

[From the Cleveland (Ohio) Plain Dealer, June 6, 1968]

#### GUN CONTROL STILL MINIMAL

The shooting of Sen. Robert F. Kennedy should spur meaningful federal legislation over control of firearms.

It found the House with a federal firearms control measure on its hands, part of an omnibus crime control bill passed by the Senate, but one which also contains objectionable parts concerning wiretap privileges and an override of the Supreme Court.

The firearms clause, Title IV, however, is by contrast relatively minor.

Chiefly it would, in effect, prevent sale of weapons across the counter to out-of-state buyers, prevent sale of guns to minors, prevent mail order sale of handguns interstate.

It would not otherwise regulate, unless amended, the sale of hunting rifles and similar firearms.

The House appeared to have cleared the way for passage of this Senate-approved bill by taking steps yesterday designed to bypass any House-Senate conference committee.

Assassination of President John F. Kennedy and the Rev. Dr. Martin Luther King Jr. sparked strong demands for federal control over firearms.

So did the racial riots which disclosed a large number of guns in the hands of zealots, white and Negro.

There is no steady pattern for assassination; President Kennedy and Dr. King were killed by rifles at long range. Sen. Kennedy was shot by a small handgun. But accessibility of guns, particularly through the mail order houses, long has been a burden on law enforcement. It has been possible for juveniles, criminals and even lunatics to order guns from another state when they could not purchase these weapons in person.

Congress, however, has been reluctant to pass a really stiff federal gun control and registration law due to pressure from gun lobbies, which insist arms-bearing is an American right, and from groups who regard regulation of personal firearms as part of a Communist plot.

Sen. Edward M. Kennedy, D-Mass., younger brother of the critically injured senator and a strong backer for gun legislation, doesn't believe the solution to crime will be found in gun control alone; the basic ethical and moral weakness in society must be overcome, too. But 71% of the American public, according to a Harris poll in April, favored stricter gun control as urban crime increases. Congress should heed this opinion.

[From the Minneapolis (Minn.) Star, June 13, 1968]

#### A POOR CRIME CONTROL BILL

The anti-crime bill which Congress sent up to the President last week is a bad bill. Mr. Johnson would be justified in vetoing it.

Congress was overly-zealous with some parts of the bill, particularly those seeking to overturn several Supreme Court decisions relating to the rights of suspects and criminals, and giving federal and local officials almost unlimited authority to engage in wiretapping under court order.

It was far less zealous with the measure's gun control provision. The legislation would regulate the sale of hand guns in interstate commerce, but would do nothing about such sales of rifles and shotguns. The President and the public, shocked by the rising crime rate and by the assassination of Sen. Robert Kennedy, wants far more stringent regulation of gun sales.

President Johnson has asked for a new and tougher firearms control law, but that

proposal is being held up in the House Judiciary Committee while its members wait to see what he will do with the anticrime bill. The President may permit it to become law without his signature, but he could indicate his displeasure more forcefully by vetoing the measure.

Congress could then pass it over his veto, but if its members are as concerned about law and order as they claim to be, they would turn to writing a better law, one that meets the needs of the people.

[From the Milwaukee (Wis.) Journal,  
June 16, 1968]

#### LACK OF GUN CONTROLS DISGRACE, DANGER TO NATION

A British journalist has written of us: "However much I may love and admire America, its gun laws come near to ruling it out of civilized society."

They do. Our permissive tolerance of almost universal firearms ownership, and of promiscuous firearms traffic, is nothing short of scandalous. It has turned the public arena into a shooting gallery. It has helped put terror on the streets.

No system of government, no civilized society, can long endure when the cream of its leadership keeps getting shot by crackpots and fanatics; when some citizens regard the gun as a manly means of dissent; when a powerful and well heeled firearms lobby persists in distorting the facts about essential gun control legislation; when hordes of well meaning sportsmen swallow these distortions without bothering to inform themselves; when children of 12 can lug high powered rifles into the hunting field, as they can in Wisconsin and elsewhere; when the substantial majority of citizens who favor sane controls fail to stand up and be counted.

"We make it easy for men of all shades of sanity to acquire whatever weapons and ammunition they desire," Robert Kennedy declared in mourning the rifle assassination of Dr. Martin Luther King, Jr. Now Kennedy, like his president brother, like the revered civil rights leader, has been cut down by an assassin's bullets.

From 1900 to 1966 guns were involved in 280,000 murders, 370,000 suicides and 145,000 accidental deaths in the United States. Total: 795,000 victims of bullets since the turn of the century, or almost twice the battle dead in all of our wars since the Spanish-American war.

In 1962 there were 29 people murdered by gunfire in Great Britain, 20 in France, 9 in Belgium, 6 in Denmark, 5 in Sweden. United States total that same year: 4,954.

Nobody really knows how many firearms there are in the United States because controls are minimal. Estimates range from 50 million to 200 million. In Japan, by contrast, fewer than 100 citizens in a population of 100 million have licenses permitting them to possess handguns.

Guns, of course, are only a particularly deadly tool of disaster, not the cause of it. The National Rifle Association, leader in the fight against meaningful gun control legislation, is quite correct when it declares: "Guns don't kill people—people kill people." Cars seldom cause traffic accidents; drivers do. Thus we put strict restraints on drivers. Why should owners of guns, designed for the specific purpose of destroying, be exempt?

In sanity, the nation needs new laws to keep track of guns, and to see that the wrong people don't get and use them. At minimum, the following steps are needed:

Impose a total ban on the interstate shipments of all firearms (not just pistols) to individuals, as repeatedly proposed in congress. All other regulation, federal, state or local, falters when anybody can obtain guns in secrecy across state lines, by mail order.

Register all firearms, by name of owner and by description and serial number of the weapon. This probably would be some deter-

rent to lawless use and a genuine help to police in tracing gun ownership.

Require every gun owner to obtain a license or certificate under eligibility standards clearly defined by law, so that police could not deny a certificate on the basis of whim or bias. Surely convicted felons, persons with a history of mental illness, children and chronic users of alcohol or drugs should be among those denied certificates. An appeals procedure should be setup for persons denied certificates.

Bar sale of ammunition to anybody who lacks a certificate.

Require the certificate applicant to display his competence to use firearms and his knowledge of basic gun safety rules.

These basic controls are needed either at the federal level, or at the state level under uniform federal standards, with a firm deadline for state compliance.

Meanwhile it is wise to encourage passage of meaningful controls at state and local levels, such as the gun registration ordinance proposed for Milwaukee.

These requirements would not "take away" the gun of a single qualified citizen; at most they would pose an inconvenience. They would not make the streets, the countryside or the political rally "safe" overnight, but they offer a start toward sanity. Motor vehicle laws haven't ended accidents, but what sane citizen could contemplate the potential slaughter on the public highway without them?

To the extent that such laws would make it more difficult for the unqualified to get guns they would deter the gunshot violence that shames our nation.

[From the New York Times, June 12, 1968]

#### UNJAMMING GUN CONTROLS

What a rising tide of violence and a series of assassinations have failed to do—unjam legislative processes to permit enactment of an effective gun-control laws—the people in their honest outrage must do themselves. It is up to them to convince an astonishingly stubborn Congress that the nation needs the additional protection such a law would accord.

Members of the House Judiciary Committee blocked positive action yesterday by a tie vote, after Senate leaders lamely rejected the idea of new controls on the ground that they would prove no "cure-all." Of course they wouldn't. But stiffer gun laws would reduce the risk of deadly weapons coming into the hands of those who should not have them.

Risks that can be reduced need to be reduced after so much killing and crime. If some members of Congress continue not to think so, it is time their constituents demand action.

[From the New York Times, June 6, 1968]

#### THE SOUND OF GUNFIRE, TOLLING

Political assassination in all its horror has again struck into the consciousness—and the conscience—of the American people. The enormity of this crime goes even beyond the depths of the poignant personal tragedy that has once again enveloped the Kennedy family: political assassination strikes at the very fabric of the state, of American democracy and of the most basic American institutions.

But now the thoughts and prayers of all Americans are focused not on the shattering implications of this latest example of man's unrestrained violence, but rather on a gallant young figure fighting for his life in a Los Angeles hospital. Senator Robert F. Kennedy and his anguished family have the grieved and shocked sympathy of their fellow-citizens throughout this country and their fellowmen in every corner of the civilized world.

And as Americans everywhere watch through the night in prayerful hope that Mr. Kennedy will pull through this terrible ordeal, they must resolve once again—so

soon again—that this Government and this society will do everything, literally everything, it can do to thwart such terroristic acts that defy all decency and reason.

By grim coincidence, in the House of Representatives of the United States today there comes up for vote a Senate-approved measure that contains a thoroughly inadequate, half-hearted attempt to control the trade in guns.

"It amazes me that we continue to tolerate a system of laws which make it so outrageously easy for any criminal, insane person, drug addict or child to obtain lethal firearms which can be used to rain violence and death on innocent people."

These words were spoken in the Senate last month by Edward M. Kennedy of Massachusetts, but the Senate ignored them. Title IV of the so-called crime control bill on which the House will vote today is, as it now stands, a minimal attempt at genuine firearms regulation. It merely prohibits the interstate mail-order sale of pistols and revolvers and bans over-the-counter sale if the buyer lives outside the dealer's state.

The obvious hole is, as we have repeatedly noted failure to regulate interstate shipment of rifles and shotguns. Senator Edward Kennedy introduced an amendment to control such mail-order sales. Defeated 53-29. Senator Dodd introduced an amendment making it illegal for anyone under eighteen to buy a rifle or shotgun on his own. Defeated, 54-29. Senator Javits introduced an amendment that included an affidavit procedure for mail-order rifle and shotgun sales. Defeated, 52-28. Senator Brooke introduced an amendment to outlaw other destructive devices, such as hand-grenades, bombs and machine guns. Defeated, 47-30.

Thus, the record is clear. Senators mainly from the Southern and Western states, in lockstep with the National Rifle Association and other lobbyists for private arms and ammunition, have refused time and again to take these steps to prevent weapons from falling into the hands of potential lawbreakers and assassins. This failure to act set a discouraging example for those state legislatures, city councils and officials who were seeking stronger local firearms control.

It can be debated long into the night whether there is deep malaise in a society that breaks out in fits of madness and violence. What is not debatable is that when it came time to "do something about it" by law, the United States Congress failed.

And people all over the country, who look for leadership and guidance from Washington, heard once again the sound of gunfire, tolling.

[From the New York Times, June 21, 1968]

#### HIGH NOON FOR GUNS

The big shooting scene is coming up in Congress. It is taking on the look of the familiar walkdown between the good guys and the gunslingers at high noon in the Old West.

The overwhelming mail demand for tighter gun control has left little question that a law will be passed by this Congress before it adjourns. The big question is: Will it be another half-way measure or a truly effective law?

The Administration's gun-control bill cleared the House Judiciary Committee yesterday, but is stalled in the Senate Judiciary Committee until next Thursday. It would ban direct mail-order sales of all firearms and ammunition and prohibit over-the-counter sales to minors and out-of-state residents. This is certainly a great improvement over the weak title in the omnibus crime-control bill that the President has just signed into law. It covers rifles and shotguns as well as the now-banned interstate sale of pistols and revolvers.

The Administration bill is fairly certain of passage. Senator Dirksen is now in favor of it. It has the tacit approval of Senator Hruska,

who has said he will do nothing to delay it; in the past he and other opponents of strong legislation saw eye to eye with the sharpshooters at the National Rifle Association.

But next week a still more comprehensive gun-control bill, introduced by Senator Tydings, will also come to the floor. His National Gun Crime Prevention Act requires licensing and registration for the purchase and possession of any firearms. His co-sponsors include Majority Leader Mansfield and thirteen other Senators. Identical bills have been introduced in the House.

Senator McCarthy, who has established his present strong position in the Presidential race by taking clear-cut stands on Vietnam and other key issues, is unfortunately showing no comparable decisiveness on gun control. He has said that "stronger state laws were necessary," but he doubted whether a Federal law that went beyond "certain limited registration" of guns "could be effective." To this equivocation he has added a warning that legislation should not be put through "under panic conditions." He is wrong here because gun-control laws have been fully debated—and a clear choice is now available that calls for every legislator, and especially every Presidential candidate, to stand up and be counted.

President Johnson has said, "Americans should not have to wait any longer for a strict gun-control law." We agree. The strictest—because it would inform the proper police officials about who owns private firearms—is Senator Tydings' bill. The time to pass it is now when the public demands a real law.

[From the Baltimore (Md.) News American, June 19, 1968]

#### THE PEOPLE' LOBBY

A persistent aspect of the controversy over gun-control legislation has been the flood of mail emanating from members of such organizations as the National Rifle Association. The N.R.A. alone musters some 900,000 adherents and, as a result, Congress has come under an organized lobbying attempt to influence it on the gun-control question.

Since the assassination of Sen. Robert F. Kennedy, though, a new element has appeared on the gun-control legislation scene. This is the un-organized pressure on Congress to enact strict gun-control laws. It is a form of pressure that can only be described as lobbying by the people. Those in favor of gun control laws are not organized into such groups as the N.R.A. They are simply the millions of Americans who are horrified by the continuing carnage wrought upon this nation by lax firearms legislation.

Nationwide polls show, in fact, that four out of five Americans favor rigid gun control laws. So far the will of this vast majority has been thwarted by the organized anti-control lobbies in Washington. But, with the memory of recent tragedy and strong Presidential pressure—plus the "people's lobby"—it seems that at long last there is a possibility that Congress will act as it should on the gun-control question.

[From the Baltimore (Md.) News American, June 16, 1968]

#### IT'S ABOUT TIME

(By William Randolph Hearst, Jr.)

I

NEW YORK.—Today's double-barreled column is divided into two sections because two separate and still-developing stories shared equal billing in this week's top news.

Both, curiously enough, involved guns—enemy guns in Vietnam and all kinds of guns in America. Otherwise, the stories have no connection, so we'll take them up one at a time, beginning with those enemy guns.

Because of those guns—specifically the Russian-made 122-mm. rocket launchers which have been cruelly shelling Saigon civi-

lians off and on since May 5—a broad, new escalation of the war has become a distinct possibility.

It is unthinkable that this nation will much longer continue to exercise the bombing restraints ordered by President Johnson last March 31 when our curtailment does nothing but permit the enemy to mount new atrocities.

As you may have read, I was so burned up over the enemy's inhuman shelling of Saigon's helpless people that I cabled a protest last weekend to Averell Harriman and Cyrus Vance, our Ambassadors at the Paris peace talks.

The cable, voicing what I believe to be the feeling of most Americans, said that the North Vietnamese representatives at the talks should be told to cut out the bombardment forthwith or we would feel free to renew our own bombing.

Maybe my cable had nothing to do with what happened at the talks last Wednesday, although it was front-paged in Paris and by many European papers. The point is that something did happen—and it was about time.

Mr. Harriman didn't exactly read the riot act to the enemy. Diplomats don't talk that way. But there was no doubt what he meant when he told Xuan Thuy & company:

"We are patient, but we must be firm when the lives of our troops and of our Allies are at stake.

"The terrorist action against the southern capital is killing civilians without any military objective, and we are gravely concerned.

"The President of the United States has taken measures of great moderation—and this is not the proper way to reply to the first step he has made."

That's putting it mildly, but the veiled threat that we may soon be forced to retaliate by bombing Hanoi could not be missed by the enemy.

In any event, 13 straight days of indiscriminate and bloody bombardment of Saigon came to an abrupt halt the next day. Whether it will stay halted, however, is another matter.

The same day the chain of daily bombardments ended, on Thursday, the enemy's Liberation Radio broadcast warnings that the shelling of the southern capital would be renewed on a larger scale beginning this weekend.

According to the broadcast, and according to Vietcong leaflets scattered about Saigon, the threatened new terror assault will consist of a nightly barrage of 100 rockets and will continue for 100 consecutive days.

I strongly doubt the Communists are capable of doing this, but even if they resume daily rocket attacks on any scale whatever on non-military targets—then the time for diplomatic language will be over.

If a new attack does begin this weekend, it will be because the enemy thinks he can establish a bargaining point. He is likely to come to next Wednesday's Paris meeting and say he'll stop the Saigon shelling if we stop all our now drastically limited bombing of the North.

If the Communists get away with this, they will have succeeded in achieving by blackmail what they want more than anything else—a full halt to the aerial punishment which has been wearing them down.

It must not succeed, and it won't succeed if I know that man in the White House. Our next move, if the terror attacks are resumed, will be to tell the enemy one last time to cut it out—or else.

If we do not, the Paris peace talks will be totally meaningless.

One final thought. If we do resume all-out bombing—and I mean really all-out this time—I hope the American people will give it the support it obviously deserves.

The following is from a letter I received from a U.S. military commander in Vietnam

this week. Because it is so pertinent, a brief extract is given here:

"I think many of us on the fighting front are terribly disappointed with the lack of support on the home front. I never thought it possible that in time of need the American people wouldn't rally around their fighting forces.

"The tragic thing is that this support apparently was pulled out at a time when we were winning the war from a military point of view. If anything, we should have turned the pressure on, accelerated the fighting, and intensified our own terms for a settlement of the war.

"We have to face the realities of the day, and this means not to lose patience and give in to our frustrations."

Why not show this to the next faint-hearted, frustrated friend you run across.

II

This second section, dealing with the prevalence of guns in America and the need for more control over them, has got to be short and snappy. Seems like I'm always running out of space just as I am getting warmed up.

Right now, as the result of Robert Kennedy's assassination, there is a tremendous wave of public sentiment for strong federal firearms legislation. Even a balky Congress, which thus far has refused the President's demand for a ban on mail order sales of rifles and shotguns, reportedly is wavering.

If America is ever to have such legislation, certainly now is the time for the public to keep up the pressure—by letters to our lawmakers, by petitions, telegrams and even telephone calls if possible.

The NRA has blocked stringent legislation for many years and they know time is on their side.

But there is no question in my mind that the NRA is counting on the public to do what it did after the assassination of President Kennedy—clamor for gun controls for awhile and then lose its zeal as time passes.

It would seem many Americans have lost their power for sustained indignation.

There is absolutely no good reason in the world why any criminal, any mentally unstable person—even any child—can buy a rifle or shotgun merely by sending in a coupon and a money order.

And I'll go further than that. I have yet to hear a convincing reason why every legally owned gun of any description should not be registered and held under a license.

It is maintained that this is an infringement of personal liberty and to this I say nuts! You have to be licensed and registered to run a car. You have to register to get Social Security and Medicare. You even have to be registered to vote.

The licensing and registering of all guns would not prevent a single responsible citizen from owning and possessing one or more for any legitimate purpose.

It would not stamp out armed crime by any means, but it would surely help—as the experience of many other countries proves. Additionally, a lot of non-criminal but unstable people would be kept from the temptation to violence so frequently created by a gun in the house.

There's no point in expanding on all this. I have long believed—and millions of Americans believe—that this nation should have really strong legislation to control the traffic in firearms.

If you are one of those Americans, you can help the drive to get such legislation by sitting down today and writing to your Senators and Congressman.

Or have you already lost the power for sustained indignation?

[From the New York Post, June 10, 1968]

#### THE MERCHANTS OF DEATH

Despite overwhelming popular sentiment for effective gun-control legislation reported

again by the Gallup poll and other surveys, Congressional leaders were predicting over the weekend that President Johnson's latest plea for such a measure will be ignored. Instead the odds remained strong that the President will be confronted on a "take-it-or-leave-it" basis with a spurious anti-crime statute containing blatantly unconstitutional provisions and token curbs on the traffic in arms.

As Sen. Joseph Tydings (D-Md.) pointed out on "Meet the Press" yesterday, only a swift, massive expression of public feelings—addressed directly to legislators who have been serving as front-men for the National Rifle Assn. Lobby and trigger-happy constituents—can change the tide.

But no such upsurge is likely unless President Johnson immediately carries the fight to the people by television in more spirited and persuasive terms than he ever has before.

The truth is that the NRA operatives and their agents have succeeded in creating mass confusion. Many Americans have been persuaded that the projected "anti-crime" bill offers real safe-guards; even some wiser legislators are fearful of speaking out lest they be hysterically identified as "soft on violence."

What the country must be told bluntly is that men engaged in the big business of domestic munitions are fighting to preserve their business-as-usual. It must also be told why the assault on the Supreme Court's defense of the rights of defendants in criminal cases has virtually no bearing on most proceedings since it would apply only to federal prosecutions.

The President has said many of these things in scattered declarations. But the moment has come for full-scale exposure of the double-hoax in a major address, accompanied by a challenge to all Presidential aspirants of both parties—Nixon, McCarthy, Rockefeller, and, of course, Vice President Humphrey, to associate themselves plainly and unequivocally with that stand.

Admittedly the hour is late. But it is also an hour when many Americans, still stunned by the assassination of Sen. Kennedy, will be responsive to such a message from the President. In promoting the fraud of the so-called "anti-crime" measure, the munitions magnates have once again perpetrated a crime against truth and rationality. A belated attempt to seek to amend that legislation is almost surely doomed to produce another flabby form of surrender. What is needed is a large-scale new offensive heralded by a major Presidential exercise in education, leadership and courage.

[From the Newark (N.J.) Sunday News, June 9, 1968]

#### MAIL-ORDER MURDER

Even after the assassinations of the Kennedy brothers and Martin Luther King Jr., Congress still seems to be insensitive to the need for effective gun-control legislation.

After procrastinating for years, Congress has finally adopted a bill, the House having accepted the Senate's halfway measure. But the bill is so futile it deserves presidential veto. Even while the House tallied its votes, Mr. Johnson condemned the weak legislation and implored Congress to "act in the name of sanity."

As the bill stands, it is plain that what the President called "the voices of the few" have prevailed over the nation's interest. No member of Congress is unaware of the influence of the National Rifle Association, the powerful lobby that has successfully opposed gun control legislation.

The measure sent to the White House covers only hand guns. Even if the President signs the bill, it still would be possible for anyone who is not a proven criminal, or an alcoholic or is mentally unbalanced to buy a pistol without difficulty.

There is nothing in the legislation to prohibit mail-order purchase of shotguns and

rifles. All that is needed is a money-order for \$19.95, plus \$1.50 postage, for another Lee Harvey Oswald to get a carbine with telescopic sight.

The nation, as President Johnson, said in his statement to Capitol Hill, "is crying out to the conscience of Congress." But Congress inexplicably has been unresponsive to the question why the sale of guns of all kinds should not be regulated. England, for example, requires at least that all firearms be registered.

[The United States is the only highly developed nation without gun registration or other control. We can hardly consider ourselves civilized until Congress provides it.]

[From the National Observer, June 10, 1968]  
WHAT OTHER NATIONS HAVE FOUND: DO GUN CONTROL LAWS WORK

(By Lee Dirks)

Tough gun-control laws reduce crime rates and the number of homicides in a society: True or false?

The question has long been posed; the answer, at least in America, still is in hot dispute, largely because the evidence seems to be inconclusive or, in the minds of some, mostly irrelevant. There's no paucity of facts and figures, however, and the assassination of Senator Kennedy compels a fresh look at the conclusions they point to.

Throughout Sirhan Sirhan's native Jordan, for instance, persons purchasing or possessing firearms risk severe punishment unless they receive permission from the authorities. Even the Bedouins, the desert nomads who traditionally have carried weapons, must register them with a special desert police force.

Jordan's stringent firearms laws don't eliminate violence by gunfire, nor do they prevent some guns from circulating illegally. But they apparently do help keep crime rates down. In 1963, the year President Kennedy was assassinated, 2.25 of every 100,000 Jordanians were murdered, of whom a much smaller percentage died of bullet wounds. In the United States in the same year, 2.7 of every 100,000 Americans were murdered by firearms alone.

But Jordan is not an industrialized prosperous nation, those who deny the effectiveness of firearms legislation might argue, and besides, statistics from Jordan cannot really be trusted. . . .

Then take Japan, an industrialized, densely populated nation with urban problems not unlike those of the United States. Japan has perhaps the most stringent firearms laws of any nation in the Free World, and crimes of violence are relatively low.

#### JAPAN'S RIGID CONTROLS

With rare exceptions, only police officers can carry pistols in Japan. Of the more than 100,000,000 Japanese fewer than 100 have licenses permitting them to possess handguns; most of these are competitors in international shooting matches. Japan is a land of hunters, from the members of the imperial family who go duck hunting with nets to the sophisticated sportsmen who hunt game with the latest rifles, and some 500,000 rifles and shotguns are known to exist there. But anyone who is under 18, mentally deranged, without a fixed address, or potentially dangerous in the judgment of the authorities cannot get a gun permit. Even persons who pass these qualifications must take three hours of instruction and pass a written exam before they can receive a hunting license.

In 1966, firearms were present in only 99 crimes of all types—murders, rapes, assaults, robberies—in Japan. In the United States, which has twice as many people as Japan, firearms were used in more than 50 times that number of murders alone in 1966. The rate of murders in Japan runs about one-third that in the United States.

Whether because of stringent gun-control

laws or other reasons, the rate of accidental deaths involving firearms is sharply lower in Japan and every other large country than in the United States. In contrast to Japan's 500,000 firearms, some 50,000,000 to 200,000,000 firearms are estimated to exist in the United States, according to Senate testimony last year; the estimates vary so widely because of the general absence of registration requirements. For every 10,000 Americans, 1.3 die every year in gun accidents; in Japan the rate is .09.

But Japan is an Oriental land with a long tradition of firearms controls, skeptics of legislation might say, and besides, Japan has a heritage of rule by a strong central government that at times has trampled on the right of individuals. . . .

#### WEAPONS LAWS IN BRITAIN

Then take Britain, defender of individual rights over the centuries and progenitor of the American system of law. Weapons laws in England date from the Statute of Northumberland of 1328, and the possession of firearms has been controlled by licensing since the Gun License Act of 1870.

No one under 14 is permitted to buy or possess any kind of gun in Great Britain. Almost all handgun permits issued authorize use only on pistol ranges. Genuine sportsmen can get licenses for the use of shotguns with little difficulty, however, and some 4,500 shooting clubs flourish in the British Isles.

In Britain, the homicide rate per 100,000 persons runs one-eighth the rate in the United States, the rate for robbery one-tenth the U.S. rate, and the rate for aggravated assault one-seventeenth. When 5,126 Americans were being murdered by firearms in 1963, 24 Britons were dying by the same means.

Not that Britons are more law-abiding than Americans; the larceny rate there runs three times the U.S. larceny rate. When a person uses a firearm in a homicide in Britain, however, he can be assured of headline treatment; the murder of three policemen in London not long ago received world-wide attention and incidentally resulted in a six-year prison sentence for illegal possession of firearms for the man who four months before the murder had sold the pistols to the murderers. Except for riot deaths and an occasional sensational murder, the more than 100 murders of policemen in the United States (more than 90 per cent by firearms) go largely unnoticed.

#### NO BRITISH FRONTIER TRADITION

But Britain has no frontier tradition, and besides, British law has no equivalent to the Second Amendment's right to bear arms. . . . (Question: Does the United States today have the "well-regulated militia . . . necessary to the security of a free State" upon which the Second Amendment predicates "the right of the people to keep and bear arms"?)

Then take Hawaii, covered by the Second Amendment yet a state that requires a permit to purchase a handgun and requiring that handgun sale be reported to the police. Hawaii's rate for murder and non-negligent manslaughter by every means in 1966, the latest year for which figures are available, was 2.9 per 100,000 persons. Alaska, which became a state at about the same time as Hawaii but has far less stringent firearms requirement, had a rate of 12.9, more than four times Hawaii's.

Urban conditions apparently have little effect on Hawaii's low standing among the states in homicides. Honolulu had fewer homicides (12) in 1966 than any of the four U.S. cities hovering closest to it in population. Miami recorded 53 homicides, Norfolk 20, Akron 17, and Omaha 13.

But Hawaii is not part of the continental United States, and besides, it's too small to be considered for an accurate sample of the effectiveness of firearms laws. . . .

Then take New York, the mainland state with the most stringent gun controls. New York's Sullivan Law requires citizens to obtain a license to possess handguns even in their homes or places of business.

New York's homicide rate ranks among the lowest in the nation despite the state's dense population; at 4.8 per 100,000 citizens, it's less than half the rate of Alaska. The New York City rate is similarly low—half that of Chicago, Detroit, and Cleveland and one-third the rate of Houston. In Texas, as Frederick J. Ludwig, chief assistant district attorney of Queens, put it last year in testimony before the Senate: "To violate the weapons laws . . . the defendant must (1) carry concealed (2) away from his home (3) a pistol or revolver, (4) have been convicted of a felony (5) involving a crime of violence, and (6) the particular act of violence must have been committed, not with any weapon, but a firearm."

But New York City is not Houston, and besides.

[From Newsday, June 7, 1968]

#### THE ROOTS OF VIOLENCE

With the nation in deep mourning for Sen. Robert F. Kennedy, slain by an assassin's gun, the House of Representatives yesterday voted to tighten controls on the sale of guns. It was a well-intentioned effort—but not one which will atone for the loss of a young man who so thoughtfully articulated the needs of our divided society, who earnestly sought to close the gaps between black and white, rich and poor and young and old.

The gun control bill cannot serve, nor should it be considered as a memorial to Robert Kennedy. At best it is only a half-measure, shaped by the objections from the gun industry lobby and the sportsmen's groups. It is a bill which Robert Kennedy opposed as too weak. But even if it were totally effective, it still would deal only with the surface problems of violence, rather than with the problems that underlie the senator's death.

These problems are poverty, lack of opportunity and lack of hope. Together, they constitute the true roots of the restlessness and violence in our nation. So long as people despair, so long as discontent is so endemic in the American system, just so long will violence endure. President Johnson has taken a step toward focusing on this question of violence by appointing a commission of distinguished citizens to search for the psychological and physical origins that lead to assassinations and place the lives of our public officials in such great jeopardy.

Everything that can be done to establish why the fabric of American life is fraying and pulling apart will be helpful. The one concern must be that this commission does not come up with pat solutions, with answers that do not really answer, and with comments that soothe the American conscience while permitting us to stagger blindly down the road to anarchy.

The gun control bill as it stands is a good example. It forbids the mail-order sale of handguns but does not ban the mail-order sale of rifles or shotguns. Nor does it fulfill many of the recommendations cited by the President's Commission on Law Enforcement and Administration of Justice. That commission recommended, but Congress has ignored efforts to (1) outlaw private possession of such military-type firearms as bazookas, machine guns, mortars and anti-tank guns, (2) prohibit such persons as habitual drunkards, drug addicts, mental incompetents, the mentally disturbed and ex-convicts from buying or possessing firearms, (3) and underscore the need for state registration of all firearms and state permits to possess or carry handguns. These requirements alone probably would not stop all killing, but certainly they would help discourage it. The Congress should heed the

President's plea to close the "brutal loopholes" in our gun laws.

Even so, the only true memorial to Robert Kennedy will be a resolute decision by Congress to mount an all-out attack on the problems which help create a national climate of violence. If the Congress wishes to build a true and lasting tribute to Robert Kennedy, it can do so by rebuilding the slums of Bedford-Stuyvesant, by feeding the hungry in Appalachia and by finding jobs for the Mexican-Americans of East Los Angeles. For these were the ideals which Kennedy cherished and the goals for which Kennedy worked. Only in this way can America renew its faith in the dream that made this country great.

[From the Nashville Tennessean,  
June 13, 1968]

#### THE CHOICE FOR CONGRESS: GUN LOBBY OR THE PEOPLE

The coming fight in Congress over the issue of gun control should provide the people with a measurement of how extensively legislation is being determined by powerful lobbies.

The National Rifle Association, which is fighting effective gun control legislation, is one of the most powerful and best-financed lobbies in the business.

For 30 years or more, the NRA has been able to slap down all efforts to impose legislative restrictions on the free flow of guns and ammunition. The rifle lobby has succeeded in this effort despite the growing demands of police officials, congressmen, and others, for a reduction in the traffic of dangerous weapons in a crowded society.

In the developing controversy, however, the advocates of effective gun control are supported by a lop-sided public sentiment which has grown in its intensity since the assassination of Sen. Robert F. Kennedy. It will be interesting to see if the National Rifle Association can withstand the renewed tide of public opinion and still influence enough congressmen to defeat effective control measures.

The gun control provisions of the anti-crime bill which was sent to the President last week are a mockery of serious efforts to keep guns out of dangerous hands. The bill sailed through the House in the emotional aftermath of Mr. Kennedy's slaying apparently in the hope that it would be accepted by a grieving public as a real answer to the gun problem. But the bill passed because it contained little that would upset the National Rifle Association.

However, there is little chance that these half-hearted efforts to control the gun traffic will be allowed to stand. President Johnson has already sent Congress another urgent message calling for much more stringent controls, and a growing number of Senators and Congressmen are joining the chorus for effective legislation.

Sen. Joseph D. Tydings, D.-Md., delivered a blast at the NRA over the weekend as "the voice of munitions makers and gun sellers" operating under the guise of representing sportsmen. Senator Tydings said the NRA receives most of the millions of dollars which it uses to influence legislation from the arms and ammunition makers—not the sportsmen.

Congressmen also are beginning to ridicule the NRA's argument that a law requiring the registration of guns and controls on gun sales would abrogate the constitutional right to bear arms.

Thus, the issue that is developing is one between the gun lobby, which wants no effective controls, and the people, who are showing more convincingly every day that they do want strong controls.

The outcome of this direct confrontation between a majority of the people and the selfish wishes of a powerful and wealthy lobby could have far-reaching effects on the

way the people regard the performance of their elected representatives in Congress.

[From the St. Louis (Mo.) Globe-Democrat,  
June 12, 1968]

#### THE GUN LAW FUROR

The aftermath of the Robert F. Kennedy assassination has brought a renewed demand for tough gun control laws. A similar outcry was raised after the slaying of President John F. Kennedy and the killing of Rev. Martin Luther King.

The idea seems to be that if Congress whips through a drastic gun-curb act, murder and other criminal violence would be largely wiped from the scene. Certainly impressively cut back.

This is a heavily emotional appeal and doesn't bear the scrutiny of hard realism. That doesn't mean more stringent gun laws aren't needed and can be helpful. But any concept that a crackdown on gun traffic can possibly accomplish much toward slashing "criminal violence from the muzzle of a gun" just doesn't make hard sense.

According to President Lyndon Johnson 2 million guns were sold in the United States last year. Many, many more millions were already in the hands of citizens. There simply is no way to police these guns, or recall them.

But most significantly, and tragically, any potential murderer or felon who wants a gun will get one, law or no law. Any assailant determined to assassinate anyone in cold blood will get a weapon suitable to his design. They will steal guns, get them by bribery, even make them.

No gun law can halt murderous felony. It is utterly foolish to believe it can. Even the President, leader of the newest drive to adopt a rigorous federal gun statute, admitted this last week.

Immediately following the assassin's attack on Senator Kennedy, Mr. Johnson pleaded with Congress to pass laws that would bring "the insane gun traffic" to halt. Then he added: "That will not, in itself, end the violence, but reason and experience tell us it will slow it down; that will spare many innocent lives."

There can be a modicum of truth in this thesis. Therefore, despite the strong objection of hunters and long-gun fanciers, we see no reason why rifles and shotguns should not be barred from mail order shipment and promiscuous interstate dealing. The recently passed anti-crime bill merely outlaws mail-order sale and counter-sale of handguns to minors and non-residents of a dealer's state.

Regardless of the antipathy of the National Rifle Association for almost any statute impeding traffic in rifles and shotguns, we submit Congress should seriously consider statutes leading to:

State examination of every person seeking to purchase a gun. Such tests should include knowledge and ability of how to handle a gun; police record, if any, in the case of each applicant; medical information to exclude crackpots, the mentally ill. Guns should not be sold direct to minors.

Registration. This the NRA opposes, but it could be helpful and justified. Missouri already has a registration act for handguns, which requires clearance by police and two letters of recommendation from responsible citizens. A serial number of the weapon is affixed to the license and kept on record by the seller.

Another plausible proposal would be a case-gun law, which would provide that any person carrying a gun must have it in a case and unloaded. Illinois and Iowa have such statute.

Another area that needs close examination is the policy of federal government that admits foreign guns into the American market.

The result is that machine guns, bazookas, even anti-tank guns have been found in private hands in this country. Federal surplus commodity sales permit hand grenade

"shells" to be sold for scrap. These have turned up, loaded and fused by individuals.

If the Administration is so concerned over the hazard of gun traffic in the United States, it ought to look to its own skirts, stop foreign gun traffic and the sometimes careless disposal of surplus weapons.

None of the proposed gun bills can possibly halt criminal slaying or use of weapons in robbery and other felonies. It is extremely doubtful, such stiffened acts could even reduce murder and gun crimes—any more than traffic laws have halted or diminished automobile deaths.

[But reasonable precautions over sale of guns, all kinds of guns, could curtail crimes of passion, drunken gun brawls, accidental gun deaths and suicides. If so many guns aren't so handy, such mortal incidents should be less common. Responsible gun owners would hardly suffer under such laws.]

[From The Salt Lake City (Utah) Tribune, June 8, 1968]

#### REDUCE ACCESSIBILITY OF ALL FIREARMS

No gun control law, not even one making it a capital crime to possess firearms, will completely rid this violence-prone nation of the pistols, rifles, shotguns and even machine guns and bazookas held by millions of its citizens for diverse reasons.

But a strong, fair and enforceable law which protects legitimate gun users while making it more difficult for crackpots, hate-mongers and petty crooks to acquire lethal weapons would be a long needed improvement over the hodgepodge of weak and ineffective state and federal gun control laws now in force.

It is wishful thinking to believe that through mere legislation all criminals, sniping rioters, irresponsible juveniles or the mentally deranged can be denied access to a gun. A person who wants one badly enough will always be able to satisfy his wanton urge. But strict laws would go far in preventing deadly firearms from casually falling into the hands of people who are likely to misuse them out of ignorance or for more sinister reasons.

No one knows how many of the 6,000 murders committed with guns last year were carried out because a weapon happened to be handy when the killer's passion reached the flashpoint. Neither has it been determined how many of the 3,000 persons fatally shot by accident last year would be alive had the weapons been more difficult to obtain. In both cases it is reasonable to suppose death totals would have been much lower.

Guns control legislation included in the omnibus crime control bill is weak. But it is a start. If President Johnson goes through with his announced intention of submitting strengthening amendments to the bill early next week, Congress will have another opportunity to cure the sickly creature it created.

Because the gun lobby is a loud, highly organized one and can count on the sympathy of millions of gun-owning voters. Congress has consistently shied away from offending it although opinion polls show overriding public support for stronger firearms regulation.

The law contained in the crime bill is a good example of how a reasonably good control measure was diluted by timid lawmakers. As amended by the Senate and sent to the House—which railroaded it through in the wake of Senator Robert F. Kennedy's assassination—only interstate traffic in handguns and acquisition of larger military weapons would be limited. Rifles and shotguns would still move freely and could be ordered by mail by just about anyone capable of filling in the handy coupon and buying a money order.

We urge Congress to grant President Johnson's requests, not only because we hold them to be in the public interest but because we believe the majority of the public

wants this added protection. There still is a place for guns in this increasingly recreation-minded society, but that place is not the dangerous hand of a mental or moral misfit.

[From the Sacramento (Calif.) Bee, June 14, 1968]

#### GUNS ARE NOT NEEDED IN CIVILIZED NATION

The fires of controversy which have been stirred once again by the brutal slaying of a national leader have illuminated the fact the United States continues to be clutched in the grip of a powerful gun lobby which refuses to bend to the rising public demand for meaningful firearms control.

This demand began long before the recent series of tragedies which have scarred the nation's soul. Congress last passed a firearms measure in the 1930s and even before the assassination of President John F. Kennedy the public was asking for better gun control laws.

After that shocking event, the public demand increased. Yet four and a half years later, the Congress has failed to respond to the public will. Law enforcement officials across the country shuddered in apprehension at the fantastic upsurge in gun buying—46 per cent in Detroit alone—which followed urban riots. The police, the Defense Department—these are the agencies which alone need weapons to enforce the law and to protect the citizenry.

The United States has become an armed camp, pitting brother against brother, citizen against citizen. Ten thousand guns reach private hands every day and apparently there is no effective legislation forthcoming from the legislative halls.

The House Judiciary Committee refused to approve a request for minor restrictions on the sale of rifles and shotguns. The California Assembly Committee on Criminal Procedure turned down a reasonable gun control bill by that "brave" voice whereby assemblymen are not recorded so their constituents could know where they stand.

Henry Fairlie, a British journalist, in 1966 commented: "However much I may love and admire America, its gun laws come near to ruling it out of civilized society."

Certainly, even meaningful gun control legislation would not stop criminals bent upon crime from stealing or otherwise obtaining weapons. But even if it were effective to a small degree, it would be worth the little inconveniences it might impose upon a few gun lovers. It would be a start toward making this a truly civilized nation.

[From the Sacramento (Calif.) Bee, June 16, 1968]

#### AMERICA WILL PROGRESS AS IT REJECTS ALL HATE AND VIOLENCE

The nation would have been more reassured if President Lyndon B. Johnson had demanded action to curb the already known causes of violence than calling for a new commission to find out what in American society leads to violence.

The President already has before him a recent and splendid report on disorders by a commission he himself named. He has yet to take any important notice of this commission's findings.

There have been untold reports by medical authorities of the effects of America's violence-loaded movies and television upon the young. Crime studies galore have linked crime and violence directly to poverty, the ghettos and the materialistic stress in American life.

Perhaps, a report on these many reports will save librarians from collecting already-conducted studies. The nation knows enough about the causes of violence to warrant some kind of direct action. For instance, Mayor Joseph Alioto of San Francisco has taken direct action in calling for the voluntary turning in of guns.

It is callow to discount the degree of violence as the President did by pointing out 200 million Americans did not assassinate the late Sen. Robert F. Kennedy. Of course they did not. But the malady of violence is manifested by more than one incident.

Violence shouts aloud in the American crime rate, in the riots which have made funeral pyres of American cities, in the bloody movie, "Bonnie and Clyde," which won Oscar recommendation, in the corpse-strewn television screen, as well as in the assassinations of the late John F. Kennedy, Martin Luther King and civil rights workers.

The peculiar and dangerous nature of American violence is the fact it has insinuated itself into acceptance as a form of national folklore and entertainment.

This acceptance easily can become a mode of action when stresses and strains of an acquisitive society play upon an unstable individual.

America cannot lay claims to maturity until the present emphasis upon violence is transferred into genuine admiration for the man of compassion, restraint and love.

One should not yield to the temptation to mitigate the urgency of the situation by dismissing it as a revolution in American values. The United States came to birth by revolution; it went through the bloodiest Civil War in history. In a sense it has had more than its quota of revolutions.

Yet Congress still refuses to pass an effective gun law although there are in the hands of the citizens of Sacramento County alone half as many guns as there are in the hands of 46 million Englishmen.

The American television and motion picture industries still refuse to reduce their diet of crime so long as it sells.

The most hopeful part of the whole American condition is the growing number of people who realize violence is too close to an American way of life.

Through legislation to reduce poverty and equalize opportunity through education, and if necessary through federalization, America must be made a more law-abiding state.

It is useless to talk about new frontiers as long as the primitive frontier of the gun remains or as long as the acquisition of material things is the nation's chief value.

[From the Philadelphia (Pa.) Sunday Bulletin, June 16, 1968]

#### SPEAKING OUT ON GUN CONTROL

Majority Leader Mansfield, who last week was doubtful that the U.S. Senate would approve stronger gun control legislation, now says that "prospects are looking up and seem to be favorable" for such legislation.

The shifting under public pressure is evident. That sensitive sniffer of the political winds, Senate Minority Leader Everett Dirksen, who voted against including long guns in the ban on mail-order sales to individuals, says of the new bill that "If it's necessary, I'll be delighted to support it."

But he makes it clear that he has yet to be convinced of the necessity, and that should be a warning to those who favor more control legislation.

Another shift is that of Gov. Shafer, whose previous ambiguity on strengthening Pennsylvania gun laws seems to be swiftly vanishing. It not only appears that he will move on the state level but he has urged inclusion of a strong gun control plank in the GOP platform for 1968.

The alarm of the National Rifle Association is another indication of the way the wind is blowing. Its president asserts that Americans are "reacting as the German people did in the nineteen-thirties as the Goebbels propaganda mill drilled lies into their subconscious and dictated their every move."

The kind of propaganda mill the gun lobby itself operates is manifest. It would make the effort at effective gun controls appear one to disarm law-abiding Americans.

This has been so drilled into the subconscious of large numbers of hunters and sportsmen that their opposition has been the principal barrier to a better check on weapons at national, state and local levels.

If public interest slackens there will happen again what has happened before; better gun legislation will be stalled or weak action will be taken instead of strong action. The public will have to continue to speak out if it really wants the general permissiveness on guns ended.

[From the St. Louis (Mo.) Post-Dispatch, June 16, 1968]

#### NO TIME TO MISFIRE

The growing public demand upon Congress for serious gun control laws has led the gun lobby to respond with outraged emotionalism. Summoning up visions of the Minuteman and the Lone Ranger, the National Rifle Association warns against denying citizens a basic civil right, the right to "keep and bear arms."

If the NRA actually believes this, it ought to take the issue to the Supreme Court, and discard the kind of bravado that equates the building of the nation with the Long Rifle and the Colt .44. The fact is, however, that the courts have never concluded that bearing arms is a basic civil right. So it is only an assumption that the Second Amendment forbids limitation on an individual's right to bear arms. That amendment says:

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

Legal scholars and the courts have found it impossible to separate this right to bear arms from the need for a militia. The identification of "citizen soldiers" with democracy is as old as Plato. But it does not follow that a democracy cannot regulate use or possession of arms; even Athenians could not walk the streets in armor.

Ancient English law recognized some individual claim to bear arms subject to legal restrictions. Against this background, America's Constitutional Convention argued the issue in terms of whether there should be a standing army or a militia, and the Second Amendment was the result.

The Supreme Court has construed the Second Amendment on only four occasions. Though its opinions differ somewhat, it never construed the Amendment to give citizens any absolute and untrammelled right to pack arms as they see fit.

In 1876 the high court threw out a Reconstruction indictment charging conspiracy to deprive Negroes of the right to bear arms. The court said the Second Amendment only restricted the power of the Federal Government, not the states, and bearing arms "is not a right guaranteed by the Constitution." In 1886 the court upheld an Illinois statute forbidding private groups to drill with arms, and in 1884 the Justices supported a Texas statute forbidding the carrying of dangerous weapons on the person.

These decisions all indorsed state authority to regulate weapons. In 1939 the Supreme Court upheld similar federal authority in the form of the National Firearms Act of 1934. At the same time it flatly interpreted the Second Amendment as an effort to support a militia rather than any individual right to guns. The Justices said they could see little relationship between the sawed-off shotgun involved in the case and any contribution "to the common defense."

That is how the law stands, and we doubt that the gun lobby could successfully challenge it. As a practical matter, of course, the necessity for a well-regulated militia is no longer what it was. The military competence of the United States today does not rest upon the private citizen's unregulated possession of a rifle or handgun. To the contrary, such possession, completely unregu-

lated, has been proved thoroughly dangerous in our crowded urban society.

What is at stake in Congress is not denial of the privilege of bearing arms. What is at issue is reasonable regulation in the interest of public safety. Congress has already decided to ban interstate mail order sale of handguns, with the NRA's reluctant acquiescence. But that is not enough. The President proposes extending the ban to long guns, and Senator Tydings of Maryland and others are sponsoring a bill to require registration of all firearms.

The public is right to demand more stringent laws. A nation that has turned its guns more on itself than on its external enemies in this century, and that stands alone without reasonable firearms regulations in the Western world, has got to come to grips with its tragic record. Misconceptions of our law and history must not lead to another legislative misfire.

[From the Wichita (Kans.) Sunday Eagle, June 16, 1968]

#### REGISTRATION MAY BE BEST WAY TO CONTROL GUN USE

U.S. big-city mayors, meeting in Chicago, have called for federal legislation outlawing possession of handguns by anyone but police.

Their resolution is the latest in a number of requests for stern gun control legislation being expressed throughout the nation.

The Gallup poll reported earlier this month that a special survey conducted on the day Sen. Robert F. Kennedy was shot, finds the public advocates registration of all firearms as the best way to curb violence.

This may turn out to be the most practical of the gun-control suggestions.

There are some statistics which indicate strong gun control helps some. New Jersey has a gun-purchase law which requires you to prove your reputation for good behavior in your neighborhood before you can buy a gun.

The law probably has kept some narcotics addicts, people with police records, and unbalanced people from buying guns. And in New York, where the Sullivan Law has operated for years, gunfire killings account for only about a fourth of the homicides.

Yet gun laws can play only a small part in stopping crime and violence. In spite of the New Jersey law, LeRoi Jones, the anti-white Negro poet, had two loaded .32s on him when he was arrested in Newark.

Despite the Sullivan Act, an actress described as a psychotic man hater, shot Andy Warhol, pop artist and underground movie maker.

It is obvious that if you are willing to break the law to shoot someone, you don't worry about breaking it to get hold of a gun.

Despite the knowledge that deaths from gunshot are more numerous in the U.S. than in any other nation, and without regard to the fact that of all the civilized nations of the world, only U.S. citizens have the "right to bear arms," Americans refuse to give up their guns.

There still are some wide-open spaces in which to hunt, there is the matter of protection, and some own guns because they simply are firearm fanciers.

The only apparently practical steps remaining, then, are to enforce the new federal gun-control law which bans mail order sales of hand guns, limits store sales to adult residents of the state, and curbs traffic in imported firearms and military-type weapons.

So, it might be worthwhile to require local governments to register all guns. Provision could be made to revoke the license of anyone convicted of a crime.

[From the Washington (D.C.) Post, June 7, 1968]

#### AND TAKE AWAY THE GUNS

The shooting of Robert F. Kennedy and five other innocent persons in Los Angeles

was merely the most sensational of numberless shootings that took place in the United States on Tuesday night. Here in Washington, at a Georgetown hamburger shop, two young Marine lieutenants, 20 and 21 years old, were shot dead and a third officer and a young woman were wounded by gunfire at almost the same moment that the tragedy occurred in Los Angeles.

The United States can put a stop to this senseless slaughter—or at least very greatly lessen it. Congress has it within its power to do this simply and effectively, as every other civilized country has done it—by bringing the sordid traffic in guns under control. There were, as President Johnson said yesterday, more than 5000 homicides by firearms in this country during 1967—not to speak of suicides and accidental shootings which brought the year's death toll from guns up to about 18,000. Gun homicides are fewer than 50 a year in England or in Japan.

Thanks to the insensate obstructionism of the National Rifle Association, the gun-control provisions of the current omnibus crime bill are piddling and ineffectual. It is time now to deal with the gun peril in this country definitely, on its own merits and in a distinct piece of legislation, not squeezed casually into a hodge-podge measure of doubtful constitutionality. We applaud most warmly the President's appeal to Congress "to enact a strong and effective gun control law, governing the full range of lethal weapons." But control must go beyond the purchase of firearms. It must govern possession as well.

Regarding pistols and revolvers, the control should be just as rigid as possible. No one ought to be allowed to possess one of these weapons, designed only for the killing or maiming of human beings, unless he is a member of the military, a law-enforcement officer or an individual whose peculiar occupation and circumstances require him, in the judgment of the police, to possess a handgun for self-protection.

In short, private sale of these weapons should be ended. Everyone now possessing a pistol or revolver should be required to turn it in to police authorities by a fixed date—with just compensation, of course. Licensed shooting galleries and clubs may be allowed to keep such guns under stringent controls for target shooting purposes. But unlicensed possession of one of these weapons by anyone should be subject to severe penalties.

Possession of sporting rifles and shotguns should be limited strictly to law-abiding, responsible adults; and every one of these weapons should be registered, along with all sales of ammunition for them. Regulations should be formulated also for the responsible handling of these firearms, requiring that they be kept unloaded and disassembled except when being employed at appropriate places for target shooting or hunting. Better still, perhaps, they should be kept, as in Japan, at gun clubs where they can be obtained by their owners when actually needed for sport.

These measures will not forbid legitimate and reasonable use of guns for lawful purposes. They will, however, make it extremely difficult for criminals, lunatics, children and assassins to acquire guns. And they will reduce the tragic incidence of shootings by infuriated or intoxicated or careless individuals who happen to find a gun handy when they lose control of their minds or their tempers.

The frontier has passed from American life. Americans now live in much too close proximity to each other to leave guns lying around at random for their mutual destruction. The one redeeming benefit that could flow from the Kennedy tragedy in Los Angeles is effective action to save the lives of his fellow Americans. Common sense and a decent respect for the sanctity of human

life command the President and Congress to deal with this peril now.

[From the Washington (D.C.) Post,  
June 11, 1968]

#### TELL IT TO CONGRESS

On *Meet the Press* Sunday, Senator Tydings pleaded for "a tremendous outpouring of demands from the citizens of this country" for effective gun control legislation. There can be no doubt whatever that this country now wants tough gun laws. The Gallup report of last Sunday disclosed that the public regards "registration of all firearms as the best way to curb violence in our society." The people, according to Dr. Gallup's researches, "favor a law requiring the registration of all guns, a law banning the sale of all guns through the mails, and strict restrictions on the use of guns by persons under 18 years of age."

Americans can have this kind of gun control if they let Congress know that they really want it. For years, the National Rifle Association, spokesman for sportsmen and the firearms industry, has managed to drench Congressmen in a downpour of letters opposing reasonable firearms regulation anytime anyone proposed it. Congress needs to be told that this special interest group does not speak for the Nation. The way to do it is for every American, concerned about the gun peril and angry about congressional failure to deal with it effectively to write to his Senators and his Congressman, if he is fortunate enough to enjoy representation in the National Legislature.

Washingtonians, lacking representation, can at least write to the chairman of the Judiciary Committees or to the Majority and Minority Leaders of both Houses. People who live in the District but are entitled to vote elsewhere can help the cause of gun control by urging their home-town newspapers and representatives and state legislatures to support it. We hope ardently that other newspapers throughout the country will urge their readers to write to Congress in the same important cause.

When you write to a member of Congress, you exercise a fundamental right of citizenship and are entitled to respectful attention. Most members of Congress will be glad to hear from you if you write to them in a frank and friendly way, with respect for their office and their personal integrity. We urge you to write in your own words, expressing your own thoughts—and to do it just as soon as you possibly can. For the benefit of those who may want some help in the composition of a letter, here's what we would write:

"Recent tragic events have convinced me that the country needs strong and strict gun control legislation. I urge you to support action along the lines recommended by the National Crime Commission, including:

"1. A ban on mail order purchase of rifles and shotguns as well as pistols and revolvers.

"2. Registration of all firearms; and a ban on the sale of ammunition except to registered firearm owners.

"3. Licensing, comparable to the licensing of automobile ownership, of all gun owners for the purpose of preventing the possession of guns by convicted felons, habitual drunkards, drug addicts, mental incompetents and minors; and limitation of handgun ownership by police permit to military personnel, law enforcement officers and civilians whose peculiar occupation and circumstances require them, in the judgment of the police to possess a handgun for self-protection."

Let us all begin now to restore sanity to the land.

[From the Washington (D.C.) Post, June 24, 1968]

#### THE TACTICS OF DELAY

The aim of the gun lobby is quite clear: it hopes to frustrate firearms control by the tactics of delay. It is now howling for hearings indiscriminately on the Administration

bill and the Tydings bill—in the confident expectation that if it can only hold off congressional action for the rest of this session, the public excitement on the subject will subside until another national leader is shot down. Congress will mistake the temper of an aroused public if it allows this tactic to prevail.

There is a justification for hearings on the Tydings bill. This measure, styled the National Gun Crime Prevention Act of 1968, presents a new approach to firearms control. It would provide for the registration of every firearm in the United States and would impose a licensing system for the purchase or possession of firearms or ammunition designed to deny them to anyone convicted of a felony or a crime of violence and also to aliens, alcoholics, narcotic addicts, mental incompetents and juveniles. We regard the proposal as essential to public safety.

Registration and licensing of deadly weapons is hardly a new idea. But it is an idea on which Congress is entitled to careful committee consideration. Opponents of this idea have a right to be heard regarding it. Proponents should have a chance to present what seem to us to be overwhelming arguments in its behalf. We would welcome hearings on the Tydings bill so long as they are held promptly and in pursuit of information, not obstruction.

There is no justification at all, however, for hearings on the Administration bill which is designed only to apply to the interstate traffic in rifles and shotguns the same admirable safeguards already approved by Congress in regard to pistols and revolvers. This proposal, initially introduced by Senator Dodd shortly after the assassination of President Kennedy in 1963 and repeatedly urged by President Johnson, has been the subject of exhaustive hearings before the Senate Judiciary Committee's Subcommittee on Juvenile Delinquency. Volumes of testimony have been printed recording the views of innumerable witnesses. No purpose other than obstruction could possibly be served by additional hearings on this measure.

It is too bad that the full Senate Judiciary Committee could not clear the Administration bill for floor action last week, after the admirable speed with which a Judiciary subcommittee endorsed the measure. The full Senate Committee should act this week with the same laudable dispatch displayed by the House Judiciary Committee which made up for an earlier 16-to-16 decision deadlock with an overwhelming 29-6 vote in favor of the bill.

The House group, which kept the individual votes secret in the case of the earlier tie, deserves special commendation for letting the public in on the identity of those voting for and against the measure. For the sake of those who might have missed the names of the last half dozen diehards on the Committee who do not believe in effective gun controls, they are Representatives Ashmore (S.C.), Brooks (Tex.), Dowdy (Tex.), Tuck (Va.), Whitener (N.C.) and Willis (La.).

If the Senate Committee can now match the House Committee's action, there is nothing to prevent swift approval by both bodies of Congress. But enactment of the Administration bill should by no means preclude action on the Tydings bill—action in this session of Congress. Both bills are needed to safeguard Americans from recklessness, irresponsibility and crime in the handling of firearms.

[From the Washington (D.C.) Post, June 21, 1968]

#### COUNTEROFFENSIVE

The National Rifle Association has now mounted a major counteroffensive against the effort to protect America from the dangers of unrestricted access to firearms. In apocalyptic tones, the president of the NRA, Harold W. Glassen, has warned all the faithful that "the right of sportsmen in the

United States to obtain, own and use firearms for proper lawful purposes is in the greatest jeopardy in the history of our country."

Now, this really ought to be exposed for what it is—pure poppycock. Neither the Administration bill nor the Tydings bill pending before Congress jeopardizes in any way the right of sportsmen to obtain, own and use firearms. The Administration bill would merely put them to the minor inconvenience of purchasing guns from a licensed dealer in the state where they reside; and it would not affect in any way whatever the guns they now possess—or their use of those guns. The Tydings bill would merely require them to register any guns they purchase or possess in the same way that they register their automobiles; and it would require them to obtain a license for their weapons in the same way that they obtain a license to hunt or to fish. Licenses would be issued automatically for a nominal fee to every law-abiding, responsible adult who asked for one.

Mr. Glassen has now asked all the members of the NRA who may be taken in by this nonsense to write to Congress in opposition to the pending gun-control bills. There is no doubt from past experience that he will be able to produce a heavy barrage of mail. There is but one effective answer to it. Citizens who are sick of carnage for the convenience of "sportsmen" must let Congress know that they want reasonable, effective control of guns—designed to keep them out of the hands of criminals, madmen and children. Every true sportsman ought to support that purpose.

For those who want to add their voices to this sensible chorus, the National Council for a Responsible Firearms Policy at 100 Maryland ave. ne. is circulating a petition to Congress. The time to act is immediately.

[From the Des Moines (Iowa) Register,  
June 12, 1968]

#### FEW KILLINGS IN THREE NATIONS WITH STRICT GUN CONTROLS

(NOTE.—The following is a compilation by Los Angeles Times correspondents of gun controls in Britain, France and Japan.)

#### BRITAIN

Britain has a long history of firearms control—and an enviably small number of deaths by shooting. Only 45 murders involving guns were recorded in Britain and Wales last year as compared to more than 5,000 in the United States.

Even constables don't carry guns. Despite the killing of three unarmed policemen in August, 1966, in London, the Police Federation voted against being armed.

On the decision of local chief constables, guns are issued to combat criminals known to be dangerously armed, but police have agreed that such decisions are taken only in "most exceptional circumstances," says the Home Office.

#### Must show "good reason"

Weapon control for civilians are similarly strict. Restrictions are in three categories:

Guns which fire in bursts, submachine guns, for example, may be possessed only with certificate of approval from the Ministry of Defense. Even police must have such certificates for holding weapons of this kind.

Other weapons, including handguns and rifles but not shotguns, are covered by the Firearms Act of 1937, which consolidated bits and pieces of earlier law.

It is an offense to possess such weapons without a certificate issued by the chief constable of one's locality. An applicant must show "good reason" for possession. "Self-defense is most unlikely to be considered a good reason," says the Home Office.

#### Some 220,000 issued

Usually an applicant must show that he is a member of an established rifle club with

known facilities, or a shopkeeper, or has an estate for hunting, or is a farmer who shoots rats and predatory beasts.

Penalty for unauthorized possession is maximum of three years in jail or 200 pounds (\$480) fine or both.

In 1965 a total of 220,000 certificates (permits) were in use in all England and Wales, population about 50 million. There is no reason to believe that the number has increased since then; if anything, there are fewer permits now than before, according to the Home Office.

Shotguns were not controlled until the 1967 Criminal Justice Act clause came into force in May this year. Although a certificate from the chief constable is needed, the constable must have reason for not giving a permit. The penalty for illegal possession is six months and 200 pounds or both.

Controls on shotguns followed a rise in indictable offenses involving firearms in England and Wales in recent years, increasing from 552 in 1961 to 2,337 in 1967.

Prior to the shotgun law coming into force, a three-month amnesty was held for returning guns that had no certificate. A total of 25,088 were turned in including 8,847 revolvers and automatics, 4,340 rifles and 9,488 shotguns, whose owners apparently didn't want to apply for permit. Most weapons were usable.

There have been three other amnesties since World War II—1946 when 76,000 were turned in, 1961 when 70,000 were turned in, and 1965 when 41,000 were returned.

#### FRANCE

The French style of controlling firearms is devastatingly simple and strict.

Though weapons laws are the reasons for the rather remarkable phenomenon in the last few weeks of continuous violence without one shot being fired (except grenade launchers by the police).

As far as is known, not a gun was found on any of the several thousand who were rounded up by the police during this period. The only homicide in Paris during the demonstrations and fighting was a death from stabbing.

Personal arms, such as pistols or revolvers (apart from hunting weapons), can be purchased in France only on a police permit.

Two kinds of permit are issued. One is for possession of personal weapons at home or office, if there is a special security problem and the police agree that this kind of added protection is reasonable or desirable.

#### Almost impossible

The other is a permit to carry a weapon—and this is almost impossible to obtain. Such permits are issued only on the final authority of the Minister of the Interior himself, and would apply only in very special cases of private citizens needing personal bodyguards.

Anybody found in possession of a weapon without one or the other of these permits is automatically arrested. He is subject to varying degrees of jail sentence depending on the circumstances and/or explanations.

For example, if a gun is found during a road-check of car papers, the motorist would be arrested immediately.

An individual cannot walk into a shop and buy a revolver without first obtaining a police permit. If he should then sell or transfer the weapon to somebody without a permit he would be in violation of the law. Serial numbers and full identity of the weapons are part of the police files.

Hunting weapons are easier to obtain, but they also are purchasable only with a hunting license, and can be transported only if such a license is in the possession of the person carrying the gun.

#### JAPAN

Possession of pistols, carbines and other small guns is absolutely prohibited in Japan for anybody except police and military personnel. Possession of such a small arm carries

a maximum penalty of five years imprisonment or 200,000 yen (\$555).

National police headquarters claim there are never more than 50 pistols in circulation illegally in Japan because of the vigilant watch kept on this score. Biggest source seems to be U.S. servicemen from Vietnam trying to finance their rest and recreation in Japan.

Rifles and shotguns for hunting or target practice must be licensed, with the following requirements placed on the license holder: Minimum age of 20 years; mental health certified by a doctor; reasonable grounds for possession; if ever imprisoned, at least three years must have elapsed since finishing prison term.

#### Antique swords

About 800,000 shotguns are licensed in Japan and only 30,000 rifles. Shotgun licenses are issued by chiefs of police stations; rifle licenses by chief of police of a prefecture, a jurisdiction corresponding to a U.S. county.

Shotguns and rifles are licensed only for use in hunting and target shooting areas. Someone who used his weapon to shoot tin cans on the beach or in some other area not authorized for shooting would be subject to a two-year sentence or a 50,000-yen (\$139) fine.

Nobody in Japan is allowed to possess a knife or sword longer than 15 centimeters (7 inches) unless it is an antique certified by the Cultural Properties Protection Commission. Switch blades longer than six centimeters (3 inches) with a switch angle larger than 45 degrees are also banned.

#### [From the Wall Street Journal, June 6, 1968] DOMESTIC DISARMAMENT: STRICT RESTRICTIONS ON PRIVATE GUNS MAY PROVE INEVITABLE

(By Henry Gemmill)

WASHINGTON.—It seems reasonable to suppose that at some point the U.S. will decide to undergo domestic disarmament.

The shooting of Presidential candidate Robert Kennedy will in itself not bring that to pass, any more than did the assassination of his brother or the slaying of Martin Luther King. Perhaps the most that can be expected is that the shock of this event will put fresh steam into Congressional action on legislation that could mildly restrict fresh additions to the huge armament stocks scattered amongst the populace. The day when most of the guns will actually be grabbed out of their hands is uncertain and distant—yet its arrival may prove inevitable.

During recent years a highly competent "gun lobby" has been given most of the credit or blame for fighting off myriad Congressional moves intended to curb the domestic traffic in firearms. Certainly such groups as the National Rifle Association have used the most modern techniques—mass letter-writing campaigns and the like—in mobilizing opposition pressure. Nevertheless, the essence of the gun-bearers' strength has not resided in these techniques.

It has, on the contrary, represented the vestigial sentiment of a vanishing America—the thinly populated frontier society. It seems predictable that in an urbanized and crowded America the gun lobby will in the end, for good or ill, find itself overwhelmed—much as the equally competent doctors' lobby eventually was in its fight against Medicare. Like civil rights legislation, domestic disarmament is likely to be voted in successive and increasing doses.

#### ALREADY EVIDENT TIDE

The direction of the political tide is already evident, even if its ultimate dimensions remain to be proved. The pollsters discovered more than a year ago that heavy majorities of the public favored tighter restrictions on gun ownership. The firearms legislation that came alive on Capitol Hill this spring was, though modest, the first approved by a Congressional committee in three decades.

One could be less confident about a continued pressure for domestic disarmament if

it resulted solely from the slaughter of national leaders. Such high tragedy does genuinely move and significantly crystallize opinion—but may well be less basic than the fact that great numbers of ordinary people are becoming concerned about their own safety.

A sample of this sour taste of fear is available right here in this capital city; Washington lacked bus service during recent nights because drivers have been terrorized by gun-slitting bandits who've shown they are willing to shoot to kill. The cities are growing, and the statistics on violent crime growing even faster. And alongside this constant danger there stands the growing threat of sporadic urban riot with its sniper gunmen.

Of course there remains an ambivalence among Americans, largely because the nation is not yet totally city-oriented. It is mainly the Eastern Senators, like Dodd of Connecticut, who have pushed longest and hardest for gun control. A Senator from the open acres of the West is still likely to feel as his ancestors did; Idaho's Senator Church turned up last summer with a petition against control from 44,000 constituents.

Indeed, the frontier tradition is not yet dead even in the metropolises. The United Auto Workers strongly backs gun control legislation—and its leaders, in doing so, no doubt accurately reflect the Detroit workers' revulsion against riot and crime. Still, the union's officials say they get plenty of hot protests from the rank and file. Reason: Many a member thinks of himself not as the assembly-line unit which he is for most of the year but as the male huntsman in quest of prey—which he becomes briefly, once a year when he shoulders a gun and heads for the Michigan wilds.

Without suggesting that such inner urgings will easily be quelled, it does seem likely they will by degrees be subordinated to what appear to be the urban necessities. It becomes increasingly difficult to maintain national policy in the traditions of a vanished era, and that applies even to the Constitutional question often raised by opponents of gun control.

"The right of the people to keep and bear arms shall not be infringed," says the Second Amendment to the Constitution. Plain enough, perhaps, except that it is part of a sentence stating the need for "a well regulated militia"—and one can conjecture that the present Supreme Court, always willing to interpret the antique document as it deems fit for contemporary needs, might concur with any law taking guns away from folk who are not militiamen. If not, this is a Constitution that can be amended once again.

Apart from romantic notions and legalisms rooted in the American past, no doubt there are many rational arguments that can be offered against domestic disarmament. Once upon a time there was a Constitutional amendment that tried to take alcohol away from the populace; it proved so unenforceable it was revoked. Getting all the guns would unquestionably pose fantastic problems of enforcement, and at best take years to accomplish with reasonable success. The dangerous people—the insane, the conspirators and the criminals—are hardly the citizens who would quickly comply.

And even if the day came when none but the police had guns, violence would not have been utterly eliminated. The word "assassin" predates firearms; it belonged first to a murderous sect of Moslems and was spread by Crusaders equipped only with various sharp and blunt instruments. Such weaponry will remain available to the mugger on the dark street, to the madman who thinks he must "save" the country from its leadership.

#### MORE PERSUASIVE LOGIC?

But the pounding events of local and national news—and one can be sure they will continue to provide fresh terrors—are likely

to make the logic of gun control far more persuasive. When the man who runs the dry cleaning establishment is shot down for his petty cash, the other shopkeepers down the street would like to try getting rid of those guns.

There are really no statistics to demonstrate scientifically that more psychotics exist per 100,000 of population than in 1868. But there can be no doubt that any single psycho can now threaten far more humans than he could a century ago. People are packed in around him, and he—like everyone else—has become enormously mobile.

It is becoming increasingly clear that if the pistols and rifles are left readily available in urban America, then some unpleasant changes are going to be made in other American traditions.

Any prominent politician and any leader of a controversial movement will have to stick to the TV studio, or hide behind a protection squad when he moves in public view. Before he withdrew from this year's Presidential contest, it was clear that Lyndon Johnson—whose instinct is to plunge into crowds—could not conduct a normal campaign at all unless he flagrantly violated the admonishments of the Secret Service men who must be concerned with the President's safety. Before he was slain, Dr. King fully knew he faced death. Before he was shot, Robert Kennedy's risks were reported repeatedly by the press corps traveling with him.

The habits of the ordinary citizens are in jeopardy as well. In this capital today hotel rooms are empty as tourists fear to travel. There are fewer customers in the downtown stores as suburban housewives fear to shop.

So the alternative to domestic disarmament are not likely to look appealing. The ugliest of all is this: The householder, shopkeeper or bus driver who fears guns on the loose will go get a gun for himself. If one is wrong in supposing the U.S. will choose domestic disarmament, one may be right about the possibility of a domestic arms race.

#### THE PRESIDENT GETS A HOPEFUL SIGN FROM MOSCOW

Mr. INOUE. Mr. President, for nearly 4 years now, President Johnson has been working hard to achieve meaningful progress in the field of disarmament. The Nuclear Nonproliferation Treaty is, in large measure, a tribute to his dedication to this vital cause.

Yesterday, in Moscow, Foreign Minister Andrei Gromyko affirmed the Soviet Union's interest to respond to the American initiative to find ways to reduce the costly and dangerous missile area.

Over the years, President Johnson has persistently dealt with the need to curb the development of both offensive and defensive missile systems in the interest of a more stable and peaceful world.

If the Soviets are sincere in their desire to explore ways to end this dangerous and wasteful competition between the two great powers, the Johnson administration will have made a historic contribution to the peace of all mankind. We hope and pray that discussions will be quickly initiated and prove successful. For no problem confronting the human community is more fundamental to the security of all people than the spread of these terrible destructive weapons.

I commend the President for his leadership in promoting disarmament among all nations. And I join with him in hoping that the United States and the Soviet Union will be able to reach an agreement that will be a giant step toward a genuine

disarmament among the nations of the world.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider two nominations which were reported earlier today by the Joint Committee on Atomic Energy.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to the consideration of executive business.

#### ATOMIC ENERGY COMMISSION

The assistant legislative clerk read the nominations of Dr. Glenn T. Seaborg and Mr. James T. Ramey to be members of the Atomic Energy Commission, for a period, respectively, of 2 years and 5 years.

Mr. PASTORE. Mr. President, Dr. Seaborg's tenure expires on June 30. Unless the position is filled, or he has been reappointed and his nomination is confirmed, we would be without a Chairman of the Atomic Energy Commission beginning on July 1.

Dr. Seaborg's new term normally would be for 5 years. However, because Dr. Seaborg was in no position to commit himself for the 5 years, the President decided to reappoint him to a 2-year term, in the vacancy that occurred because of the resignation of Dr. Nabrit, who resigned some time ago. To fill the vacancy that would result, the President appointed Mr. Ramey, who has 1 more year to serve under his present term. However, because the President got a commitment from him that he would remain there for 5 years, the President appointed him for 5 years.

I realize that some feel that subterfuge is involved in this matter. However, as far as I am made to understand, this involves nothing more than the fact that Dr. Seaborg cannot commit himself to a 5-year term.

Mr. HICKENLOOPER. Mr. President, I appreciate the position of the Senator from Rhode Island. This occurred without any manipulation on his part.

Mr. PASTORE. Oh, of course not.

Mr. HICKENLOOPER. I do not like the principle involved here. However, I am not going to object. As far as I am concerned, I will vote to confirm both nominations. I think, however, that it is utterly a bad precedent to manipulate these jobs for their own convenience.

Dr. Seaborg is one of the greatest scientists this country has ever produced. I have nothing against him. I am for him.

Mr. Ramey has been a very able Commissioner on that Commission. He was an able staff director on the Joint Committee on Atomic Energy. I have nothing against him. It is the manner in which this is done that I think is bad.

It is a situation and a precedent that I think will rise and haunt us whenever the administration wants to play musical chairs with other appointments.

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

Mr. HICKENLOOPER. I yield.

Mr. MURPHY. Mr. President, would the Senator from Iowa explain in a little more detail why he objects to the manner in which the nominations are made?

Mr. HICKENLOOPER. Mr. President, I object to the manner in which it is done because I do not believe in shifting Commissioners around in order that they may serve their own convenience. It would leave the public open to a bad precedent.

I believe that we have another precedent coming up in the very near future that is somewhat akin to it.

I understand that Dr. Seaborg will not quit immediately. He says that he may not stay for 5 years. He does not say that he will not do so.

I see no reason why he cannot move on with the continuity of his office and be reappointed to a 5-year term which is the natural sequel of office. If he wants to resign in 2 years, let him do so. Other men have resigned before. There is nothing wrong with that.

We should not disrupt the normal flow of business in this manner.

I am going to vote for Dr. Seaborg's confirmation and for Mr. Ramey's confirmation, if that is the way they want to handle it. However, the administration waited until the very last minute.

This is not the fault of anyone here. It is the fault of those at the other end of the avenue. And they did not do this until the hysteria of the last 2 days when the term of the Chairman was to expire on June 30.

We are now rushed into practically a browbeating in order to get the confirmations through today. Otherwise, we would be without a Chairman on Monday.

I agree that there ought to be continuity on the Commission. However, all I can say is that while I honor and respect these men both very highly, I do not like this method of doing business.

I think that this should not be considered to be a precedent and that we should not tolerate it again if we can help it.

Mr. AIKEN. Mr. President, I do not intend to oppose the nomination of these two members of the Atomic Energy Commission. They are both amiable and capable gentlemen. There is no question about that.

I simply want to express the hope that from now on they will give greater consideration to the public welfare and somewhat less solicitude for the private power companies of the United States.

I believe they are doing a disservice to the people of this country by, day after day, licensing \$100 million atomic powerplants under the medical therapy and research clause of the law instead

of under that part of the law which would automatically put these people under the antitrust laws. I believe they have done wrong; they are continuing to do wrong.

I received a notice this morning that they licensed three more plants yesterday, approximately 800,000 kilowatts each, all licensed under the medical therapy section of the law. I refuse to call any of those power company officials "doctor," because I do not believe they are medical therapists in any sense of the word, particularly when they construct plants costing \$100 million or \$150 million each.

The Atomic Energy Commission has made no finding of practical value for any of them, although, after being licensed by the Atomic Energy Commission, they go down the street to the Securities and Exchange Commission, which finds they are profitmaking enterprises and authorizes them to sell stock and borrow money running into billions of dollars.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

#### INTERNATIONAL COFFEE AGREEMENT, 1968

The Senate, as in Committee of the Whole, resumed the consideration of Executive D, 90th Congress, second session, the International Coffee Agreement, 1968.

Mr. JAVITS. Mr. President, as I see it, there are several major factors to be considered in the International Coffee Agreement now before the Senate.

The United States consumes almost half of the world's traded coffee. Per capita we drink almost 15 pounds per annum. Given these figures, the price of coffee is of great significance to U.S. consumers.

Before the agreement coffee prices had fluctuated widely at the retail level; from a high of \$1.11 in 1954 to a low of 70 cent in 1962. During the period of the agreement, and particularly in the 3 years of full U.S. participation, the dominant characteristic of the coffee market has been stability. The spread at retail between high and low prices for a pound of roasted coffee in this period has been 5 cent. In the 15 years before the agreement, fluctuations from year to year have been far higher. For example, the price of coffee increased by 20.6 cents from 1953 to 1954, while it dropped by 13.6 cents from 1958 to 1959.

According to the Bureau of Labor Statistics, the average retail price for 1 pound of coffee in the decade before the agreement was 88.6 cents. From 1963 through 1967—the tenure of the previous Coffee Agreement—the price was 78.7 cents. This was at a time when most other grocery prices were going up. The agreement, therefore, can make a major contribution to the stability of

coffee prices which is a vital consideration to our consumers as well as to the producing countries.

Despite the stabilization of prices under the agreement, the coffee earnings of producer countries have increased approximately \$500 million a year, from \$1.8 billion to \$2.3 billion. This increase resulted from substantial increases in European coffee consumption, while the value of coffee imports into the United States declined from an annual average of \$1.3 billion in 1951 to 1960, to \$1.02 billion in 1961 to 1967, and to \$963 million in 1967. This reduction of imports benefited our balance-of-payments situation.

This agreement is particularly important to Latin America. The agreement was strongly endorsed by Carlos Sanz de Santamaria, chairman of the Inter-American Committee on the Alliance for Progress—CIAP. Income from coffee exports of the 16 Latin American members of the OAS average \$1.6 billion annually during 1964 to 1966 and \$1.5 billion in 1967.

An important element of the agreement is the new diversification fund to which every producer member of the agreement will be required to contribute. This fund will be used to assist in the diversion of resources from coffee to more economic production. Over the 5-year period of the new agreement, this will provide about \$150 million, or \$30 million per year, and, provided the United States finds the proposed use of these funds satisfactory, we may lend up to \$15 million to the fund and loan another \$15 million provided other coffee-consuming countries will match it. These loans will come from aid funds to be authorized by Congress.

One aspect of this agreement, however, has caused friction between the United States and Brazil, and I deeply regret and deplore this. This is the problem of soluble or instant coffee exports from Brazil to the United States. Under this agreement, Brazil will henceforth be required to impose an export tax on its soluble coffee as well as on its green coffee.

Previously, Brazil has taken the view that soluble coffee was a manufactured product and, under its tax system, export taxes are not imposed on such products. It has also stated that the soluble coffee industry was a result of its industrialization effort, a part of the Alliance for Progress, and our insistence on the imposition of an export tax represents a depreciation of our adherence to the aims of the Alliance.

The United States and virtually all other consuming and producing countries took the position that governmental measures providing special price advantages to processed coffee exports were unfair under the agreement, and also a threat to its price stabilization functions.

A careful reading of the hearings on the proposed agreement reveals certain considerations which override Brazil's argument. If Brazil was permitted to continue not to place a tax on soluble coffee exports and other exporting countries followed suit, this could have undermined the basis of the agreement; namely, the stabilization of prices. If

other coffee producers, particularly those in Africa feeling as they did that Brazil was taking unfair advantage of the agreement, attempted to engage in the same kind of competition with Brazil, there would have been a price war and the agreement could very well have collapsed.

This practice was also unfair to other Latin American producers of soluble coffee—namely, Colombia, Mexico, and Guatemala—which do apply an export tax to both green and soluble coffee.

There is little evidence that the American consumer benefited from the availability of cheaper Brazilian instant coffee. Brazil has sold its soluble coffee to the U.S. trade and has not packaged it for direct consumer use. Therefore, it has not been possible to make direct price comparison at the retail level between the Brazilian and the United States product. As a matter of fact, in 1967 U.S. retail instant coffee prices declined only 3 percent while roasted coffee prices dropped by 7 percent and the price of green coffee dropped by 7 percent.

The domestic coffee industry was adamant in its position that the Brazilian practice placed them in an unfair and damaging situation. They have taken the position that if there were no agreement, they could have met competition from Brazil by buying lower quality and cheaper green beans from African and Asian producers. But since there was an agreement, they could not do this; the African and Asian suppliers were limited by tight export quotas and they preferred to sell their higher quality and more expensive coffee to the United States. The United States in turn was helping to enforce the quotas of exporting countries by limiting coffee imports to those covered by quotas. Had the United States not insisted that Brazil place an export tax on its soluble coffee exports, the United States would have been in the anomalous position of telling U.S. producers that they could not be defended against this unfair competition which was made possible by the functioning of the International Coffee Agreement.

Given these circumstances and the feelings of other producing countries, the U.S. negotiators had no choice but to urge Brazil to revise this position, which it did in the end after much discussion. I deeply regret that this issue has placed a strain on United States-Brazil relations. Brazil is important to the United States and we should do our utmost to repair any damage that has been caused by this problem.

I do not believe that anyone would benefit from the defeat of this agreement. The consumers would lose from wild price fluctuations—instead of 79-cent coffee we could be paying \$1.11 per pound as in 1954. The producers would lose greatly by a major decline in earnings. The industrialized nations would suffer from their foreign aid losing its constructive value, and from political instability that might follow economic instability.

For all these reasons I support this agreement.

Mr. FONG. Mr. President, on April 23, President Johnson sent a message to the

Senate recommending ratification of the extension of the International Coffee Agreement, one of the most important economic agreements of our times, which expires September 30, 1968.

Two days later, Secretary of State Dean Rusk transmitted both to the Senate and the House a draft bill which would permit the President to carry out the U.S. obligations under the renewal of the International Coffee Agreement after September 1968.

As Senator from Hawaii, the only coffee-growing State in the Union, I supported from its beginnings, in 1962, the concept of the International Coffee Agreement. I believed then, as I believe now, that the agreement is beneficial not only to the producing countries, but also to the United States and the other consuming countries of the world.

Hawaii has a dual interest in this agreement. Our farmers, just as the coffee farmers all over the world, need a fair return for their coffee. At the same time, our people, like all U.S. consumers, must be protected against unwarranted shortages of supply and increases in price.

Hawaii's coffee is known the world over as "Kona coffee," after the district where it has been cultivated since the 1850's. Kona coffee is an arabica variety grown at an elevation of 750 to 2,000 feet. It is mainly shipped to the west coast of the United States. In 1966 and 1967, Hawaii produced some 47,000 bags—132 pounds each—of which 33,325 bags were sent to the U.S. mainland, and smaller quantities were exported abroad. Hawaii has approximately 4,700 acres under coffee cultivation on 860 farms. In 1966-67, the yield was 1,300 pounds of coffee per acre.

From 1957 to 1962, the world coffee situation had a depressing effect on returns to Kona coffeegrowers in Hawaii. Kona green coffee prices, which in 1956 hit the high point of 63 cents per pound, began to go down gradually to a low point of 27.9 cents a pound in 1962. Prices recovered to 32 cents a pound in 1966-67 as a beneficial result of the International Coffee Agreement.

It is a fact that the Kona coffee farms grow but a small crop in terms of world coffee production, but it is also a fact that our Hawaiian coffeegrowers individually have been hurt, just like the millions of coffee farmers around the world, by the wild price fluctuations which have traditionally plagued coffee over the years.

Coffee is not just another product. Coffee is the No. 1 agricultural export commodity of the developing nations, and of Latin America in particular. Many countries depend substantially on this basic product for their foreign-exchange earnings and for the dollars needed to sustain their development.

For the major Latin American coffee-growing countries, coffee accounts for 30 percent of total export revenue. Coffee exports represent 40 percent or more of the foreign earnings of Colombia, Haiti, El Salvador, Guatemala, Brazil and Costa Rica.

Coffee is also the most important farm commodity in international trade, in terms of dollar value. Of the \$35 billion

the developing nations earn in total annual exports, coffee alone accounts for over \$2 billion.

Coffee is also important to the consuming countries, especially to the United States, which by itself consumes about half of the world coffee exports. Individual U.S. consumers are also directly involved: Americans drink an estimated 440 million cups of coffee a day.

Coffee sales to the United States stimulate a substantial market for U.S. exports of machinery, trucks, tractors, chemicals, food and other products, thus benefiting many U.S. factories and farms. The dollars earned by Latin America from its coffee sales return to the United States through the purchases of needed staples and capital goods.

The activities generated by U.S. exports to the coffee countries, including the processing, packaging, distribution and sale of coffee within the United States, provide some 615,000 jobs and \$4.2 billion in wages and farm income throughout the United States, according to a recent survey. About one-third of these jobs and one-fourth of the income are stimulated by the Latin American coffee countries.

A fair price is of vital interest to the coffee-producing areas of the world. President Kennedy once said:

A drop of one cent a pound for green coffee costs Latin American producers \$50 million in export proceeds—enough to seriously undercut what we are seeking to accomplish by the Alliance for Progress.

Therefore, a slide in coffee prices, such as occurred between 1958 and 1963, hampered and thwarted efforts to carry out long-term development programs aimed at raising the standard of living of the producing countries. The decline also disrupted efforts to help these countries help themselves.

In a historic move to level out these crazy price gyrations, the major coffee producing and consuming nations of the world—today totaling 67—agreed in 1962, under the auspices of the United Nations and with the strong support of the United States, to establish the International Coffee Agreement.

This pact, put into operation by stages, became fully operative on May 22, 1965, when the United States was enabled through implementing legislation to become fully active in the agreement.

The record will show that from its initial stage in 1963, and especially since its full operation in May 1965, the International Coffee Agreement has given excellent results, even while blazing a new path in the field of international commodity agreements.

The producing countries tried for years, through agreements of their own, to establish and maintain export quotas in order to control the boom-and-bust cycles that buffeted their economies. All such attempts failed for the lack of an enforcement machinery.

The United States and other coffee-importing nations were then called upon to participate in a joint undertaking—the International Coffee Agreement—so that policing and enforcement of controls could be made effective.

President Johnson recently said:

The Coffee Agreement was born in 1962 as a first fulfillment of the Alliance for Progress. More than 60 nations joined together in that Agreement. President John F. Kennedy hailed it as "a heartening example of international cooperation to resolve a vitally important economic problem." That problem in its broad dimension, was to stabilize world coffee prices to benefit both the coffee producer and coffee consumer. For years, wide price swings had wasted the resources and hindered the growth of developing nations who depend so heavily on coffee exports.

The International Coffee Agreement today embraces 42 producer and 25 importer nations and covers approximately 98 percent of total world trade in coffee. Policy under the agreement is set by the International Coffee Council, where all participating countries are represented. Under terms of the agreement, the producer countries as a group have 1,000 votes and the consumer countries as a group have 1,000 votes. All important issues require a two-thirds vote by each group. The United States holds 400 of the consumer group's 1,000 votes. Thus, it is clear that no important action can be taken without the approval of the United States.

In the short life of the International Coffee Agreement, experience has disclosed weaknesses, deficiencies, loopholes; but at each phase steps have been taken to strengthen and improve the pact. The fact is that no more effective, better proven formula has been found to attain a stabilized world market for coffee at prices fair both to producers and consumers.

In the past 3 years in which it has been in full operation, the agreement has achieved worthwhile benefits, which are summarized by President Johnson in his April 23 message to the U.S. Senate:

The 1962 agreement—which the Senate ratified in 1963—has done the job of promoting price stability for coffee consumers and producers alike:

Coffee import prices have been fair. They are almost 25 percent lower than the average price between 1953 and 1962, and 10 percent higher than during the world coffee slump of 1962.

The sharp price fluctuations that plagued the world coffee market in past years have been avoided.

Coffee consumers and roasters have been assured steady supplies at predictable and stable prices.

The 1968 agreement I propose will extend this record of success. It builds on the experience we have gained over the last several years by:

Assuring that different types of coffee will be available at fair prices to meet changes in consumer tastes and preferences.

Providing fair treatment in trade for all forms of coffee.

Attacking the problem of coffee surpluses by production control and by creating a Diversification Fund to encourage shifts to other crops.

President Johnson also said that without the agreement we "could return to the days of ruinous coffee price swings, disrupting the economies of many friendly nations, impairing world coffee trade, and endangering the continued flow of coffee at reasonable prices to the tables of American families."

These are the main achievements and objectives of the International Coffee Agreement. If the pact is to succeed in

attaining its long-range goals, if the pact is to help the coffee-producing countries find a permanent solution to their problems, if the pact is to help these countries help themselves, the International Coffee Agreement should be given a real change to test itself.

Our Government on several occasions has recognized the important role played by the agreement in the socioeconomic and political development of Latin America. This is why the agreement was given special attention and specific support by the United States and the Western Hemisphere's chiefs of state meeting in Punta del Este, Uruguay, in April 1967.

The agreement, and its coffee diversification fund were expressly included in the plan of action of the declaration of Presidents, as follows:

To combine efforts to strengthen and perfect international agreements, particularly the International Coffee Agreement, to obtain favorable conditions for trade in basic products of interest to Latin America and to explore all possibilities for the development of new agreements.

To support the financing and prompt initiation of the activities of the coffee diversification fund, and consider in due course the creation of other funds to make it possible to control the production of basic products of interest to Latin America in which there is a chronic imbalance between supply and demand.

The significance of the agreement and its diversification fund was also emphasized at the Eighth United States-Mexico Interparliamentary Conference held in Honolulu in April 1968. More recently, the Chairman of the International Coffee Council and head of the Mexican Coffee Institute, Mr. Miguel Angel Cordera, speaking to coffee leaders from around the world meeting in Mexico City to discuss the diversification fund statutes, recognized the importance of dealing with the basic production-control problem when he said:

The production of surplus coffee not only constitutes a waste of manpower, land and economic resources, but also exerts pressures on the market and weakens prices. . . . Our responsibility is very great, because the Agreement is recognized as being capable of sorting out the most difficult situations, of making constant progress, and of opening paths which had been regarded as impossible.

The International Coffee Agreement has been in full operation for only 3 brief years, and will expire on September 30, 1968. Our coffee legislation will also expire on September 30, 1968.

I would like to emphasize that the participation of the United States—the world's largest coffee importer—was essential, in the first, formative phase of the agreement; this participation will be even more significant in the second, decisive phase of the pact beginning October 1, 1968.

The Punta del Este summit meeting will long be remembered by our neighbors to the south in that we have lent our support to their initial steps in the establishment of a Latin American common market.

It will also be remembered because of our pledged support to the International Coffee Agreement.

Mr. BYRD of West Virginia. Mr. Pres-

ident, I ask unanimous consent to have printed in the RECORD a statement which the Senator from Oregon [Mr. MORSE] had intended to make on the Coffee Agreement. The Senator from Oregon is necessarily absent today.

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

STATEMENT BY SENATOR MORSE

I support the International Coffee Agreement of 1968.

As has been pointed out, this agreement is largely an extension of the International Coffee Agreement of 1962 which has worked well to stabilize coffee prices in the world market.

This is of fundamental importance to the foreign exchange earnings of the coffee producing countries of Latin America and Africa. As Chairman of the Subcommittee on American Republics Affairs of the Committee on Foreign Relations, I have had particular opportunity to realize the importance of coffee to such Latin American countries as Brazil, Colombia, Guatemala, El Salvador, and Costa Rica, among others.

The pending agreement is thoroughly in the spirit of the Alliance for Progress, and I commend it to the Senate.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on the resolution of ratification of Executive D, 90th Congress, second session, the International Coffee Agreement of 1968.

The question is, Will the Senate advise and consent to the resolution of ratification? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPARKMAN (when his name was called). On this vote the Senator from Colorado [Mr. ALLOTT] and I have a live pair with the distinguished Senator from Georgia [Mr. RUSSELL]. If the Senator from Georgia were present, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. ALLOTT (after having voted in the affirmative). I have voted "yea." I therefore withdraw my vote.

The bill clerk resumed and concluded the call of the roll.

Mr. MANSFIELD. On this vote the Senator from North Carolina [Mr. ERVIN] and I have a pair with the Senator from Tennessee [Mr. GORE]. If the Senator from Tennessee were present and voting, he would vote "nay." If the Senator from North Carolina were present and at liberty to vote, he would vote "yea." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas

[Mr. FULBRIGHT], the Senator from Oklahoma [Mr. HARRIS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Montana [Mr. METCALF], the Senator from Minnesota [Mr. MONDALE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from Connecticut [Mr. RUBIOFF], and the Senator from New Jersey [Mr. WILLIAMS] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Maryland [Mr. BREWSTER], the Senator from Connecticut [Mr. DODD], the Senator from Alaska [Mr. GRUENING], the Senator from Wisconsin [Mr. NELSON], and the Senator from New Jersey [Mr. WILLIAMS] would each vote "yea."

I further announce that, if present and voting, the Senator from South Carolina [Mr. HOLLINGS] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Delaware [Mr. BOGGS], the Senator from Massachusetts [Mr. BROOKE], the Senator from Kansas [Mr. CARLSON], the Senator from Kentucky [Mr. COOPER], the Senator from New Hampshire [Mr. COTTON], the Senator from Illinois [Mr. DIRKSEN], the Senator from Michigan [Mr. GRIFFIN], the Senator from Idaho [Mr. JORDAN], the Senator from Kentucky [Mr. MORTON], and the Senator from Illinois [Mr. PERCY] are necessarily absent.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Delaware [Mr. BOGGS], the Senator from Massachusetts [Mr. BROOKE], the Senator from Kentucky [Mr. COOPER], the Senator from Illinois [Mr. DIRKSEN], the Senator from Idaho [Mr. JORDAN], and the Senator from Illinois [Mr. PERCY] would each vote "yea."

The yeas and nays resulted—yeas 51, nays 8, as follows:

[No. 202 Ex.]		
YEAS—51		
Alken	Hayden	Mundt
Anderson	Hickenlooper	Murphy
Baker	Hill	Pastore
Bible	Holland	Pearson
Byrd, Va.	Hruska	Pell
Byrd, W. Va.	Inouye	Prouty
Cannon	Jackson	Randolph
Case	Javits	Scott
Church	Jordan, N.C.	Smathers
Clark	Kuchel	Smith
Curtis	Lausche	Spong
Ellender	McClellan	Thurmond
Fannin	McGee	Tower
Fong	McGovern	Williams, Del.
Hansen	McIntyre	Yarborough
Hartke	Miller	Young, N. Dak.
Hatfield	Moss	Young, Ohio

NAYS—8		
Dominick	Proxmire	Talmadge
Hart	Stennis	Tydings
Magnuson	Symington	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Sparkman, for.  
Allott, for.  
Mansfield, for.

## NOT VOTING—37

Bartlett	Ervin	Mondale
Bayh	Fulbright	Monroney
Bennett	Gore	Montoya
Boggs	Griffin	Morse
Brewster	Gruening	Morton
Brooke	Harris	Muskie
Burdick	Hollings	Nelson
Carlson	Jordan, Idaho	Percy
Cooper	Kennedy	Ribicoff
Cotton	Long, Mo.	Russell
Dirksen	Long, La.	Williams, N.J.
Dodd	McCarthy	
Eastland	Metcalf	

The PRESIDING OFFICER (Mr. McGEE in the chair). Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the ratification of the treaty.

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

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

## THE NATIONAL EDUCATION ASSOCIATION OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 2628. The bill has been cleared with the other side.

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

The LEGISLATIVE CLERK. A bill (S. 2628) to amend the act entitled "An act to incorporate the National Education Association of the United States," approved June 30, 1906 (34 Stat. 804).

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, on page 2, line 22, after the word "principal", strike out "and" and insert "of"; and in line 25, after the word "has", insert "been approved"; so as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3 of the Act entitled "An Act to incorporate the National Education Association of the United States," approved June 30, 1906 (34 Stat. 804), as amended, is amended to read as follows:

"Sec. 3. That the said corporation shall further have power to have and to use a common seal, and to alter and change the same at its pleasure; to sue or to be sued in any court of the United States, or other court of competent jurisdiction; to make bylaws not inconsistent with the provisions of this Act or of the Constitution of the United States; to take or receive, whether by gift, grant, devise, bequest, or purchase, any real or personal estate, and to hold, grant, transfer, sell, convey, hire, or lease the same for the purpose of its incorporation; to accept and administer any trust of real or personal estate for any educational pur-

pose within the objects of the corporation; and to borrow money for its corporate purposes, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise."

(b) Section 6(a) of such Act, as amended, is amended by deleting "a Board of Trustees,".

(c) Section 7 of such Act, as amended, is amended to read as follows:

"Sec. 7. (a) The invested fund now known as the 'Permanent Fund of the National Education Association,' shall be held in such corporation as a Permanent Fund and shall be in charge of the Executive Committee, which shall provide for the safekeeping and investment of such fund, and of all other funds which the corporation may receive by donation, bequest, or devise. No part of the principal of such Permanent Fund or its accretions shall be expended or transferred to the General Fund, except by a two-thirds vote of the Representative Assembly, after the proposed expenditure or transfer has been approved by the Executive Committee and the Board of Directors, and after printed notice of the proposed expenditure or transfer has been printed in the Journal of the National Education Association at least two months prior to the meeting of the Representative Assembly.

"(b) The income of the Permanent Fund shall be used only to meet the cost of maintaining the organization of the Association and of publishing its annual volume of Proceedings, unless the terms of the donation, bequest, or devise shall otherwise specify or the Bylaws of the corporation shall otherwise provide.

"(c) The Executive Committee shall elect the secretary of the Association, who shall be secretary of the Executive Committee, and shall fix the compensation and the term of his office for a period not to exceed four years."

SEC. 2. Upon the adoption by the Representative Assembly of the National Education Association of amended bylaws to provide for the administration of the property of the corporation and for the selection of the secretary of the Association, section 7 of the Act of June 30, 1906 (34 Stat. 804), shall be of no further force and effect.

The amendments were agreed to.

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

## AMENDMENT OF THE PACKERS AND STOCKYARDS ACT, 1921, AS AMENDED

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1311, H.R. 10673. The bill has been cleared on the other side but it was not included in the calendar this morning due to an error.

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

The LEGISLATIVE CLERK. A bill (H.R. 10673) to amend title III of the Packers and Stockyards Act, 1921, as amended.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with amendments, on page 1, at the beginning of line 11, insert "market agencies"; and on page 4, line 7, after the word "market," insert "Such rules and regulations shall not prevent a registered market agency or dealer from rendering service

on other markets or in occasional and incidental off-market transactions."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

Mr. YOUNG of North Dakota. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1331) explaining the purposes of the bill.

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

## SHORT EXPLANATION

This bill is intended to clarify a stockyard owner's authority under the Packers and Stockyards Act, 1921, on a reasonable and nondiscriminatory basis, to (1) prevent persons not acceptable to him from acting as market agencies or dealers at his stockyard; and (2) prescribe rules and regulations for the conduct of his yard and operations conducted there. It is also intended to allow stockyard owners and market agencies greater discretion as to the services they will furnish. The objective is to permit better management of stockyards and make them more competitive for the benefit of the operators and those using their facilities.

## COMMITTEE DELIBERATION

The committee's Subcommittee on Agricultural Research and General Legislation held hearings on January 25 and 26 on H.R. 10673 and on a companion Senate bill, S. 1149. The bills are essentially identical in substance, except that H.R. 10673 contains the amendments proposed by the Department of Agriculture. All witnesses who desired to be heard were heard and the hearings have been printed. The bill was generally favored by witnesses who felt that it would result in better stockyard management so that the yards could serve the industry better. The bill was opposed by various market agencies and their livestock exchanges, who feared that the bill might give the stockyard owners too much authority to exclude market agencies from their yards. The American Farm Bureau and the National Livestock Producers Association proposed somewhat similar amendments which are discussed in the attached letter of March 8, 1968 from the Department of Agriculture. The need for the bill is fully explained in the attached report from the Department of Agriculture on S. 1149, dated June 5, 1967.

The committee felt that the amendments recommended by the Department of Agriculture to S. 1149, and included by the House of Representatives in H.R. 10673, should provide adequate protection for market agencies from any arbitrary or unreasonable action by stockyard owners. Under these provisions (1) a stockyard owner's determination that a market agency's services will be beneficial must be made on a basis which is not unreasonable or unjustly discriminatory; (2) stockyard services can not be refused on any basis that is unreasonable or unjustly discriminatory; and (3) it is made unlawful and subject to a cease and desist order by the Secretary for any stockyard owner to engage in any unfair, unjustly discriminatory, or deceptive practice in connection with determining whether persons should be authorized to operate at the stockyard.

The committee has recommended specific mention of market agencies in the definition of stockyard to give recognition to their interest in proper stockyard management. The committee also gave consideration to a further amendment to require the stockyard owner, before making his determination that a market agency's services would or would not be beneficial to the yard, its

patrons and customers, to receive the advice of a market supervision committee consisting of a representative of the stockyard owner, a person selected by a majority of the market agencies and dealers operating at the yard, and an employee of the Department of Agriculture designated by the Secretary. The committee felt very strongly that stockyard owners should avail themselves of such consultation, but that such consultation and the precise composition of the advisory committee should not be made a statutory requirement. The committee felt that such consultation would contribute to better understanding and better stockyard management and operations and would avoid administrative appeals from stockyard owners' decisions.

The committee carefully considered the amendments proposed by the American Farm Bureau and the National Livestock Producers Association, together with the Department's comments thereon, and adopted an alternative amendment which is more consistent with the objectives of the bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

#### VISIT TO THE SENATE BY CROW INDIANS

Mr. MANSFIELD. Mr. President, Senator METCALF's and my good friend, Barney Old Coyote, has informed me that a number of his people from the Crow country would be arriving in Washington, and I am glad to note that they are in the Capitol this afternoon.

This group numbers 32 Crow Indians with their chaperones. The Crow Tribe is sponsoring this trip for the students as an incentive to them and to give them a better appreciation for the country in which they live.

Some of these students are recent graduates from high school; some are honor students; and others are selected for their perfect attendance; but the primary criterion is that "these are good students." Some will enter college this fall; others will be attempting to continue their education while still others will continue in high school.

The chief chaperones are Mr. and Mrs. Ivan Small. Mrs. Small is the former Pauline Whiteman-Runs-Him and the outgoing vice secretary of the Crow Tribe. Pauline has always been interested in providing educational and enrichment opportunities for Crow Indians.

The other chaperones are Mr. and Mrs. George Bull Tail, Mr. and Mrs. John Half, and Mr. and Mrs. Blaine Falls Down. All three wives are members of the education committee of the Crow Tribe. It has been instrumental in providing educational opportunities and enrichment activities for Crow youth, including the establishment of the Crow Youth Camp in the Big Horn Mountains, which was a unique experiment in enrichment activities for Crow youth—even before the Job Corps program. It is very similar to the Job Corps program in that remedial classroom work is provided while working in the Big Horn

Canyon. This will be the fourth year of operation for the Crow Youth Camp.

On behalf of Senator METCALF and myself, I welcome our fellow Montanans and descendants of the first Americans to the Nation's Capitol.

#### POLICY STATEMENT OF REPUBLICAN COORDINATING COMMITTEE

Mr. MURPHY. Mr. President, I am very pleased to serve on the Republican Coordinating Committee and to have played a part in the deliberations of many men more expert than I which led to the publication of a policy statement on America's current posture in international affairs.

I have learned from my travels throughout our great country that our people are deeply perplexed over the situation in the world today. They find it difficult to understand why things are so unsettled everywhere, why our allies and friends are deserting us, and most of all, why America's prestige and power have been permitted to decline so dramatically.

The Republican Coordinating Committee's statement provides some answers to such questions. It contains many useful facts and puts many seemingly unrelated events into an overall context which gives them new meaning.

I regret to say that the policy paper indicates America and the forces of freedom in the world are on the defensive. And we are on the defensive for one very simple reason—during the past nearly 8 years of Democratic administration, America has had no global strategy. As a result our sense of national purpose has been confused by too many ad hoc, reactive, unrelated, and often mutually contradictory policies. Regrettably, America has presented the world with a blurred and puzzling image—an image of a powerful but vacillating giant, devoid of plan principle or design and undecided about its basic objectives.

Mr. President, this was not always the case. In 1960, after 8 years of Eisenhower administration, America's strength was supreme, our alliances were intact, America was successfully handling her opponents in a peaceful yet firm manner, and most importantly, peace and stability prevailed throughout most of the world.

Today, that picture has changed almost beyond recognition. I think the coordinating committee's policy paper provides some answers to the questions all Americans are asking as to how this has happened.

I ask unanimous consent that the text of the Republican Coordinating Committee paper entitled "Foreign Policy—The Crisis of Confidence" be printed in the RECORD.

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

#### FOREIGN POLICY—THE CRISIS OF CONFIDENCE I. INTRODUCTION

After nearly eight years of Democratic Administration, the wreckage of our country's foreign policy is strewn around the world for all to see. Since 1960 our strategic superiority has slipped. Our alliances have virtually disintegrated. Our strength has been dissipated in pursuit of secondary objectives.

In consequence, America is on the defensive throughout the world. Our friends turn away from us. Our leadership is disputed and openly challenged. Our prestige is gravely eroded. Our enemies are increasingly bold.

In this election year the American people have the right, indeed the obligation, to ask of the Party in power how and why this has happened.

The answer is not difficult to find. Democratic Administrations have forgotten two fundamentals upon which United States' foreign policy has traditionally been based:

*First*, America's policies and actions must always be based on *principles* derived from the moral and spiritual values of our heritage, and thus in accord with the highest aspirations of mankind. Instead principles have all too often been sacrificed to expediency.

*Second*, America's military and economic strength must be sufficient to protect the nation's vital interests anywhere in the world. Above all, our government's unmistakable determination to use its strength when necessary must be clear to friend and foe alike. Any doubts about either our strength—or our leaders' resolve to use it—impair our credibility as a world power. Throughout the world, since 1960 our ambivalent policies have created more anxiety and doubt than confidence in America.

The true measure of our nation's foreign policy is whether or not it has enhanced the security and well-being of our people. By this test, the past two Democratic Administrations have failed—the Bay of Pigs, the Berlin Wall and the *Pueblo* incident are only symbolic of the general malaise. The peace and stability in world affairs that prevailed during the Eisenhower Administration are gone. Today our nation is less secure. We are less strong. We are less sure of our purpose. America's prestige and credibility have crumbled.

How has this happened—and, more important, how would a new Republican Administration remedy the situation?<sup>1</sup>

#### II. THE WORLD VIEW

For purposes of strategic planning the world can be viewed in three parts: The Communist World, the Free World, and the Uncommitted World.

The safeguarding of America's vital interests requires a *global strategy* encompassing these major divisions and their complex interrelationships. Without this strategy our policies become inconsistent and contradictory.

During the Eisenhower years, America's successful global strategy was based upon our preponderance of military and economic strength, buttressed by free world alliances. These alliances, always sanctioned and sometimes supported by the United Nations, required agreement on a common danger and a sharing of the burdens of maintaining the peace.

The strategy worked. An armistice was promptly achieved in Korea. Communism was contained. As long as Republican policies continued, peace was maintained. None dared challenge America's might or will.

<sup>1</sup> In eleven foreign policy reports issued during the past three years, the Republican Coordinating Committee has reviewed in detail most of the major areas of interest to the United States abroad. These papers have identified errors made by Democratic Administrations and presented specific recommendations for corrective action. The reports are entitled: *United States Relations with the Soviet Union, U.S. Foreign Policy in Vietnam, Our North Atlantic Alliance, The United States & Eastern Europe, The Middle East—Crisis and Opportunity (1967), Continuing Crisis in the Middle East (1968), Latin America—Progress or Failure?, East-West Trade, Foreign Economic Assistance, The American Image Abroad, and The United Nations.*

None dared challenge the free world's collective strength or purpose.

In 1960, after eight years of peace, the Democratic candidate for President charged: "The Republican peace and prosperity is a myth. We are not enjoying a period of peace—only a period of stagnation and retreat, while America becomes second . . ."

Members of the new Administration apparently believed this allegation—proved false by subsequent events—because they immediately began tampering with established policies.

Not only were the new policies wrong, but their implementation became increasingly unsystematic. The National Security Council machinery—so carefully structured during the Eisenhower Administration to develop and coordinate our foreign policy—was dismantled, White House subordinates, unversed in practical foreign affairs, were permitted to dabble in this critical area. The professional diplomatic corps was expanded to make room for political appointees ready to support the new policies. Inevitably confusion and conflict replaced order and precision. The security of the nation and the well-being of the American people were placed in jeopardy.

Only because the previous Republican Administration had bequeathed to its successors a coherent body of foreign policy based upon unrivaled diplomatic, military and economic strength, were the Democrats able to improvise and experiment for so long without having to account for their errors. Slow as the day of reckoning has been in arriving, it is now clearly at hand. We see it in the tragic loss of America's stature in the world.

#### A. The Communist world

For two generations and through two world wars the United States has opposed aggression by hostile totalitarian systems in Europe and Asia. We have considered such opposition essential to our own security and thus in the national interest.

Since the late 1940's Soviet and Chinese Communist governments have been the chief instigators of such aggression. As a result, containment of Soviet and Chinese Communism has been the foundation stone of American foreign policy and has received firm bipartisan support. Throughout the Eisenhower Administration the worldwide Communist movement was contained without major armed conflict.

Shortly after the Democratic Administration took power this picture changed. While rapidly increasing United States assistance to Laos and South Vietnam, the new Administration simultaneously sought accommodation with the Russians. Intrigued by the USSR's declining influence over the world Communist movement and the Soviet's disinclination to continue domestically the worst excesses of the Stalinist era, our new President decided that the United States should somehow exploit the situation.

In its zeal to encourage ferment and change within the Communist world, the Administration gravely misjudged the influence an outside power can exert for internal reform in a largely self-sufficient totalitarian state. It was apparently assumed that the Soviets were so eager to raise the living standards of their own people that they would accept the polycentric and "liberalizing" movements developing in the Communist camp.

Such suppositions led Democratic policy makers to focus more on presumed Soviet intentions than on Soviet actions, many of which continued to be inimicable to the United States. Wishful thinking induced the Administration to deal with the Soviets according to what they said, not what they did.

No one would fault the basic aims—to relax tensions and end the arms race—aims espoused long before by President Eisenhower. His Open Skies and Atoms for Peace proposals and his appointment of our first disarmament advisor created an atmosphere

conducive to negotiation. But there was a critical difference in basic approach: in all negotiations Republicans required the Communists to meet us half-way.

On the other hand, since 1960 our leaders have acted as if we were obliged to demonstrate our sincerity—not once, but again and again—before the Russians could be expected to respond in kind. Disregarding policies which had sustained our leadership of the free world since World War II, new policy-makers innovated and improvised.

A prime result of this experimentation has been crippling policy contradictions. The most glaring include:

The Administration's eager effort to "build bridges" to Communism in Europe while fighting Communist expansion in Asia. Over 80 percent of the weapons used against the United States in Vietnam have been produced in the USSR and Eastern Europe. Yet the President announced in 1964 that America would seek to "build bridges across the gulf" separating Communist regimes in Europe from the West primarily by offering to increase our trade with Iron Curtain countries. Such East-West trade obviously could help the Communists kill Americans by proxy in Asia.

The Administration's exhortations for Western European nations to stand firm against Communism while America sought to negotiate arms control agreements with the USSR without adequate consideration of our allies' interests.

The Administration's toleration of what has become an aggressive and openly avowed Communist state in Cuba only 90 miles from Miami, while American forces disperse all over the world to frustrate Communist designs. Following the disastrous Bay of Pigs venture, the Democratic Administration reversed its policy completely, denying Cuban exiles virtually all hope of returning home in the near future. Meanwhile, Castro-trained guerrillas have been active in such countries as the Dominican Republic, Guatemala, Colombia, Venezuela and Bolivia. Castro-financed propaganda and subversive activities have spread even beyond Latin America. Cuban mercenaries fought with the Congo rebels against the legally constituted government in Kinshasha, and a Cuban bodyguard unit foiled a coup attempt by indigenous African troops aimed at ridding the Congo (Brazzaville) of its leftist President. Conferences in Havana have repeatedly provided a forum for anti-American invective, including inflammatory statements urging revolution in the United States by black power advocate Stokely Carmichael.

The Administration's eagerness to negotiate non-proliferation and space treaties without adequate safeguards despite mounting evidence of the USSR's increasing military capability. In their zeal to reconcile East-West differences, Democratic policy-makers even concluded that America's overwhelming military superiority had become a barrier to dealing successfully with the USSR. In order to help overcome the imagined Soviet inferiority complex, United States military policy has tended to emphasize "parity" in armaments rather than superiority over the Soviets.

Proponents of "parity" believe that our offensive capability is invincible and therefore that our development of more advanced weapons would merely increase our existing "overkill" capacity and accelerate the arms race. So believing, the Administration restricted America's weapons development, then tried to persuade the Russians to follow suit. The Soviet reaction should have been foreseen. They feigned interest but simultaneously increased their military budget and pushed vigorously ahead with new weapons.

For several years the Soviets have narrowed their strategic gap with the United States. At current relative rates of growth their strategic missile force will shortly equal ours. They have begun deployment of

an extensive anti-missile system (ABM). After our failure to dissuade them from this action, not only by exhortation but also by our Defense Secretary's refusal to expend funds the Congress voted for ABM development, we belatedly and half-heartedly started a very thin shield of our own. The Soviets have also unveiled a new orbital bomb system capable of launching nuclear strikes from outer space. This development contravenes the spirit, if not the letter, of a recent treaty hailed by the Administration as preserving outer space for peaceful use.

Tragically, the Democrats' false charge in 1960 about a "missile gap" now threatens to become a reality by virtue of policies that they have themselves imposed.

While rapidly expanding their missile strength, the Soviets have also qualitatively and quantitatively enlarged their air and naval power. For the first time they have displayed large naval forces in the Mediterranean. Their submarine fleet already exceeds ours numerically and nuclear-powered missile submarines are rapidly being added. Several new high-performance aircraft, unknown to the West until the 1967 Domodevodo air show, are operational. By contrast, America's F-111 aircraft (formerly the TFX), imposed by the Secretary of Defense over strenuous military objections, is too expensive, too heavy, too unreliable, and too late.

The Soviet research and development budget for new weapons now surpasses that of the United States. Expenditures for offensive strategic forces reportedly have doubled ours for the past four years. Because of the long leadtime required to develop major new weapons, the United States may be nearing a strategic crossover—the critical point at which the net strategic advantage passes to the Soviet Union. During the long years when Mr. McNamara was Secretary of Defense, he emphatically denied this possibility—with the same sureness, let it be noted, that he evidenced in repeatedly predicting an early end to American involvement in Vietnam.

Asia is vital in any assessment of the Communist world.

In January 1961 Republicans left this area in relative peace. Today, a major war drags on in Vietnam. South Korea is again actively threatened. India's borders remain tense after fighting erupted with both China and Pakistan. Hong Kong's future is uncertain following bloody civil disorders. Subversion of external Communist origin is active in a half dozen free nations.

In Asia we confront two major Communist powers, Soviet Russia and Communist China harbor deep antagonisms, but they are united in regarding the United States as the principal obstacle to their regional and world goals. They are also united in their determination to weaken our nation. So motivated, the Soviet and Chinese Communists vie to outstrip each other in aiding enemies in Vietnam.

Of all nations, Communist China is most openly hostile to the United States and to a stable world order. For many reasons, including her self-imposed isolation and belligerent attitude toward the world, Communist China has turned inward and she has convulsed. Continuing conflict and internal stress make it impossible now to predict whether the Communists will be able to retain centralized control of that huge country; or whether China will disintegrate into regional rule by wardlords; or even whether the Chinese people will regain the freedom to choose a better form of government and then rejoin the free world. Therefore, this is a time for watchful waiting.

For years Communist China has stirred trouble abroad in order to distract her people from the deteriorating internal situation. She has twice attacked India, created disturbances in Macao and Hong Kong, nearly conquered Indonesia from within, launched

wide-spread subversion in Africa, continually probed the Taiwan Straits, encouraged disgraceful conduct by her diplomats abroad, and mistreated foreign diplomats and newsmen in Peking. The world community cannot condone such tactics.

The stiff and successful British reaction to Communist provocations in Hong Kong last year provide a good example of what can be accomplished with a small amount of force applied with unswerving resolve.

#### RECOMMENDATIONS

Under a Republican Administration, we pledge to the American people that our policies will be based not on euphoric speculation, but on realistic assessments of Communist capabilities. Our actions will be based on what the Communists do, not on what they say.

Under a Republican Administration, we pledge America's weapons superiority will be maintained, our system of alliances will be revitalized; and the credibility of our will to protect vital national interests will be restored.

Under a Republican Administration, we shall seek true détente—but through strength, not weakness. No nation can negotiate successfully while its opponents are allowed to make gains at its expense. No general accommodation with the Communists can realistically be sought without an honorable settlement to the war in Vietnam.

Under a Republican Administration, we pledge to seek greater knowledge of Communist China and to offer increased contacts if and when it abides by the normal rules of conduct in the international community. Although we may reaffirm our traditional friendship for the Chinese people, this is not the time for new initiatives which might legitimize current Chinese Communist rulers or help them overcome their grave internal problems. America should continue to support the Republic of China, whose energetic government has developed a viable free enterprise economy on Taiwan, and now stands ready to play an increasingly important role in Asian affairs.

In Vietnam, the Republican Party wishes the President well during this period of peace negotiations. We support his declared objective of an honorable peace, one that would rule out a Communist take-over. Acceptance of a settlement lacking proper safeguards would betray our allies and the South Vietnamese people. It would be an outrage in light of the sacrifices made by our men—living and dead.

#### B. The free world

At the close of the Eisenhower years mutual defense pacts guaranteed the security of most of the free world under United States leadership. NATO, CENTO, SEATO, the ANZUS pact and a number of bilateral treaties coalesced free world strength and resolve. The Organization of American States (OAS), functioning as a regional alliance under the United Nations charter, and the United Nations itself, were used effectively to counter Communist aggression and maintain world stability.

Today all is changed. The United Nations is rendered increasingly impotent by factionalism and incipient bankruptcy. Cuban-sponsored subversion and revolution debilitate the OAS. SEATO defaults in the precise situation for which it was created. CENTO has largely disintegrated and the Soviets have at last achieved their goal of becoming a major force in Middle Eastern affairs.

Worse still is the deterioration of NATO. With no other part of the world is the United States more closely linked by ties of history, culture and trade. After World War II, America's stake in Europe grew larger than ever before. Having invested nearly \$50 billion to revive Europe economically, we led in the creation of the Western Alliance. Thus, the Soviet threat against Europe was contained, and the earth's second largest concentration

of productive power remained with the free world. When President Eisenhower left office, the Western allies stood resolute and united. We and our European friends looked to the day when our military alliance would evolve into a durable political community.

Since then, what has happened in Europe? Today the Western Alliance is in a shambles. France has withdrawn her military forces and her territory from NATO. Britain's world-wide influence is a mere shadow of its former self. The West Germans, perhaps following America's erratic lead, waver between commitment to the West and accommodation with the East. No longer do we enjoy the confidence or even the support of many of our traditional friends.

Early in the 1960's vacillations in U.S. strategic policy began to undermine Europe's trust in our pledge to defend her against Soviet attack:

In 1961, after repeatedly professing our determination to protect West Germany and West Berlin, the United States stood idly by while the East Germans erected the Berlin Wall in violation of the quadripartite covenants governing the status of the former German capital.

In 1962, the United States imposed a crucial change in defense policy on its NATO allies by unilaterally moving to a new strategy of "flexible response." At the time, a Democrat controlled Senate subcommittee commented caustically:

"There was little or no consultation with our allies, and the shift was explained in terms which, to say the least, caused doubt and confusion about what kind of counterblows the United States might be planning in the event of a Soviet attack on Europe. To some in Europe it looked as though the United States would rather switch than fight. The change in American doctrine forced modifications in Allied military doctrine as well, thus painfully underlining for the Allies how little influence they had on American policies of life and death importance to them."

Again in 1962, without prior consultation with our allies, all missiles were withdrawn from Italy and Turkey, leaving the impression that this was done in return for the withdrawal of Soviet missiles from Cuba. More recently we unilaterally withdrew troops from Europe for assignment elsewhere on the subterfuge that they were being rotated normally.

Also in 1962, the United States cancelled the Skybolt project, thus dealing a crippling blow to Britain's declining strategic capability. Worse, the cancellation cast a pall over the United Kingdom's economic future, for the crude manner by which America sought to placate British disappointment afforded France one month later the rationale for rejecting Great Britain's application to join the Common Market. Later, after urging other allies into joint weapons development projects, we unilaterally cancelled many, such as the Main Battle Tank (MBT) and the Vertical Short Take-off and Landing (VSTOL) aircraft projects with West Germany.

Finally, Democratic Administrations have repeatedly sought bilateral negotiations with the USSR on such key matters as nuclear proliferation and the Washington-Moscow "Hot Line" without adequate regard for European sensitivities and vital interests. Germany is deeply concerned over the ramifications of the nonproliferation treaty. France has flatly refused to sign it. The Washington-Moscow "Hot Line" became symbolic of Europe's concern both that the decision-making process might by-pass them, and that they were not considered of sufficient importance to have their own "Hot Lines" with the White House.

In all such matter's Democratic Administrations have often appeared more willing to court and placate the Soviets than to assist our European friends. Small wonder that

concern and resentment replaced respect and confidence for the United States in the capitals of Western Europe.

The fiscal irresponsibility of Democratic Administrations is another key factor in the world's declining respect and confidence in America. The reliability of a country which refuses to live within its means at home and verges upon bankruptcy abroad will be seriously questioned.

While our President boasts of unparalleled domestic prosperity, William McChesney Martin, Chairman of the Federal Reserve Board, issues increasingly stern warnings about the true state of our economy:

"We are faced with an intolerable budget deficit and also an intolerable deficit in our international balance of payments."

"This country today is overextended and overcommitted . . . It's time we stopped talking about guns and butter."

"We have been living, to a certain extent, in a fool's paradise."

"The United States faces either an uncontrollable recession or an uncontrollable inflation if it does not correct its red ink budget and its balance of payments deficit . . . We are in the midst of the worst financial crisis we have had since 1931."

The world, Europe and Japan in particular, waits with growing impatience to see if the Administration will take the necessary steps to avert fiscal crisis. Foreign impatience with America's economic fumbling concerns all Americans, because foreign creditors now hold three times more dollars than the United States can redeem with its entire gold supply.

Our gold reserves have fallen to a thirty year low of less than \$11 billion, and yet the Democratic Administration continues to delay and temporize. The President still refuses to treat the root causes of our balance of payments difficulties by revising his inflationary domestic policies.

The Administration has resorted to temporary palliatives rather than lasting solutions in dealing with our critical economic problems. In the long run, the suddenly-imposed executive restrictions on American business abroad and the proposed restraints on tourist travel are likely to do more harm than good. Even the two-price gold system adopted by leading financial nations in March 1968 merely buys time for the United States. Neither this device nor the proposed Special Drawing Rights (SDR's) to be administered by the International Monetary Fund will correct the fundamental imbalance in America's deficit position. America's reckless spending has placed her at the mercy of Europe's central bankers. Our international viability now depends upon their continuing good will.

Not only in Europe, but everywhere in the free world people worry over America's future. They know their own security and economic well-being will be jeopardized if current policies persist.

In Asia there are many countries long of importance to America—an American admiral "opened Japan" to trade with the West in 1853, an American Secretary of State authored the "Open Door" policy toward China which European powers subscribed to in 1899, and the last three wars America has fought began in Asia. Many nations allied with us today are in Asia, as are three bellicose enemies—Communist China, North Vietnam and North Korea. Japan, the world's third greatest industrial power and, with the exception of Canada, America's best customer, is increasing her role in Asian affairs. We must retain her as an ally and a cooperative friend.

How well we handle our security problems—how imaginatively we approach development problems once we are freed to accord them more attention—will profoundly influence the future of 900 million Asians outside the iron and bamboo curtains. In tomorrow's world these people may very well

hold the balance of power. We must keep faith with them and they with us.

In Latin America, Democratic Administrations have promised a special effort to raise our closest neighbors' living standards. To date, only expectations have been raised. When the Alliance for Progress reached the half-way point after five years of highly-publicized effort only 7 of 19 countries, representing only 29% of the people in Latin America, had managed to meet the Alliance's minimum goal of increasing per capita income by 2½% a year.

Yet, if Latin America fails to make economic progress, political instability and further incursions by international Communism are the inevitable result. The security problems engendered for the United States by additional Castro-type regimes are obvious. Even now signs of declining United States' influence abound—and are ignored by the Administration. In the past few months alone, an American Ambassador was expelled from South America and two American military advisors were murdered while performing their duties in Central America. The Johnson Administration did not even bother to protest these outrages. Moreover, the Democrats so mishandled negotiations over the future status of the Panama Canal that Panamanian discontent has increased despite our country's remarkable offer to surrender control over that vital communications link.

Under the past two Democratic Administrations the confidence of our friends in America's future has been shattered. It is urgently necessary to regain this trust and friendship.

#### RECOMMENDATIONS

We cannot revert to the peaceful and orderly world of 1960. Too many changes have occurred—not the least of which are the alarming changes wrought by our nation's recent errors and failings. Still the fundamental precepts, the underlying ideals, of the former successful Republican policies provide useful guidelines for the future.

Under a Republican Administration, with America's spiritual, fiscal and military strength reestablished, we pledge an informed dialogue with our friends and allies on how best to restore our unity of purpose. As a prerequisite we pledge to deal with major Communist powers on issues of strategic importance within the framework of allied unity. Only thus can we hope to regain the confidence of our international partners.

Under a Republican Administration, we pledge to improve the management of our foreign commitments. New initiatives may be necessary, but the United States should never again allow itself to become isolated from its friends. Only with the loyal support of our allies will the burdens of maintaining the peace weigh less heavily and exclusively upon us.

Under a Republican Administration, we pledge to organize the immense resources of the free world which now lie fallow because of allied disunity. A renewed sense of purpose will not only improve the common security, but will release talent and resources for a collective assault on the problems of peaceful development. The United States should encourage greater regional and sub-regional cooperation as a means for stimulating other nations to play larger roles in dealing with their own problems of development and defense. We will also endeavor to increase the effectiveness of the United Nations by calling for charter revision aimed at providing equitable solutions to the organization's financial insolvency and burgeoning membership.

#### C. The uncommitted world

The political problems accompanying newly acquired independence, and the economic and social problems created by a headlong rush into the modern technological world, make most developing nations inherently in-

secure and unstable. Only competent local leadership can prevent disorder in situations where peoples' expectations are likely to rise faster than society's ability to satisfy them.

Demagogues will inevitably try to exploit the grinding needs and revolutionary expectations of have-not peoples. This danger would exist independent of Communists, but they will typically seek to scavenge upon troubles of the struggling, young countries.

The Communists have put us on notice that they will provoke trouble wherever possible in the uncommitted world. They announced in 1961 and have consistently followed a policy of support for "Wars of National Liberation" aimed at undermining not only colonial administrations but also independent governments whose actions fail to win Communist approval. Vietnam is but one manifestation of this policy. How regrettable it is that the Administration's mismanagement of the Vietnam commitment has prevented any country from providing much needed leadership elsewhere.

For example, in a political sense most of Africa has emerged onto the world scene only since 1960. Twenty-nine of Africa's thirty-nine legally independent states have achieved freedom during the 1960's. As a result, Africa now accounts for nearly one-third of the votes in the United Nations. Despite this portentous change, Democratic Administrations have neglected the huge continent. During the summer of 1967, for example, one-fourth of our embassies in Africa were without Ambassadors.

Worse, the Administration's urge to remodel our foreign policies has prompted our leaders to vie with Communists for the favor of endemic troublemakers among the leaders of uncommitted nations. Too much of America's aid has gone to the Nassers, Sukarnos and Nkrumahs of the world—men unwilling to face the hard decisions required for domestic development, yet all too willing to disrupt the progress of more responsible neighbors. The Democrats' over-riding desire to be popular among such leaders—so-called "neutrals" who regularly display a callous disregard for America and the West—has often prompted the United States to give more aid and support to those willing to injure us than to those inclined to support us.

Thus, America presents the "Third World" with a blurred and puzzling image—an image of a powerful but vacillating giant, devoid of principle and still undecided about basic objectives.

This lack of U.S. leadership is dangerous in the extreme. The underdeveloped world holds a menacing potential for violence, even anarchy. Precisely because turmoil defeats progress, precisely because violence perpetuates human misery, the United States must promote the stability necessary for orderly growth and improved living standards. Americans, with a few other fortunate peoples, cannot exist indefinitely as an island of plenty in a sea of poverty, hunger, disease and rising resentment. Nor would it be true to America's great ideals and humanitarian traditions for us to fail to help close the enormous development gap between the "have" and the "have-not" nations.

Although the genuine needs of developing areas mount alarmingly, the Administration appears unable or unwilling to defend even its modest 1968 aid proposal—the smallest request in foreign assistance history—much less to offer urgently needed new initiatives. The Republican Party has always endorsed the purposes of foreign aid. Our criticisms have focused on ineffective and wasteful methods of administration.

#### RECOMMENDATIONS

Under a Republican Administration, we pledge to cooperate with leaders devoted to evolutionary rather than revolutionary change. Great change is inevitable; the United States must remain flexible to help

direct it into peaceful channels, but without forsaking our principles to curry the favor of opportunist and demagogues.

Under a Republican Administration, we will urgently seek new ways of accelerating economic development abroad. We will encourage the cooperation of other nations, both those able to help others and those which must help themselves. Instead of restrictions on American business overseas, we will develop incentives to stimulate American enterprise to help solve the problems of economic development.

Under a Republican Administration, we pledge to follow up on recent international tariff reductions, which mainly secured advantage for wealthy nations, by seeking ways to open up the huge American market on a preferred basis to industrial products and agricultural commodities from selected developing areas.

#### III. CONCLUSIONS

In the final analysis, two Democratic Administrations have succeeded only in fostering a world instability perilous to our nation's security.

This country's confusing policies and unpredictable actions have caused America to lose both the confidence of her allies and the respect of her enemies.

America's credibility as a world power has been impaired by the absence of global strategy. Lacking an underlying theme our goals have fluctuated wildly; and even where our professed objectives have remained consistent our actions have denied our words. It is small wonder that our allies have drifted away from a leader whose sincerity they mistrust and whose wisdom and resolve they doubt.

Divisions in the free world and America's diminished stature have caused peace to become more remote because our confusion simply provokes the Communists into trying to exploit our weakness. When we fail to support our basic principles, and shrink from defending our vital interests, we invite our opponents to challenge our power and test our spirit in additional ways.

Nothing has so dramatically illustrated our deteriorating position in the world, or so damaged our credibility as a world power, as the *Pueblo* incident. After tiny North Korea captured a United States' naval vessel in international waters, the Secretary of State termed the unprecedented action an "act of war." The President sent the attack carrier *Enterprise* into the region and called up the Reserves. When the Communists called our bluff, the mighty United States backed away and meekly accepted defeat and humiliation. The Johnson Administration could then devise no better course of action than to ask the Soviets to intervene on our behalf. The Soviets' prompt refusal forced the United States into direct talks with North Korea, to the consternation of our South Korean allies.

Our country's ineptitude and lack of firm resolve in the *Pueblo* crisis may well have made plucking the Eagle's feathers an activity which other fourth-rate powers will presume they too can engage in with impunity.

In their totality, Democratic foreign policy failures have created a crisis of confidence in the world.

In 1960, while campaigning for the Presidency, the Democrats made much of America's alleged decline in prestige abroad. They demanded that the United States Information Service (USIA) release polls to prove the point. Once in office the Democrats not only refused to publish further foreign prestige polls, they even ordered USIA to cancel all future ones which the Administration suddenly decided "were of no value." It is obvious that the polls were abandoned because America's prestige and popularity abroad had plummeted.

But the American people do not need such

polls; the headlines bear daily evidence of our nation's declining international stature.

The restoration of American leadership in the world depends upon the restoration of our government's credibility. The Democrats can neither regain America's lost reputation nor win back alienated friends. They are unable to divorce themselves from their own past errors. The Party in power can neither admit nor rectify its mistakes. Only a Republican Administration, unencumbered with past error and illusion, can restore credibility to our nation.

Only a Republican Administration can overcome the current crisis of confidence and return the United States to its former position of world leadership.

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Robert C. Hill, Chairman, United States Ambassador to Mexico, 1957-1961.

David N. Rowe, Vice Chairman, Professor of Political Science, Yale University.

Gordon Allott, United States Senator from Colorado.

Robert Amory, Jr., Deputy Director, Central Intelligence Agency, 1952-1962.

John B. Anderson, Member of Congress from Illinois.

Tim M. Babcock, Governor of the State of Montana.

Frances P. Bolton, Member of Congress from Ohio.

Lucius D. Clay, General of the United States Army, Retired.

Philip K. Crowe, United States Ambassador to Union of South Africa, 1959-1961.

Joseph S. Farland, United States Ambassador to the Republic of Panama, 1960-1963.

Paul Findley, Member of Congress from Illinois.

Peter H. B. Frelinghuysen, Member of Congress from New Jersey.

Ernest S. Griffith, Dean, School of International Service, American University, 1958-1965.

Mrs. Cecil M. Harden, Member of Congress from Indiana, 1949-1959; Republican National Committeewoman for Indiana.

Joe Holt, Member of Congress from California, 1953-1959.

Walter A. Judd, Member of Congress from Minnesota, 1943-1963.

John D. Lodge, United States Ambassador to Spain, 1955-1961.

Gerhart Niemeyer, Professor of Political Science, University of Notre Dame.

Nicholas Nyaradi, Director of School of International Studies, Bradley University.

Roderic L. O'Connor, Administrator, Bureau of Security and Consular Affairs, Department of State, 1957-1958.

G. L. Ohrstrom, Jr., Investment Banker.

William W. Scranton, Governor of the Commonwealth of Pennsylvania, 1963-1967.

Bernard M. Shanley, Republican National Committeeman for New Jersey.

Robert Strausz-Hupé, Director, Foreign Policy Research Institute, University of Pennsylvania.

John Hay Whitney, United States Ambassador to Great Britain, 1956-1961.

Kent B. Crane, Secretary to the Task Force.

#### AMERICANS FOR CONSTITUTIONAL ACTION—10TH ANNIVERSARY

Mr. MURPHY. Mr. President, yesterday, June 27, marked the 10th anniversary of the founding of Americans for Constitutional Action, an organization which has played an important role, in a responsible manner, in promoting the principles of constitutional government across our country.

I am pleased to join in congratulating ACA for the excellent job which it has done and in wishing the organization ever-growing success in the future. All of us, regardless of our individual political beliefs, recognize the vital role played by education in our democratic process. An informed and aware public is essential to the development of sound debate and to the making of wise decisions in our political process. The organization which we salute today has done its job well in helping to keep the American people advised on current developments with respect to constitutional government.

I congratulate the organization, its officers and staff, and express my hopes for their continued success in the years ahead.

#### EXEMPTION OF CERTAIN VESSELS FROM THE REQUIREMENTS OF CERTAIN LAWS

Mr. MAGNUSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2047.

The PRESIDING OFFICER (Mr. Byrd of West Virginia in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2047) to exempt certain vessels engaged in the fishing industry from the requirements of certain laws, which was, strike out all after the enacting clause, and insert:

That section 4426 of the Revised Statutes of the United States (46 U.S.C. 404) is amended by adding at the end thereof the

following sentences: "As used herein, the phrase 'engaged in fishing as a regular business' includes cannery tender or fishing tender vessels of not more than five hundred gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska which are engaged exclusively in (1) the carriage of cargo to or from vessels in the fishery or a facility used or to be used in the processing or assembling of fishery products, or (2) the transportation of cannery or fishing personnel to or from operating locations. The exemption of the foregoing sentence for cannery tender or fishing tender vessels shall continue in force for five years from the effective date of this amendment."

Sec. 2. Section 1 of the Act of August 27, 1935 (46 U.S.C. 88), is amended by designating the existing section as subsection (a) and by adding a new subsection (b) as follows:

"(b) All cannery tender or fishing tender vessels of not more than five hundred gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska except those constructed after the effective date of this subsection or converted to either of such services after five years from the effective date of this subsection are exempt from the requirements of this Act."

Sec. 3. The first proviso of section 1 of the Act of June 20, 1936 (46 U.S.C. 367), is amended by adding at the end thereof the following sentences: "As used herein, the phrase 'any vessel engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery or kelp or sponge industries' includes cannery tender or fishing tender vessels of not more than five hundred gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska which are engaged exclusively in (1) the carriage of cargo to or from vessels in the fishery or a facility used or to be used in the processing or assembling of fishery products, or (2) the transportation of cannery or fishing personnel to or from operating locations. The exemption of the foregoing sentence for cannery tender or fishing tender vessels shall continue in force for five years from the effective date of this amendment."

Sec. 4. The first subparagraph of section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a(1)) is amended by adding at the end thereof the following sentence: "Notwithstanding the first sentence hereof, cannery tenders, fishing tenders, or fishing vessels of not more than five hundred gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska when engaged exclusively in the fishing industry shall be allowed to have on board inflammable or combustible cargo in bulk to the extent and upon conditions as may be required by regulations promulgated by the Secretary of the department in which the Coast Guard is operating."

Mr. MAGNUSON. Mr. President, the House amended the bill in several particulars, namely first, by limiting the exemption to vessels used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska; and, second, by limiting the exemption for a period of 5 years from the effective date of the amendment.

Mr. President, I move that the Senate concur in the House amendments. The motion was agreed to.

MANEUVERINGS AGAINST THE PRESIDENT'S SUPREME COURT NOMINEES

Mr. CANNON. Mr. President, I am somewhat surprised at the tactics being planned by some of our colleagues to

attempt to block the Supreme Court nominations of Justice Abe Fortas and Judge Homer Thornberry.

This attempt to embarrass the President is nothing more than irresponsible partisan politics. Even the spokesman for the opposition admitted he was not attacking the qualifications of either Justice Fortas or Judge Thornberry. What is being attacked is the right of the President of the United States to make nominations and appointments for as long as he holds office.

This is the President's constitutional right. And those who are threatening a filibuster are trying to quash these indisputable rights. Nowhere in my reading of the Constitution do I find this Presidential power limited to a part of an elective term.

I believe most Senators will join in defeating this idle and meritless argument and quickly and expeditiously move toward a fair examination of these two distinguished Americans based on their qualifications for a place on the Supreme Court.

#### THE MIDDLE EAST

Mr. DOMINICK. Mr. President, at a time when we are beset with grave problems around the world, it is alarming to observe that our foreign policy seems discordantly out of tune with the problems confronting us. Some scholars of world affairs warn that we are drifting rapidly toward calamity. It is time to check our course to see where we are headed. Storm flags seem to be flying everywhere.

While we now are occupied in South Vietnam, defending that nation against Soviet "aggression by proxy," events in other areas of the world appear to foreshadow other serious confrontations between the Soviet Union and the United States. The Middle East is fast emerging as the most dangerous area where one of these confrontations is shaping up.

The Middle East with its mysticism, its jigsaw geography, its varied cultures and currency, and its natural resources, has been a focal point for adventure, opportunity and emotional involvement since history began. Whether we study the Phoenicians, the Egyptian Empire, the Saracens, Genghis Khan, the Koran, or the Bible, this corner of our earth has been boiling with people, ideas, wars, vast resources and trouble which have defied permanent solutions. In this long-range historical perspective, the present situation appears in sharp focus. Deeply involved are old and new nations, charismatic leaders, vast natural resources, and the dangers of an explosion which could literally reap the wild wind. Perhaps nowhere in recent history have events and power patterns changed so abruptly in a short span of years. Since the end of World War II, the influence of Western European nations in the Middle East has tobogganed, Arab nationalism has increased, and the Soviet Union has multiplied its efforts to fish in these troubled waters.

The world is now faced with the urgent need to find a peaceful, permanent, solution to the problems in the Middle East and do it quickly.

What is behind the Russian move into

the Middle East? Russian interest in that region is not new. Since the time of Peter the Great, Russia has maneuvered to get control of the Dardanelles and access to the Persian Gulf. Several times in the past, she has had almost within her grasp the ability to control strategic areas in Turkey and Iran, and good prospects for positions of influence further south and west. At the outset of World War I, the Russians ruled over the most important provinces of Iran and seemed close to Constantinople. During the years 1939 and 1940, when Nazi Germany seemed all-powerful, the Soviet Union obtained Nazi agreement to establish Soviet bases on the Bosphorus and the Dardanelles. The Nazis also agreed to the establishment of Soviet spheres of influence in Turkey and Iran.

Later, at the close of World War II, the Russians tried to obtain a voice in control of Tangier at the Straits of Gibraltar. And many of us can recall the difficulties we had in securing the withdrawal of Soviet military forces from Iran in 1946.

In each of those instances and in the earlier ones, Russian designs were thwarted by circumstances. The Russo-Japanese War in 1907 exposed Russian weaknesses and slowed her advance in the area. The disasters of World War I, which toppled the czars, focused Russian attention on internal problems. The Nazi-Soviet war and the outcome of World War II, particularly the resultant power and position of the Western World, combined to prevent the Soviet Union from attaining the fruits which it had anticipated and which it had sought.

After World War II, the U.S. policy of containment and its concomitant large-scale assistance to Greece, Turkey, and Iran, closed the door to Soviet influence in that region. The presence of United States, British, and French military forces in the Mediterranean and their control of its ports made Soviet expansion in the Mediterranean extremely difficult. These factors, buttressed by the flaming enthusiasm of the Jewish Zionists to gain a home for themselves, form the backdrop for the independence of Israel. Furthermore, the Soviets' rigid adherence to the theory of world revolution and obvious ties with the worldwide Communist Party network were repulsive to much of the Moslem world, which was then, and largely continues to be, opposed to Communist ideology. Today, many of these factors have changed, thus changing the direction and the scope of the problems to be faced and solved.

European control and influence in the Middle East and North Africa have sharply declined under the thrust of Arab nationalism. In the process, new governments with a definite anti-Western bias have come to power in many of the Arab States—Algeria, Egypt, Syria, and Iraq are cases in point. They recognize that the social, economic, and military benefits which they want and need have been supplied mainly by the West—but, as we shall see, they have also turned to the Soviet Union for these benefits—hopefully playing both sides.

While this situation did not come about overnight, and in fact is still de-

veloping, the possibilities were not lost on Soviet policymakers.

After the death of Stalin, the Soviet Union revised its concepts to provide greater flexibility in dealing with the real world outside Soviet bloc borders. We usually think of "peaceful coexistence" as applying only to Soviet relations with the West, and the term "many roads to socialism" as a device for coping with the independent stance of Tito and Yugoslavia. They do apply in this limited sense. But more important, they are illustrative of the new doctrine which provides a rationale and a cover for Soviet relations with any government where Soviet national interests may be served. Aid, trade, and subversion are the instruments of this doctrine. Extension of Soviet political control is the objective. It matters not who suffers from its application.

Under this doctrine, in 1955, the Soviets provided some \$80 million worth of Migs, tanks, artillery, and other arms to Egypt's Nasser. Ostensibly, this equipment was supplied by Czechoslovakia. This is a procedure which is still followed by the Kremlin in certain situations when the Soviet desires to retain a measure of public political freedom of action. Since that time the Soviet Union has furnished military equipment to the United Arab Republic, Algeria, Syria, and Iraq, valued at between \$2 and \$3 billion. Economic credits have been extended on a similar scale. The largest share by far has gone to Nasser. Twice, now, the Soviet Union has moved to replace Egyptian military equipment destroyed in battle by Israel. Many thousand Soviet technicians, military and civilian, are known to be present in the Arab countries, and large numbers of Arabs have received training in the Soviet Union.

Although this assistance is provided under barter agreements, such as loans or credits at large discounts and nominal interest charges, in fact they might as well be gifts since the recipients are usually either unwilling or unable to pay their debts.

My purpose in reviewing the dollar value of these selected Soviet programs is to make clear the size of the game the Soviet is playing in the Middle East. Let me cite an example to illustrate that they intend to remain in the game.

As we all know, in the short space of 6 days in June, Israel destroyed Soviet-supplied Arab equipment valued at about \$1 billion. By all measures, the Soviets as well as Nasser suffered a military disaster. Furthermore, it seemed that the Soviets had lost control of the situation. What did they do? Without hesitation they defended the Arabs through every means at their disposal, short of armed intervention, and immediately started replacing the lost equipment.

The concept of the "Big Lie" was once again vocalized in the United Nations through the Soviet and Syrian representatives and through the Asian countries by every possible mechanism. The "Big Lie" consisted solely of the claim that the United States and Great Britain had won the war for Israel.

This replacement of equipment and other assistance to the Arabs had con-

tinued at the rate of over 10 shiploads per month. Not one Arab leader has been deposed. Soviet control and influence, feeding on the scraps from the "Big Lie," appear to continue at high levels.

And the key Arab countries—Egypt, Algeria, Syria, and Iraq—have been revived militarily to the extent of approximately 95 percent of their pre-June armament. This has increased the Arab reliance on the Soviets and has drawn the Arab countries in the Soviet sphere of influence despite their anti-Communist leanings. The Soviets are not masters of diplomatic maneuvering. Far from it. But they had several factors helping them. One is the distrust of the Arabs for Western Powers which they equate with colonialism. A strong second factor is the conviction that the Western Powers are totally in support of Israel, a conviction fostered by the "Big Lie." A third factor is the conviction that only the Soviets have enabled the Arab countries to regain the loss of face suffered in their overwhelming military defeat.

The Soviet Union also is continuing to increase the size of its fleet of warships in the Mediterranean. Our Ambassador to NATO, Mr. Harlan Cleveland, has stated that at the time of the Arab-Israel War last June:

A total of 46 Soviet ships were operational in the Mediterranean including some of the latest guided missile cruisers and about 10 submarines with numerous support ships.

Although these Soviet warships entered the Mediterranean from the Black Sea through the Dardanelles, which is under the surveillance of Turkey, more recently they have been using another more clandestine approach—steaming at night through the Straits of Gibraltar, making it more difficult for us to maintain surveillance of their coming and going. Of even greater significance and importance is the fact that these ships which have been entering the Mediterranean through the Gibraltar Straits, are from the 730-ship Soviet Baltic Fleet. This action reveals that the Russians have now begun to combine operations of their Baltic Fleet with their 700-ship Black Sea Fleet. Another alarming fact is that the Soviet ships in the Mediterranean now are using the Syrian port of Latakia and the ports of Alexandria and Port Said, in Egypt, freely and openly, as bases. Soviet bombers are also paying regular courtesy visits to Egypt and Syria. This increase in Soviet presence on NATO's southern flank has had, and will continue to have, serious political impact.

In addition to an increase in the number of Soviet harassments of the ships of our 6th Fleet, informed observers anticipate that the Soviets will soon add to their Mediterranean force at least one helicopter carrier. Each of these carriers is said to transport 1,000 assault troops. The helicopter carriers will provide the Soviets with the capability to move troops quickly into any area in sufficient force to control most situations. In the light of some recent events, the Soviet threat in the Mediterranean promises to become even more serious in the future.

The Russians are now negotiating for the huge NATO-built base in Algeria which was turned back to Algeria by

France in March of this year. This base, located at Mers el-Kabir, has one of the best-protected deep anchorages in the Mediterranean and its underground workshop and storage facilities were constructed to withstand a nuclear attack. Of equal importance is the fact that this base has submarine facilities.

The closure of the Suez canal following the Israel-Arab conflict in June 1967 struck a staggering economic blow to Great Britain. The cost to Great Britain has been estimated at about \$56 million a month. Coupled with the Rhodesian crisis, which cost Great Britain more than \$280 million in trade, and the British dock strike, which has cost Great Britain more than \$240 million, an economic crisis was created which has prompted the British to begin withdrawing all of their forces from east of the Suez. The vacuum so created is a natural ploy for the Soviets and they are already taking full advantage of it.

Two-thirds of the free world's proven oil reserves and one-third of the free world's total oil production are in the Persian Gulf area. Loss of the direct oil supply through the Suez Canal and the embargo by other Arab countries on shipment through the Mediterranean to England and Western Europe during the Arab-Israel conflict have already painted the signposts for the future. Oil supplies started flowing around the cape of Africa in large tankers. Oil costs went up, but those Middle East supplies under control of the Western powers did continue to come through. Further Soviet moves, however, particularly with the abandonment of the area by Great Britain, could and probably will change this pattern. It is entirely possible that the Arab countries will change their salesmen, from Great Britain and the United States-English affiliated companies, to the Soviets or to France. If they change to the former, Great Britain and Western Europe will depend for their oil supply on the new oil pipelines being constructed from Russia into Western Europe, or on Venezuelan, Canadian, and United States reserves, particularly the oil reserves in the Athabaska Tar Sands and the Colorado-Utah-Wyoming oil shale deposits. In either event, a drastic shift in oil economics will be realized.

Strategically, the Russians could obtain the already-built bases which the British are in the process of abandoning between now and 1971, including the huge naval base at Aden. The Soviet aim in this direction is already evident from their intervention in the civil war in Yemen. Russia thought 2 years ago that by equipping Nasser's troops which invaded Yemen, Nasser would serve as a front man for the Soviet ambitions in the area. While the Yemeni rebels, with the assistance of Nasser's 50,000 troops, were successful in seizing control of the government and gaining a tenuous foothold on the Red Sea flank of the Saudi Arabian oil field, the Royalist forces only retreated to the highlands and continued to fight. Nasser, however, was forced to withdraw his troops from Yemen at the time of the Arab-Israeli War last June, and according to reports from that area,

Soviet fighter planes piloted by Soviet pilots moved in to attack the Yemeni Royalist forces. At least one of the Soviet Migs was shot down and the Soviet pilot killed while attacking the Yemeni Royalist forces.

Why would the Soviets risk overt intervention in Yemen? The Soviets realize that from Yemen they are in a position to move on Aden. The base at Aden controls one of the four most crucial bottlenecks of the world's trade routes—Bab el Mandeb. This strait forms the gateway between the Red Sea and the Indian Ocean. Through this strait passes all the shipping from the Suez Canal bound for the Indian Ocean and the Far East.

The British withdrawal from the Persian Gulf and its announced termination of its defense pact with Kuwait may also leave the door open for another Kuwait invasion by the Iraqi forces supported by the Soviet Union. With the Soviet presence in force in the area, in the form of sizable seapower, chaos could result among the little newly independent sheikhdoms along the western shore of the Persian Gulf.

The Soviets already have base rights in Somaliland, are highly influential in the Yemen and in Aden, have exhibited their flag through their Navy in the Persian Gulf, and are constantly increasing their presence.

Historically, Saudi Arabia and Iran have been more aligned with the western world than with the Sino-Soviet bloc. However, the Arab-Israeli War has complicated the situation with respect to Saudi Arabia, and Iran has been negotiating with both the Soviet Union and with us for armaments.

King Faisal of Saudi Arabia, in a recent statement, said that many people in the Arab world have been led to believe that the United States is the enemy of the Arab. This is a part of the "Big Lie" program. Soviet exploration of anti-Americanism, he said, "dictates that the United States should have good relations with the Arab world. As a friend," he continued, "I want the Americans to restore relations so that they won't give our enemies the chance to instill more bad feeling against the United States." King Faisal also said, "In the present situation, it is difficult to raise one's voice in favor of the United States. Up to now, I have done so, but it is increasingly difficult." He accused the present administration in Washington of supporting sections and factions in the Arab world that are against the interests of the Arab world as a whole, and the United States itself.

These statements, made on May 22d to Drew Middleton of the New York Times, are highly significant. King Faisal also said in that interview that he felt that the United States had consistently misjudged the position of President Nasser who, in King Faisal's view, is a puppet of the Soviet Union. The King also called Arab socialism "an instrument of Communist penetration" and stated that he was determined to keep it out of the Persian Gulf.

The Shah of Iran, who was negotiating in Washington in mid-June for the purchase of \$100 million in aircraft

and armaments, had previously purchased and received from the Soviet Union \$110 million worth of armored vehicles, trucks, and anti-aircraft weapons. Any rivalry between the Shah and King Faisal for dominance of the Persian Gulf area must be prevented, as it would in the long run serve only to enhance the Soviet thrust.

For all these reasons, I believe that we must move with determination toward achieving a settlement of the Arab-Israel conflict at the very earliest possible moment. As time goes by, the positions of Israel and the Arab countries become more rigid and harder to solve. The emotional attachment and concern for Israel cannot and should not be overlooked. The key, however, is the recognition by the Arab countries of the geographical entity of Israel. Once that issue has been resolved, the other important questions can be ironed out. To that end we must use our influence with Israel and our historical friends in the Arab world, including President Bourguiba, of Tunisia, Hussein, of Jordan, King Faisal, and the Shah of Iran.

It is not necessary nor advisable that we assume the role of policeman to the world, nor that we attempt to pick up the role of Great Britain. But it is essential that we pursue a strategy to assure both friend and foe that we are anxious to and capable of carrying out our role as world leader in the peaceful solution of the world's problems. Failure may lead us to the brink of Armageddon.

Mr. President, I had the honor, in January of this year, of being chairman of a delegation of distinguished Members of the Senate and the House of Representatives to the Ditchley Conference in England, where we discussed, with our counterparts in the House of Lords and the House of Commons, members of the British Cabinet, and many people in private life, in a series of meetings lasting more than 5 days, the problems in the Middle East.

It was distressing for me to see that although everyone recognized the problems, there was a strong divergency of viewpoints between members of the English delegation, as well as between members of ours, as to what could or should be done about solving those problems.

It seems imperative to me that we recognize that the Middle East is a cauldron which can easily be heated to the boiling point, and can create a problem of enormous significance to the United States in the very near future. Part of that problem, in fact the main part of it, has been created by the meddling of the Soviet Union in that area, but a great deal of it also has been exacerbated and increased by the fact that we have been unable to reach even the beginning of a settlement between Israel and the Arab countries which were defeated in the June war last year.

I have great sympathy for the Israelis who have been defending their homeland. I have great admiration for their ability to protect themselves. But it does seem to me that if we are going to maintain any kind of stability in that area, there must be a recognition by the Arab countries of the geographical aims of

Israel, so that at that point we can start solving the other problems which have also been facing that area for so many years.

Mr. President, I yield the floor.

#### ORDER FOR ADJOURNMENT TO MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon Monday next.

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

#### FEDERAL HIGHWAY AUTHORIZATIONS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 3418, the Federal highway authorization bill. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be read by title.

The LEGISLATIVE CLERK. A bill (S. 3418) to authorize appropriations for fiscal years 1970 and 1971 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works, with amendments.

#### LEGISLATIVE PROGRAM

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, I am authorized by the distinguished majority leader to state that following Senate action on the Federal highway authorization bill on Monday, the Senate likely will proceed to the consideration of S. 827, the nationwide system of trails legislation.

It is then expected that the Senate will take up the omnibus rivers and harbors authorization bill, probably on Tuesday, and the bill, H.R. 3400, on noise abatement.

This will likely be followed by S. 2525, a bill on vessel pollution control.

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

Mr. BYRD of West Virginia. I yield.

Mr. DOMINICK. Mr. President, do I correctly understand that we are laying down the bill on Federal highway appropriations?

Mr. BYRD of West Virginia. It is the Federal highway authorization bill.

Mr. DOMINICK. Is that measure on the calendar? I did not see it.

Mr. BYRD of West Virginia. It has just been reported today, and the chairman of the Public Works Committee, the distinguished senior Senator from West Virginia [Mr. RANDOLPH], has indicated that it is agreeable with him that the bill be taken up on Monday. So, it will be in order on Monday.

#### SUBCOMMITTEE MEETING DURING THE SESSION OF THE SENATE ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Veterans' Affairs Subcommittee of the Committee on Labor and Public Welfare be authorized to meet while the Senate is in session on Monday, July 1, 1968.

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

#### THE VOCATIONAL REHABILITATION AMENDMENTS OF 1968

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, on behalf of the Senator from New Jersey [Mr. WILLIAMS], that I be permitted to have printed in the RECORD a statement by the Senator from New Jersey on the subject of H.R. 16819, the Vocational Rehabilitation Amendments of 1968.

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

##### STATEMENT BY SENATOR WILLIAMS OF NEW JERSEY

I was pleased to see the Vocational Rehabilitation Amendments of 1968 passed by the Senate on Monday and returned to the House, which agreed to the Senate amendments on Tuesday, thus clearing this measure for the President's signature. I was especially pleased with the passage of this bill, as Chairman of the Senate Special Committee on Aging, with a long-term deep interest in increasing employment opportunities for older jobseekers, an objective which will be materially furthered if the President signs the bill and it becomes law.

Perhaps the most significant amendment in the bill from the standpoint of the elderly is its definition of "disadvantaged individuals" to include "individuals disadvantaged by reason of advanced age," for purposes of determining eligibility for services under the vocational evaluation and work adjustment program proposed by the bill. Thus, for the first time in the history of Federal vocational rehabilitation legislation, older persons will be eligible for vocational rehabilitation assistance solely on the basis of age, without reference to whether they are suffering a physical or mental disability.

Even without this special provision for the elderly, the Vocational Rehabilitation program could have been expected to help many in this age group who are disabled. Since 1945, when 7,244 disabled persons 45 years of age and older were rehabilitated, there has been a steady increase in the number of aging handicapped individuals rehabilitated into employment. For example, in fiscal year 1966, 41,300 persons over 45 were rehabilitated, over five times the 1945 figure. A total of 47,000 persons age 45 and beyond were rehabilitated during fiscal 1967, and it is estimated that 53,000 of them will be rehabilitated during fiscal 1968, the current year which will end Sunday, and that 60,300 will be rehabilitated during fiscal year 1969, which begins next Monday. These figures include only disabled individuals, not older individuals who are disadvantaged solely on account of their advanced ages, who will become eligible for a type of vocational rehabilitation under the amendments in the bill we passed yesterday. Rehabilitation for members of that group will increase the number of workers age 45 and over assisted by this legislation beyond the estimated 60,300 older individuals who will be aided during fiscal 1969 even if these amendments do not become law.

We have come a long way in vocational

rehabilitation since President Woodrow Wilson signed the first statute on this subject in 1920. While the basic concepts of this legislation have remained about the same during the 48 years since the start of the program, there have been substantial enlargements of the legislation's scope and effectiveness in major amendments enacted in 1943, 1954, and 1965. Now, we are about to take another major step forward by extending the benefits of vocational rehabilitation beyond those who are physically or mentally handicapped, to make it serve those who are disadvantaged in other ways in becoming employed, including those disadvantaged by advanced age. This can be an extremely significant step toward permitting the aged to remain in the mainstream of life and to be independent and self-sufficient.

We are indebted to the senior Senator from Alabama (Mr. Hill) for his leadership on this legislation as Chairman both of the subcommittee and full Committee which considered and reported this measure, and as the floor manager for the bill when it was passed. I hope it will soon become law.

#### SUPPORT FOR PRESIDENT JOHNSON'S NOMINATIONS TO THE SUPREME COURT

Mr. PELL. Mr. President, I support the nominations made recently by President Johnson for appointment to the Supreme Court. I believe it is in the national interest that these nominations be approved promptly.

If we were to leave the membership of the Supreme Court clouded in uncertainty while waiting for another administration to take office, it would be harmful to our Nation.

I can think of no better man to serve our Nation as Chief Justice than Mr. Justice Fortas. He possesses the qualities of judicial temperament, character, intelligence, and experience. I am confident he will prove to be one of the most outstanding Chief Justices in the long line of distinguished Chief Justices who have marked and embellished our Nation's history.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### SUPPORT FOR PRESIDENT JOHNSON'S RECOMMENDATION TO EXTEND THE RIGHT TO VOTE TO THOSE 18 YEARS OF AGE AND OVER

Mr. PELL. Mr. President, I wholeheartedly support President Johnson's recommendation to the Congress today in which he proposed that the Congress approve and submit for ratification by three-fourths of the States an amendment to the Constitution which will guarantee our younger citizens, 18 years old and older, the right to vote.

I believe that our young people have fully demonstrated their awareness in our political life and that they are informed and mature citizens.

There are 10 million young Americans

in the 18- to 21-year-old age bracket, and I believe they should be given the right to vote just as they are subject to the call to bear arms in defense of the Nation, and are treated by many of our courts of law as adults. These young people, I believe, will prove to be among the best educated and most concerned of our voters. I have great confidence in their thought processes.

I believe that this amendment will expand our democracy rather than limit it.

Since I became Senator 8 years ago, I have had nearly 400 young people as interns and volunteers in my office. My purpose has been to help stimulate their interest in government and in public life. They have fully justified my confidence in them and I have found them to be responsible young citizens.

#### MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 1368) making continuing appropriations for the fiscal year 1969, and for other purposes, and it was signed by the President pro tempore.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### PROGRAM

Mr. BYRD of West Virginia. Mr. President, what is the pending business for consideration by the Senate on Monday?

The PRESIDING OFFICER. The pending business is S. 3418, Calendar No. 1321, the bill to authorize appropriations for fiscal years 1970 and 1971, for the construction of certain highways and for other purposes.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

#### ADJOURNMENT UNTIL MONDAY, JULY 1, 1968

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 12 noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 19 minutes p.m.), the Senate adjourned until Monday, July 1, 1968, at 12 noon.

#### NOMINATIONS

Executive nominations received by the Senate June 28, 1968:

##### FOREIGN CLAIMS SETTLEMENT COMMISSION

Theodore Jaffe, of Rhode Island, to be a member of the Foreign Claims Settlement

Commission of the United States for a term of 3 years from October 22, 1968 (reappointment).

##### COMMISSION ON CIVIL RIGHTS

Maurice B. Mitchell, of Colorado, to be a member of the Commission on Civil Rights, vice Erwin N. Griswold.

##### SMALL BUSINESS ADMINISTRATION

Howard J. Samuels, of New York, to be Administrator of the Small Business Administration, vice Robert C. Moot.

##### RAILROAD RETIREMENT BOARD

Thomas M. Healy, of Illinois, to be a member of the Railroad Retirement Board for the term of five years from August 29, 1968 (reappointment).

##### POSTMASTERS

The following-named persons to be postmasters:

##### ALABAMA

Grady D. Cope, Huntsville, Ala., in place of L. G. Collier, retired.

##### CALIFORNIA

Jerald A. Egbert, Rancho Mirage, Calif., in place of S. F. Greenleaf, retired.

Carl H. Penfield, Tujunga, Calif., in place of T. H. Theobald, retired.

##### INDIANA

Olive L. Johnson, Etna Green, Ind., in place of F. B. Koenig, retired.

Glenward P. Glenn, Newburgh, Ind., in place of J. E. Cox, retired.

##### IOWA

Joseph D. Hayes, Cascade, Iowa, in place of W. T. McDermott, transferred.

Walter A. Galloway, Templeton, Iowa, in place of M. E. Kohorst, retired.

##### KANSAS

Norman M. Wiley, South Haven, Kans., in place of M. E. Poppewell, deceased.

##### LOUISIANA

Milton M. Spencer, Benton, La., in place of G. C. Grammer, retired.

Paul V. Burke, New Orleans, La., in place of A. F. Fairley, deceased.

##### MARYLAND

Samuel W. Belt, Reisterstown, Md., in place of W. E. Schwartz, retired.

##### MICHIGAN

Robert E. Loughrin, Cadillac, Mich., in place of B. C. Shankland, retired.

Frank L. Raynak, Greenbush, Mich., in place of H. G. Carrow, retired.

##### MINNESOTA

Donna K. Hill, Soudan, Minn., in place of H. A. Johnson, retired.

##### MISSISSIPPI

Eloise B. Barefield, Madison, Miss., in place of Helen Persell, retired.

Nannie T. Bailey, Pachuta, Miss., in place of L. M. Thornton, retired.

##### MISSOURI

J. Donald O'Connor, Perry, Mo., in place of G. C. Johnson, deceased.

##### NEBRASKA

H. Gerald Leapley, Belden, Nebr., in place of E. F. Francis, retired.

Marvin A. Jauernig, Stuart, Nebr., in place of D. G. Holliday, retired.

##### NEW JERSEY

Dixie G. Barraciff, Deepwater, N.J., in place of F. W. Buskirk, deceased.

Helen D. Glutting, Mullica Hill, N.J., in place of B. P. Heritage, deceased.

##### NEW YORK

William F. Ging, Mount Sinai, N.Y., in place of Clarissa Murphy, retired.

##### OREGON

Jennabelle M. Vincent, Weston, Oreg., in place of V. G. McLean, retired.

TENNESSEE

Edsel C. Floyd, Watertown, Tenn., in place of J. L. Vann, deceased.

VIRGINIA

Robert G. Moore, Lexington, Va., in place of R. M. Cummings, deceased.

Elsie B. Rich, Saluda, Va., in place of R. G. Walden, retired.

DEPARTMENT OF DEFENSE

Robert C. Moot, of Virginia, to be an Assistant Secretary of Defense, vice Robert N. Anthony.

IN THE AIR FORCE

The following Air Force officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be captains

- Abbott, James W., [REDACTED]
- Acheson, Gerald H., [REDACTED]
- Acosta, Jorge A., Jr., [REDACTED]
- Adams, George L., [REDACTED]
- Adams, James L., [REDACTED]
- Adams, William W., Jr., [REDACTED]
- Adcock, Eddie M., [REDACTED]
- Adkins, Wayne E., [REDACTED]
- Ahart, Paul D., [REDACTED]
- Ahl, Gilbert W., [REDACTED]
- Alexander, Robb R., [REDACTED]
- Allebach, James H., [REDACTED]
- Allee, Paul R., [REDACTED]
- Allen, Archie G., [REDACTED]
- Allen, Byron E., [REDACTED]
- Allen, Michael C., [REDACTED]
- Allison, Harry B., [REDACTED]
- Anderson, Edward L., [REDACTED]
- Anderson, Gaylord F., [REDACTED]
- Anderson, Gerald M., [REDACTED]
- Anderson, Warren D., [REDACTED]
- Arneson, Dwyne C., [REDACTED]
- Arnold, Gary D., [REDACTED]
- Arnold, John D., [REDACTED]
- Athas, Charles P., [REDACTED]
- Atkins, Benny J., [REDACTED]
- Atwater, Robert S., [REDACTED]
- Austin, Jimmie T., [REDACTED]
- Avis, Bertram, [REDACTED]
- Bablo, Adelbert G., [REDACTED]
- Baer, John E., [REDACTED]
- Bailey, Jack E., [REDACTED]
- Bailey, John E., [REDACTED]
- Bainbridge, Thomas A., [REDACTED]
- Baines, Thomas B., [REDACTED]
- Balko, Andrew I., [REDACTED]
- Banks, Gustave R., [REDACTED]
- Barager, Daniel C., [REDACTED]
- Barefoot, Joseph A., [REDACTED]
- Barker, Kenneth D., [REDACTED]
- Barnhill, Howard D., [REDACTED]
- Barrows, Richard T., [REDACTED]
- Barth, George J., [REDACTED]
- Bartine, Harris V., [REDACTED]
- Bartine, Jon C., [REDACTED]
- Baumann, Carl W., [REDACTED]
- Beathard, Donald D., [REDACTED]
- Beatty, John D., [REDACTED]
- Beauchamp, Ray H., [REDACTED]
- Beckham, Wesley F., Jr., [REDACTED]
- Bedingfield, Jerry R., [REDACTED]
- Belcher, Jesse P., [REDACTED]
- Bell, Thomas M., [REDACTED]
- Bello, Bruce J., [REDACTED]
- Benedict, Carl R., [REDACTED]
- Bennett, Forrest H., Jr., [REDACTED]
- Berdeaux, Donald R., [REDACTED]
- Berg, Kile D., [REDACTED]
- Berger, Charles E., [REDACTED]
- Bergmann, Fred H., [REDACTED]
- Bernard, Charles E., Jr., [REDACTED]
- Berner, Gerald K., [REDACTED]
- Bernholtz, Joseph C., [REDACTED]
- Billman, Charles E., [REDACTED]
- Bingham, Clifford W., [REDACTED]
- Biss, Robert I., [REDACTED]
- Bizily, Russell J., [REDACTED]
- Black, Maurice, [REDACTED]
- Blahak, Herman A., [REDACTED]

- Blair, Forest E., [REDACTED]
- Blakemore, Carl R., [REDACTED]
- Bland, Julian F., [REDACTED]
- Blasingame, Frank E., [REDACTED]
- Blatter, Wilburt H., [REDACTED]
- Blizzard, Gerald V., [REDACTED]
- Blommaert, Richard, [REDACTED]
- Blount, Harris R., [REDACTED]
- Boehmler, Richard E., [REDACTED]
- Bogdan, Robert J., [REDACTED]
- Booker, Sylvester, Jr., [REDACTED]
- Booth, Leon, Jr., [REDACTED]
- Bouchard, David F., [REDACTED]
- Bouldin, John W., [REDACTED]
- Bowen, Gary L., [REDACTED]
- Bowen, William G., [REDACTED]
- Bowers, Wesley P., [REDACTED]
- Brabbs, James H., [REDACTED]
- Bragg, Cloyce L., [REDACTED]
- Bragg, Richard L., [REDACTED]
- Brand, Joseph R., [REDACTED]
- Brandon, Jerry A., [REDACTED]
- Brasington, Frank C., [REDACTED]
- Braun, Ralph A., [REDACTED]
- Brazelton, Donald E., [REDACTED]
- Breen, Paul F., [REDACTED]
- Breitenfeld, Robert F., [REDACTED]
- Brewer, Jay R., [REDACTED]
- Brewer, Ronald G., [REDACTED]
- Brewer, Thomas A., [REDACTED]
- Brezinski, Robert A., [REDACTED]
- Bristol, Richard B., [REDACTED]
- Brock, Floyd J., Jr., [REDACTED]
- Brooks, Sloan L. B., [REDACTED]
- Brookshire, Robert C., [REDACTED]
- Brost, Carol A., [REDACTED]
- Brown, Donald L., [REDACTED]
- Brown, James A., [REDACTED]
- Brown, James K., [REDACTED]
- Brown, Kenneth L., [REDACTED]
- Brown, Theodore L., [REDACTED]
- Brownlee, Leonard J., Jr., [REDACTED]
- Brunk, John E., [REDACTED]
- Bryant, William F., Jr., [REDACTED]
- Buckman, Mark M., [REDACTED]
- Ruhrmann, Roland L., [REDACTED]
- Bunton, Edward E., Jr., [REDACTED]
- Burton, Robert L., [REDACTED]
- Buschmann, John R., [REDACTED]
- Rush, Chester G., [REDACTED]
- Buskohl, Richard E., [REDACTED]
- Butcher, Clifford E., [REDACTED]
- Butler, Jack V., [REDACTED]
- Butler, Jon D., [REDACTED]
- Butters, Jerrold L., [REDACTED]
- Calderon, Jose G., [REDACTED]
- Campbell, Donald F., [REDACTED]
- Campbell, John J., [REDACTED]
- Campbell, Robert K., [REDACTED]
- Campbell, Thomas G., [REDACTED]
- Cannon, Edward L., [REDACTED]
- Cantergiani, Jose C., [REDACTED]
- Caraway, Charles R., [REDACTED]
- Carbery, Ronald L., [REDACTED]
- Carey, John J., [REDACTED]
- Carroll, Richard A., [REDACTED]
- Carruth, James R., [REDACTED]
- Carter, Michael G., [REDACTED]
- Cary, Richard B., [REDACTED]
- Caughlin, Donald W., [REDACTED]
- Chambers, Otis G., [REDACTED]
- Chandler, Jack D., Jr., [REDACTED]
- Chandler, Thomas C., [REDACTED]
- Chartier, Paul F., [REDACTED]
- Chase, Gary R., [REDACTED]
- Chastain, Randall K., [REDACTED]
- Cherry, George W., [REDACTED]
- Chesson, Roger T., Jr., [REDACTED]
- Childress, Harry M., [REDACTED]
- Chitwood, Edward C., [REDACTED]
- Chrietzberg, John H., [REDACTED]
- Christy, Donald D., [REDACTED]
- Chrobak, Stanley J., [REDACTED]
- Citron, Albert L., [REDACTED]
- Clark, Albert F., [REDACTED]
- Clark, Lynn L., [REDACTED]
- Cleland, Val D., [REDACTED]
- Clemons, Larry C., [REDACTED]
- Clifton, Larry D., [REDACTED]
- Cline, Troice G., [REDACTED]
- Clingman, Billy G., [REDACTED]

- Clisby, Ronald D., [REDACTED]
- Clouse, Ronald A., [REDACTED]
- Cobb, William D., [REDACTED]
- Cofod, Robert K., [REDACTED]
- Cole, Denis J., [REDACTED]
- Coleman, Donald P., [REDACTED]
- Combs, Leon W., [REDACTED]
- Comiske, Joseph P., Jr., [REDACTED]
- Coneys, Martin T., [REDACTED]
- Conn, Phillip R., [REDACTED]
- Conner, William B., [REDACTED]
- Coody, Marcus H., [REDACTED]
- Cook, Barbara K., [REDACTED]
- Cook, Douglas J., [REDACTED]
- Cooper, Henry C., [REDACTED]
- Cooper, John T., [REDACTED]
- Cooper, William J., [REDACTED]
- Copeland, Donald P., [REDACTED]
- Corson, Edgar E., Jr., [REDACTED]
- Couch Darrell B., [REDACTED]
- Cox, Jerry, [REDACTED]
- Crawford, Henry O., Jr., [REDACTED]
- Creech, Charles P., [REDACTED]
- Cridler, Luther A., [REDACTED]
- Crooks, Richard W., [REDACTED]
- Cumberland, Frank G., [REDACTED]
- Cunningham, Richard R., [REDACTED]
- Curry, John L., Jr., [REDACTED]
- Curtis, Richard E., [REDACTED]
- Cutler, Allen S., [REDACTED]
- Czerwinski, Walter W., [REDACTED]
- Daniel, Jesse R., [REDACTED]
- Daniels, George E., [REDACTED]
- Dannheim, Richard A., [REDACTED]
- Davis, Harold E., [REDACTED]
- Davis, Phillip L., [REDACTED]
- Davison, William G., [REDACTED]
- Davy, Robert W., [REDACTED]
- Dawson, Richard R., [REDACTED]
- Day, David F., [REDACTED]
- Daylor, Joseph E., [REDACTED]
- Debevec, John L., [REDACTED]
- Debolt, Leroy R., [REDACTED]
- Decker, Charles E., [REDACTED]
- Decker, Meredith A., [REDACTED]
- Delber, Daniel C., [REDACTED]
- Delahanty, Martin H., [REDACTED]
- Delanhousaye, George E., [REDACTED]
- Deliduka, George E., [REDACTED]
- Delzingaro, Frank J., [REDACTED]
- Deniston, Thomas G., [REDACTED]
- Dennis, Troy R., Jr., [REDACTED]
- Depew, Billy D., [REDACTED]
- Deputy, Richard C., [REDACTED]
- Derenzo, Francis J., [REDACTED]
- Derulter, David H., [REDACTED]
- Desch, Gerald D., Jr., [REDACTED]
- Detweiler, Gerald E., [REDACTED]
- Devilbiss, Jere A., [REDACTED]
- Devoriss, William H., [REDACTED]
- Devries, Edward J., [REDACTED]
- Devries, William A., [REDACTED]
- Dewey, Robert H., [REDACTED]
- Dewhurst, Louis O., [REDACTED]
- Diaz, Dorotheo T., [REDACTED]
- Dice, Wilbur D., [REDACTED]
- Digiorgio, Thomas, [REDACTED]
- Dillon, Edward B., [REDACTED]
- Dinnes, William D., [REDACTED]
- Dixon, Dale B., [REDACTED]
- Doll, Richard D., [REDACTED]
- Dorgan, Charles E., [REDACTED]
- Dorwart, Gerald E., [REDACTED]
- Doshier, Jack E., [REDACTED]
- Dove, Life N., [REDACTED]
- Dowden, Richard P., [REDACTED]
- Dreiling, Philip W., [REDACTED]
- Dreyer, Theodore C., [REDACTED]
- Drittler, John A., [REDACTED]
- Dugan, Thomas J., Jr., [REDACTED]
- Dunford, Ray E., [REDACTED]
- Dunhill, William M., [REDACTED]
- Dunipace, Joel, [REDACTED]
- Dunley, Gene C., [REDACTED]
- Dunn, Cloyd T., III, [REDACTED]
- Dvorak, Dudley J., [REDACTED]
- Dwyer, Roy F., Jr., [REDACTED]
- Eaton, Billy, [REDACTED]
- Edwards, Dale H., [REDACTED]
- Edwards, John F., [REDACTED]
- Edwards, Walter W., [REDACTED]

Ehlers, James H., [REDACTED]  
 Elder, Joseph R., [REDACTED]  
 Elkins, Byron W., [REDACTED]  
 Elliott, Hall S., Jr., [REDACTED]  
 Elliott, Howard O., [REDACTED]  
 Emodi, George P. P., [REDACTED]  
 Engels, William D., [REDACTED]  
 Erdos, Louis I., [REDACTED]  
 Esculano, Teofilo, Jr., [REDACTED]  
 Evans, Howard E., Jr., [REDACTED]  
 Evans, Thomas C., [REDACTED]  
 Faneuf, David A., [REDACTED]  
 Fehser, Clyde A., [REDACTED]  
 Fenton, Charles A., [REDACTED]  
 Fernandez, John C., [REDACTED]  
 Finlay, Henry M., [REDACTED]  
 Fisher, Neil, [REDACTED]  
 Fisher, Thomas J., [REDACTED]  
 Flatbush, William E., Jr., [REDACTED]  
 Fliester, Herbert P., [REDACTED]  
 Flowers, William R., [REDACTED]  
 Fogg, Jerome D., [REDACTED]  
 Fosgate, Kenneth R., [REDACTED]  
 Foss, William V., [REDACTED]  
 Foster, Lemuel C., [REDACTED]  
 Foster, Robert E., [REDACTED]  
 Fowler, Frederick W., [REDACTED]  
 Fox, John D., [REDACTED]  
 Frame, John W., [REDACTED]  
 Frank, Charles W., [REDACTED]  
 Frank, Howard W., [REDACTED]  
 Franzysheh, Karol E., [REDACTED]  
 Frazer, Oscar W., [REDACTED]  
 Frazier, Robert O., [REDACTED]  
 Freeman, Patrick W., [REDACTED]  
 Friedland, Arthur S., [REDACTED]  
 Friend, Patrick T., [REDACTED]  
 Frost, Cyril R., [REDACTED]  
 Fukai, Victor S., [REDACTED]  
 Fuller, Monroe J., [REDACTED]  
 Fuller, William T., Jr., [REDACTED]  
 Fullerton, James D., [REDACTED]  
 Furukawa, Ronald F., [REDACTED]  
 Gaal, Roger C., [REDACTED]  
 Galey, Maurice D., [REDACTED]  
 Gallagher, John J., [REDACTED]  
 Gallegos, Stevan R., [REDACTED]  
 Garrison, Douglas L., [REDACTED]  
 Garrison, Larry G., [REDACTED]  
 Garrison, Robert H., [REDACTED]  
 Garten, Murl V. D., [REDACTED]  
 Gasho, Allan L., [REDACTED]  
 Gates, Anthony A., [REDACTED]  
 Gatlin, Jay P., [REDACTED]  
 Geier, John C., [REDACTED]  
 Geniuk, Eugene B., [REDACTED]  
 Gentsch, Alvin C., [REDACTED]  
 Giampietro, Ronald L., [REDACTED]  
 Gine, Robert L., [REDACTED]  
 Gildar, Jack D., [REDACTED]  
 Giles, Roy M., Jr., [REDACTED]  
 Gillespie, Peter T., Jr., [REDACTED]  
 Girdler, John B., Jr., [REDACTED]  
 Glose, John F., [REDACTED]  
 Goeller, Arthur F., Jr., [REDACTED]  
 Goldberg, Sheldon A., [REDACTED]  
 Good, Larry G., [REDACTED]  
 Goode, Jerry L., [REDACTED]  
 Goodrich, Edwin P., [REDACTED]  
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 Graves, Barry, [REDACTED]  
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 Gray, Willis T., [REDACTED]  
 Green, Edward J., Jr., [REDACTED]  
 Green, Louis A., [REDACTED]  
 Greene, Hubert S., [REDACTED]  
 Greeno, Richard L., [REDACTED]  
 Gregory, Hugh R., [REDACTED]  
 Grenon, Maurice A., [REDACTED]  
 Gresham, James R., [REDACTED]  
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 Griffin, John J., Jr., [REDACTED]  
 Groth, Allan R., [REDACTED]  
 Grove, John E., [REDACTED]  
 Gruchacz, Joseph I., [REDACTED]  
 Guardallbene, Charles P., [REDACTED]  
 Guild, Ralph F., [REDACTED]  
 Gunia, Charles F., [REDACTED]

Gutzat, Gustave E., [REDACTED]  
 Haag, Raymond C., [REDACTED]  
 Hadwin, Jack N., [REDACTED]  
 Hagen, Elroy L., [REDACTED]  
 Halley, Robert C., [REDACTED]  
 Hainley, Francis J., [REDACTED]  
 Hale, Hollis B., Jr., [REDACTED]  
 Hammond, George I., [REDACTED]  
 Hancock, Thomas P., [REDACTED]  
 Hargrove, Wilbur H., [REDACTED]  
 Harnack, Elmer D., [REDACTED]  
 Harrah, Rodney K., [REDACTED]  
 Harris, Gerald M., [REDACTED]  
 Harris, Robert W., [REDACTED]  
 Harris, Thomas E., [REDACTED]  
 Harrison, William D., [REDACTED]  
 Harrop, James D., [REDACTED]  
 Harroun, Charles R., [REDACTED]  
 Hartley, Jerry W., [REDACTED]  
 Harwood, Richard J., [REDACTED]  
 Hash, George J., [REDACTED]  
 Hawk, Robert W., [REDACTED]  
 Hayes, Francis W., [REDACTED]  
 Heagy, William H., [REDACTED]  
 Hedgepeth, Robert G., [REDACTED]  
 Hein, Don H., [REDACTED]  
 Henderson, Carl J., [REDACTED]  
 Henderson, Clement R., Jr., [REDACTED]  
 Henry, Gilbert L., [REDACTED]  
 Hester, Leon N., [REDACTED]  
 Hetherington, Jeremiah J., [REDACTED]  
 Hewes, Jay B., [REDACTED]  
 Hildebrandt, Herbert C., [REDACTED]  
 Hill, James L., [REDACTED]  
 Hille, Arthur K., [REDACTED]  
 Hinesley, Madison G., [REDACTED]  
 Hintzen, Martin H., [REDACTED]  
 Hodgkin, John K., [REDACTED]  
 Hoffpaur, Albert J., [REDACTED]  
 Hogge, Joseph E., [REDACTED]  
 Holland, David A., [REDACTED]  
 Hooper, Bradley H., [REDACTED]  
 Horn, David R. A., [REDACTED]  
 Horton, John C., [REDACTED]  
 Horton, Royce M., [REDACTED]  
 Hottell, Max N., [REDACTED]  
 Hover, Jack H., [REDACTED]  
 Howe, Willard R., Jr., [REDACTED]  
 Hoyt, Jerry W., [REDACTED]  
 Hoyt, Stuart G., [REDACTED]  
 Hubert, John K., [REDACTED]  
 Hubertus, Lawrence F., [REDACTED]  
 Hughes, Forrest M., [REDACTED]  
 Hughes, Frank H., Jr., [REDACTED]  
 Hunt, Robert C., [REDACTED]  
 Hurst, Richard S., [REDACTED]  
 Idone, John, [REDACTED]  
 Ingersoll, Robert J., [REDACTED]  
 Ingram, Robert L., [REDACTED]  
 Irvin, Melvin D., Jr., [REDACTED]  
 Isenhardt, Robert K., [REDACTED]  
 Jackson, Charles E., [REDACTED]  
 Jacoviak, Thaddeus F., [REDACTED]  
 Jamar, Louis G., [REDACTED]  
 James, Donald, [REDACTED]  
 Jatzen, Billie, [REDACTED]  
 Jefferson, Joseph E., [REDACTED]  
 Jenckes, James S., [REDACTED]  
 Jeter, James G., [REDACTED]  
 Jobs, Larry W., [REDACTED]  
 Johnson, Charles R., [REDACTED]  
 Johnson, Donald P., [REDACTED]  
 Johnson, Earl K., II, [REDACTED]  
 Johnson, Marshall L., [REDACTED]  
 Johnson, Robert B., Jr., [REDACTED]  
 Johnson, Russell G., [REDACTED]  
 Johnson, William C., [REDACTED]  
 Jones, David W., [REDACTED]  
 Jones, George C., [REDACTED]  
 Jones, Herman P., [REDACTED]  
 Jones, Larry M., [REDACTED]  
 Jones, Lee A., [REDACTED]  
 Jordan, Lewis E., [REDACTED]  
 Kaiser, Richard A., [REDACTED]  
 Kanase, Clinton S., [REDACTED]  
 Karafa, Steve A., [REDACTED]  
 Karas, William B., [REDACTED]  
 Kavanagh, Brian O., [REDACTED]  
 Kawski, Alfred, [REDACTED]  
 Kay, James G., [REDACTED]  
 Kaylor, Ronald G., [REDACTED]

Kearns, Harold D., [REDACTED]  
 Kefalas, Jerry, [REDACTED]  
 Keller, Charles R., [REDACTED]  
 Kelly, John M., [REDACTED]  
 Kelly, Palms S., III, [REDACTED]  
 Kempf, Marius F., [REDACTED]  
 Kerr, Terrance W., [REDACTED]  
 Kershaw, John J., [REDACTED]  
 Keyman, John C., [REDACTED]  
 Kidwiler, Charles W., [REDACTED]  
 Kilburn, Daniel B., Jr., [REDACTED]  
 Kilroy, Edward J., [REDACTED]  
 Klme, William, [REDACTED]  
 King, Bobby D., [REDACTED]  
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 King, Joseph D., [REDACTED]  
 King, Russell S., Jr., [REDACTED]  
 King, William A., Jr., [REDACTED]  
 Klæhnh, Raymond, [REDACTED]  
 Klinger, Kenneth K., [REDACTED]  
 Kluth, Larry J., [REDACTED]  
 Knapp, Richard A., [REDACTED]  
 Kneeland, Charles C., [REDACTED]  
 Knowles, James F., [REDACTED]  
 Knudson, George H., Jr., [REDACTED]  
 Koch, George W., [REDACTED]  
 Koch, John T., [REDACTED]  
 Koehler, Larry A., [REDACTED]  
 Koontz, Nobe R., Jr., [REDACTED]  
 Korpi, John J., Jr., [REDACTED]  
 Kot, Marian A., [REDACTED]  
 Kozimor, John P., [REDACTED]  
 Kramer, Kenneth A., [REDACTED]  
 Kreuger, Clyde L., [REDACTED]  
 Kruse, Robert E., [REDACTED]  
 Kuck, Edgar P., [REDACTED]  
 Kulas, John A., [REDACTED]  
 Kunkel, Allen D., [REDACTED]  
 Kunkle, James H., [REDACTED]  
 Kuntz, Robert T., [REDACTED]  
 Kundel, Allen D., [REDACTED]  
 Kuzma, Robert H., [REDACTED]  
 Kwiatkoski, Kenneth, [REDACTED]  
 Kyhn, Richard O., [REDACTED]  
 Labeck, Marvin F., [REDACTED]  
 Labell, Louis C., [REDACTED]  
 Laird, Donald J., [REDACTED]  
 Lamontagne, Gaston A., [REDACTED]  
 Lampert, James R., [REDACTED]  
 Landers, Doyle J., [REDACTED]  
 Langham, Robert M., Jr., [REDACTED]  
 Langley, Kenneth I. J., [REDACTED]  
 Langston, Joseph L., [REDACTED]  
 Laporte, Richard J., [REDACTED]  
 Laroek, William L., [REDACTED]  
 Larson, Jerry L., [REDACTED]  
 Laughrey, John D., [REDACTED]  
 Lea, Gary C., [REDACTED]  
 Leader, Edward M., [REDACTED]  
 Leary, James C., [REDACTED]  
 Lebar, Thomas J., [REDACTED]  
 Lecroy, Roy C., [REDACTED]  
 Lee, Owen M., [REDACTED]  
 Leger, Eugene L., [REDACTED]  
 Lehning, John E., [REDACTED]  
 Leonard, Theodore G., [REDACTED]  
 Letourneau, David E., [REDACTED]  
 Lewis, Allen R., [REDACTED]  
 Lewis, Durwood, [REDACTED]  
 Lewis, John H., Jr., [REDACTED]  
 Lewis, Robert F., Jr., [REDACTED]  
 Light, Larry L., [REDACTED]  
 Liguori, Gerard, [REDACTED]  
 Lindenstruth, George F., Jr., [REDACTED]  
 Linder, Richard H., [REDACTED]  
 Little, James F., [REDACTED]  
 Livingston, Larry R., [REDACTED]  
 Logan, David A., [REDACTED]  
 Lollis, David, Jr., [REDACTED]  
 Lombardi, Alexander D., [REDACTED]  
 Long, John A., [REDACTED]  
 Lowy, Robert E., [REDACTED]  
 Luro, Harold F., [REDACTED]  
 Lussler, Edward L., [REDACTED]  
 Lyman, Roderick W., [REDACTED]  
 Lyons, Donald J., [REDACTED]  
 Maakestad, John R., [REDACTED]  
 Mabus, Gordon J., [REDACTED]  
 Machuta, James J., [REDACTED]  
 Madere, Antoine D. W., Jr., [REDACTED]

Magee, John H., XXXXXXXX  
 Maiden, Jerre W., XXXXXXXX  
 Mallison, Lawrence, XXXXXXXX  
 Malyn, Albert D., XXXXXXXX  
 Mann, Dale M., XXXXXXXX  
 Markovich, Joseph A., XXXXXXXX  
 Markow, Nicholas M., XXXXXXXX  
 Marsh, Joseph B., Jr., XXXXXXXX  
 Marston, John W., XXXXXXXX  
 Martelle, George W., XXXXXXXX  
 Martin, Thomas S., XXXXXXXX  
 Massmann, Thomas A., XXXXXXXX  
 Maughan, Rulon B., XXXXXXXX  
 Maybaum, Frederick L., XXXXXXXX  
 McAloon, Christopher A., XXXXXXXX  
 McCabe, Francis X., XXXXXXXX  
 McCall, Edward D., XXXXXXXX  
 McCormack, Robert L., XXXXXXXX  
 McCright, James A., XXXXXXXX  
 McDaniel, Donald L., XXXXXXXX  
 McDowell, Richard E., XXXXXXXX  
 McElwain, Joseph C., XXXXXXXX  
 McFadden, Lawrence R., XXXXXXXX  
 McFarlane, Peter N., XXXXXXXX  
 McGee, Michael V., XXXXXXXX  
 McGowan, Clarence E., XXXXXXXX  
 McHugh, Jages P., XXXXXXXX  
 McKenzie, Alan D., XXXXXXXX  
 McKim, Kenneth E., XXXXXXXX  
 McKinnon, Taylor B., XXXXXXXX  
 McLean, Dale E., XXXXXXXX  
 McMahon, Walter J. II, XXXXXXXX  
 McMurray, Jerry D., XXXXXXXX  
 McNeilly, Elmer A., Jr., XXXXXXXX  
 McWilliams, Christian, Jr., XXXXXXXX  
 Melby, Roger D., XXXXXXXX  
 Mellor, Richard B., XXXXXXXX  
 Merelman, William A., XXXXXXXX  
 Merrill, Allan R., XXXXXXXX  
 Merrill, Preston M., XXXXXXXX  
 Mersnick, Alroy J., XXXXXXXX  
 Merz, John E. III, XXXXXXXX  
 Messersmith, John D., XXXXXXXX  
 Metts, Bobby L., XXXXXXXX  
 Metzger, Harry O., XXXXXXXX  
 Meyers, James Y., XXXXXXXX  
 Middleton, William T., XXXXXXXX  
 Millesky, Allen R., XXXXXXXX  
 Miller, Douglas R., XXXXXXXX  
 Miller, Jay K., XXXXXXXX  
 Mills, Paul F., XXXXXXXX  
 Milton, Philip S., XXXXXXXX  
 Mock, Frank H., XXXXXXXX  
 Molton, William, Jr., XXXXXXXX  
 Montague, Frank P., XXXXXXXX  
 Moore, Jimmie L., XXXXXXXX  
 Moorehead, Jimmie L., XXXXXXXX  
 Morris, Donald J., XXXXXXXX  
 Morris, Gary R., XXXXXXXX  
 Mott, Donald L., XXXXXXXX  
 Muehlof John J., XXXXXXXX  
 Mumma, Robert D., XXXXXXXX  
 Murray, Joseph P., Jr., XXXXXXXX  
 Musselman, Stephen C., XXXXXXXX  
 Myers, Gale A., XXXXXXXX  
 Myers, Leonard L., XXXXXXXX  
 Myers, Roger F., XXXXXXXX  
 Namaksy, Diane B., XXXXXXXX  
 Napolitano, John J., XXXXXXXX  
 Neale, David G., XXXXXXXX  
 Neely, Frank A., Jr., XXXXXXXX  
 Nelson, Robert G., XXXXXXXX  
 Nesrett, Daniel M., XXXXXXXX  
 Newell, William R., XXXXXXXX  
 Newson, Charles L., Jr., XXXXXXXX  
 Nicholas, Mansel E., XXXXXXXX  
 Nicoll, Donald L., XXXXXXXX  
 Nitsch, Anthony J., XXXXXXXX  
 Nope, Darrell A., XXXXXXXX  
 Norwood, George B., XXXXXXXX  
 Novak, Ralph B., XXXXXXXX  
 Noyallis, Edward C., XXXXXXXX  
 Nugent, Henry M., XXXXXXXX  
 Oberding Frederick H., XXXXXXXX  
 Obert, William F., XXXXXXXX  
 O'Brien, Michael F., XXXXXXXX  
 O'Connor John E., XXXXXXXX  
 O'Connor Joseph E., Jr., XXXXXXXX  
 O'Connor Thomas J., XXXXXXXX  
 O'Halloran, Gerald J., XXXXXXXX  
 O'Hanlon Alvin M., XXXXXXXX  
 O'Hare, Donald R., XXXXXXXX  
 Olson, Gerald E., XXXXXXXX  
 Olson, Sage H., XXXXXXXX  
 Oppenheimer, Edward, XXXXXXXX  
 Osborne, Robert O., XXXXXXXX  
 Ostdiek, Marion A., XXXXXXXX  
 Overmoen, Creighton, XXXXXXXX  
 Overton Gaylon R., XXXXXXXX  
 Owen, William E., XXXXXXXX  
 Paladino, Carl, XXXXXXXX  
 Panek, Robert J., XXXXXXXX  
 Pankey, James L., Jr., XXXXXXXX  
 Parcell, Clarence A., Jr., XXXXXXXX  
 Parker, James L., XXXXXXXX  
 Parker, Joe D., XXXXXXXX  
 Parkes, Dale R., XXXXXXXX  
 Parrish, Jesse R., XXXXXXXX  
 Parrott, Glendon B., XXXXXXXX  
 Parrott, Thomas V., XXXXXXXX  
 Passant John E., XXXXXXXX  
 Patterson, Robert E., XXXXXXXX  
 Peale, George H., XXXXXXXX  
 Peavey, James S., XXXXXXXX  
 Peckham, Paul A., XXXXXXXX  
 Peckham, Robert N., Jr., XXXXXXXX  
 Peitroid, Ernest C., XXXXXXXX  
 Pekala, Robert R., XXXXXXXX  
 Pennington, James E., XXXXXXXX  
 Percival, Garry L., XXXXXXXX  
 Perry, Randolph A., Jr., XXXXXXXX  
 Peterka, James A., XXXXXXXX  
 Peters, Felix C., XXXXXXXX  
 Peterson, Roy W., XXXXXXXX  
 Petrik, Stephen, XXXXXXXX  
 Phillips, Earl C., XXXXXXXX  
 Phillips, William L., XXXXXXXX  
 Piet, Louis J., XXXXXXXX  
 Pitches, James S., XXXXXXXX  
 Plummer, James E., XXXXXXXX  
 Pollock, Roger K., XXXXXXXX  
 Pope, Sidney C., XXXXXXXX  
 Porter, Billy D., XXXXXXXX  
 Potter, William J., Jr., XXXXXXXX  
 Powell, William C., XXXXXXXX  
 Powers, Charles H., XXXXXXXX  
 Poyle, James M., XXXXXXXX  
 Preble, Donald W., XXXXXXXX  
 Presto, Edward J., XXXXXXXX  
 Preston, Willard D., XXXXXXXX  
 Priestler, Richard A., XXXXXXXX  
 Protzmann, James D., XXXXXXXX  
 Purdon, Tommy J., XXXXXXXX  
 Putz, Robert F., XXXXXXXX  
 Quick, Ingram T., XXXXXXXX  
 Radike, John D., XXXXXXXX  
 Raphael, Joseph, XXXXXXXX  
 Ratterree, Hulic B., XXXXXXXX  
 Raulen, William J., XXXXXXXX  
 Records, Francis A., XXXXXXXX  
 Redfield, Richard M., XXXXXXXX  
 Reed, Vernon G., XXXXXXXX  
 Reisinger, Robert S., XXXXXXXX  
 Reynolds, Dwight R., XXXXXXXX  
 Rhodes, Thomas K., XXXXXXXX  
 Rice, Richard J., XXXXXXXX  
 Richardson, Kenneth L., Jr., XXXXXXXX  
 Riddell, Richard F., XXXXXXXX  
 Risley, Ronald D., XXXXXXXX  
 Ritchie, Howard, XXXXXXXX  
 Rockstad, Jon G., XXXXXXXX  
 Rodeheaver, Clarence G., Jr., XXXXXXXX  
 Rogers, William J., XXXXXXXX  
 Roll, Thomas R., XXXXXXXX  
 Roskos, John J., Jr., XXXXXXXX  
 Rowekamp, William G., XXXXXXXX  
 Roy, James R., XXXXXXXX  
 Rudolph, William B., XXXXXXXX  
 Rugh, John N., XXXXXXXX  
 Ryan, William W., XXXXXXXX  
 Sageser, John E., XXXXXXXX  
 Salin, Robert R., XXXXXXXX  
 Salvatore, Richard, XXXXXXXX  
 Santerini, Lawrence F., XXXXXXXX  
 Savard, Theodore R., XXXXXXXX  
 Sawicki, Gerard F., XXXXXXXX  
 Schaaf, John D., XXXXXXXX  
 Schaeilling, Joseph W., XXXXXXXX  
 Scharf, Thomas R., XXXXXXXX  
 Scharf, William E., XXXXXXXX  
 Schaur, George A., XXXXXXXX  
 Scheffler, Arthur C., Jr., XXXXXXXX  
 Schmidt, Gerald E., XXXXXXXX  
 Schoenstegel, Ernest R., XXXXXXXX  
 Schorey, James R., XXXXXXXX  
 Schuette, Charles E., XXXXXXXX  
 Schuiten, Clyde L., XXXXXXXX  
 Schultz, Robert H., XXXXXXXX  
 Schwelkhart, Richard G., XXXXXXXX  
 Scobey, Mark J., XXXXXXXX  
 Scott, Paul W., XXXXXXXX  
 Scuderi, Richard, XXXXXXXX  
 Sculley, Michael W., XXXXXXXX  
 Selensky, Herman J., XXXXXXXX  
 Seligman, Jack, XXXXXXXX  
 Semon, Edward A., XXXXXXXX  
 Shammouradian, Edward A., XXXXXXXX  
 Shannon, Bobby G., XXXXXXXX  
 Shaw, Wayne E., XXXXXXXX  
 Shore, Clement W., XXXXXXXX  
 Shotwell, Larry M., XXXXXXXX  
 Shumaker, Donald H., XXXXXXXX  
 Silvers, John R., XXXXXXXX  
 Simpkins, David L., XXXXXXXX  
 Singleton, Arnold A., XXXXXXXX  
 Sisk, Henry J., Jr., XXXXXXXX  
 Slater, Marvin M., XXXXXXXX  
 Small, John D., XXXXXXXX  
 Smeltzer, George G., XXXXXXXX  
 Smith, Bruce E., XXXXXXXX  
 Smith, Chester C., Jr., XXXXXXXX  
 Smith, Eugene W., XXXXXXXX  
 Smith, Glen L., XXXXXXXX  
 Smith, John F., XXXXXXXX  
 Smith, Ross A., XXXXXXXX  
 Smith, William H., XXXXXXXX  
 Snipas, Vincent P., XXX  
 Snyder, Jay A., XXXXXXXX  
 Soeder, Eugene H., XXXXXXXX  
 Sofie, Stanley A., XXXXXXXX  
 Sorenson, Kenneth C., XXXXXXXX  
 Souders, Robert J., XXXXXXXX  
 Spear, Franklin L., Jr., XXXXXXXX  
 Spencer, Robert C., XXXXXXXX  
 Stamps, Arthur E., XXXXXXXX  
 Starling, Don R., XXXXXXXX  
 Starren, Jack A., XXXXXXXX  
 Steady, Howard A., XXXXXXXX  
 Steiner, Charles J. E., XXXXXXXX  
 Stephenson, Russell G., XXX  
 Sterling, Philip A., XXXXXXXX  
 Stewart, Wallace F., XXXXXXXX  
 Stock, John W., XXXXXXXX  
 Stow, J. Harry III, XXXXXXXX  
 Strayer, James E., XXXXXXXX  
 Stymiest, Alexander L., XXXXXXXX  
 Sullivan, David J., XXXXXXXX  
 Sullivan, Roger E., XXXXXXXX  
 Summers, Donald L., XXXXXXXX  
 Sundholm, Robert A., Jr., XXXXXXXX  
 Sutton, Eston R., XXXXXXXX  
 Sveinbjornsson, Svinbjorn C., XXXXXXXX  
 Sweeney, David J., XXXXXXXX  
 Sweeney, John R., XXXXXXXX  
 Sweeney, William L., XXXXXXXX  
 Sweet, Bruce M., XXXXXXXX  
 Swing, Robert A., XXXXXXXX  
 Tassie, James A., XXXXXXXX  
 Taylor, Lawrence H., XXXXXXXX  
 Taylor, Robert K., XXXXXXXX  
 Thelen, Daniel J., XXXXXXXX  
 Thomas, Raymond C., Jr., XXXXXXXX  
 Thomason, Charlie R., XXXXXXXX  
 Thompson, Frank M., XXXXXXXX  
 Tignor, Ralph E., XXX  
 Tippit, William K., XXXXXXXX  
 Titus, Harold R., XXXXXXXX  
 Tokumoto, William K., XXXXXXXX  
 Tray, William P., XXXXXXXX  
 Trier, Robert D., XXXXXXXX  
 Trombley, James H., XXXXXXXX  
 Trybek, Raymond J., XXXXXXXX  
 Tucker, Joseph H., Jr., XXXXXXXX  
 Turk, Jimmy D., XXXXXXXX  
 Turner, John F., XXXXXXXX  
 Twitchell, Dwane D., XXXXXXXX  
 Undlin, Jesse P., XXXXXXXX  
 Vanalstine, Donald G., XXXXXXXX  
 Vanduyne, Vernon L., XXXXXXXX  
 Van Sloten, Harlyn W., XXX  
 Vantusko, George A., XXXXXXXX  
 Venn Porter W., XXXXXXXX  
 Viar, Johnny K., XXXXXXXX

Villarreal, Arnulfo H., XXXXXXXX  
 Volkwine, Raymond W., XXXX  
 Vorgetts, Robert J., XXXX  
 Wagner, Walter C., Jr., XXXXXXXX  
 Wagoner, Jerry L., XXXXXXXX  
 Wagoner, Karl M., XXXXXXXX  
 Wally, Louis F., XXXXXXXX  
 Waldow, Willard A., XXXXXXXX  
 Wallace, Hoyt A., XXXXXXXX  
 Ward, Edward, XXXXXXXX  
 Ward, Wesley P., Jr., XXXXXXXX  
 Ware, Frederick B., XXXXXXXX  
 Warman, David K., XXXXXXXX  
 Warner, Henry D., XXXXXXXX  
 Warren, David M., XXXXXXXX  
 Warren, Terry L., XXXXXXXX  
 Washburn, Paul M., XXXXXXXX  
 Washington, David L., XXXXXXXX  
 Weaver, Dolpha T., XXXXXXXX  
 Weekley, Robert P., XXXXXXXX  
 Weir, James, XXXXXXXX  
 Wellington, Robert E., XXXXXXXX  
 Wells, William L., XXXXXXXX  
 West, Thomas E., XXXXXXXX  
 Wheeler, Donald C., Jr., XXXXXXXX  
 Whelton, Robert E., XXXXXXXX  
 White, James P., FV3103901.  
 White, Robert A., XXXXXXXX  
 Widen, Donald A., XXXXXXXX  
 Wilder, Leonard P., XXXXXXXX  
 Wiles, Carl T., XXXXXXXX  
 Willhoite, John A., XXXXXXXX  
 Williams, Gilbert H., XXXXXXXX  
 Williams, Harry C., Jr., XXXXXXXX  
 Williams, Robert J., XXXXXXXX  
 Williamson, Roger F., XXXXXXXX  
 Wilson, David D., XXXXXXXX  
 Wilson, George C., XXXXXXXX  
 Wilson, Raymond L., Jr., XXXXXXXX  
 Wilson, Richard S., XXXXXXXX  
 Wilson, Robert K., XXXXXXXX  
 Wineki, Raymond J., XXXXXXXX  
 Wintrobe, Joseph H., XXXXXXXX  
 Wolf, Jack L., XXXXXXXX  
 Womelsdorf, Edgar H., XXXXXXXX  
 Wood, Loren G., XXXXXXXX  
 Wood, Robert W., XXXXXXXX  
 Woytovich, Bennie L., XXXXXXXX  
 Wright, George E., XXXXXXXX  
 Wright, James W., XXXXXXXX  
 Wright, Wayne, XXXXXXXX  
 Wyman, John W. G., XXXXXXXX  
 Yamamoto, Tom M., XXXXXXXX  
 Yandell, John R., XXXXXXXX  
 Yoder, William W., XXXXXXXX  
 Yonkos, James T., XXXXXXXX  
 Youmans, K. B., XXXXXXXX  
 Young, Ronald R., XXXXXXXX  
 Yuen, Arnold Y. D., XXXXXXXX  
 Zarkowski, Matthew, XXXXXXXX  
 Zimmerman, George V., Jr., XXXXXXXX  
 Zook, David S., XXXXXXXX  
 Zukowski, Joseph K., XXXXXXXX  
 Zych, Leonard P., XXXXXXXX

To be first lieutenants

Abney, Floyd J., XXXXXXXX  
 Adams, John W., XXXXXXXX  
 Adams, Kenneth P., XXXXXXXX  
 Adolf, John E., XXXXXXXX  
 Ahlstrom, Frank C., XXXXXXXX  
 Aiosa, Charles J., XXXXXXXX  
 Albertson, Jack D., XXXXXXXX  
 Alderman, Jerald R., XXXXXXXX  
 Alfaro, Eugene A., XXXXXXXX  
 Allee, William S., XXXXXXXX  
 Alleger, Arthur II, XXXXXXXX  
 Allen, Eugene D., XXXXXXXX  
 Allen, Gerald, XXXXXXXX  
 Allen, John R., XXXXXXXX  
 Allen, Robert J., XXXXXXXX  
 Allison, Jeffrey B., XXXXXXXX  
 Allred, Jack R., XXXXXXXX  
 Alston, Edward D., Jr., XXXXXXXX  
 Alt, William E., XXXXXXXX  
 Aman, Edwin D., XXXXXXXX  
 Anderson, Alan C., XXXXXXXX  
 Anderson, Eddy E., XXXXXXXX  
 Anderson, Jerry C., XXXXXXXX  
 Anderson, Marshall D., XXXXXXXX  
 Anderson, Peter J., XXXXXXXX  
 Anderson, Richard D., XXXXXXXX

Andrews, C. Peter, XXXXXXXX  
 Anduss, Larry P., XXXXXXXX  
 Antonow, Walter, XXXX  
 Arent, William L., XXXXXXXX  
 Arnaud, Alfred A., Jr., XXXX  
 Arnold, Francis W., XXXXXXXX  
 Arrington, Donald R., XXXXXXXX  
 Asboth, Julius, Jr., XXXX  
 Aspenson, Donald L., Jr., XXXXXXXX  
 Atwell, Edward A., XXXXXXXX  
 Aube, Richard M., XXXXXXXX  
 Auer, George A., XXXXXXXX  
 Ayres, Edwin B., XXXXXXXX  
 Back, George V., XXXXXXXX  
 Baddley, Henry M., Jr., XXXXXXXX  
 Baermann, Edwin R., Jr., XXXXXXXX  
 Bailey, Joe M., XXXX  
 Bainter, Jimmy E., XXXX  
 Baker, Noel J., XXXXXXXX  
 Baker, Patton H., XXXXXXXX  
 Baldauf, Robert E., XXXXXXXX  
 Balk, Michael A., XXXXXXXX  
 Ballentine, James M., Jr., XXXXXXXX  
 Barber, Ronald R., XXXX  
 Barbin, Albert R., Jr., XXXXXXXX  
 Barnett, Donald G., XXXXXXXX  
 Barnhill, Billie G., XXXXXXXX  
 Baron, Adam J., XXXX  
 Barry, Duncan A., XXXXXXXX  
 Barton, Robert J., XXXXXXXX  
 Barts, Duane A., XXXXXXXX  
 Barwick, Leon S., Jr., XXXXXXXX  
 Basque, Patricia E., XXXXXXXX  
 Bastian, Thomas W., XXXXXXXX  
 Battle, Bobby E., XXXXXXXX  
 Bauer, Darrol L., XXXXXXXX  
 Baumgartner, Richard C., XXXX  
 Baxter, James W., XXXXXXXX  
 Beamer, Donald E., XXXXXXXX  
 Beamer, Samuel C., XXXXXXXX  
 Bean, William K., XXXXXXXX  
 Bear, Sherman W., XXXXXXXX  
 Beck, James N., Jr., XXXXXXXX  
 Becker, Donald T., XXXXXXXX  
 Becker, George H., XXXXXXXX  
 Becker, Lawrence D., XXXXXXXX  
 Beeler, Craig A., XXXXXXXX  
 Belejchak, George J., Jr., XXXXXXXX  
 Bell, Raymond L., Jr., XXXXXXXX  
 Bell, Robert L., XXXXXXXX  
 Belzer, George W., III, XXXXXXXX  
 Bendere, George H., XXXXXXXX  
 Bendik, Carl M., XXXXXXXX  
 Bennett, Charles A., XXXXXXXX  
 Benson, Linn D., XXXXXXXX  
 Benthin, Thomas C., XXXXXXXX  
 Bentley, James M., XXXXXXXX  
 Bertine, Ralph E., XXXXXXXX  
 Bergandi, Louis J., Jr., XXXX  
 Berryhill, Robert T., XXXX  
 Bertino, William L., XXXXXXXX  
 Bertoli, Richard, XXXXXXXX  
 Bestgen, Robert F., XXXXXXXX  
 Bethel, Harold E., XXXXXXXX  
 Betts, Richard A., XXXXXXXX  
 Billotte, Robert A., XXXXXXXX  
 Bilton, Bertran W., XXXXXXXX  
 Birchard, Carl E., XXXXXXXX  
 Bird, William J., XXXXXXXX  
 Birgeron, Alexander O., Jr., XXXXXXXX  
 Biritz, Robert B., XXXXXXXX  
 Birnie, Ian, XXXXXXXX  
 Bishop, Russell D., XXXXXXXX  
 Bixler, Gene H., XXXXXXXX  
 Bjers, Thomas D., XXXXXXXX  
 Black, Harold H., XXXXXXXX  
 Blair, John D., Jr., XXXXXXXX  
 Blanchard, John M., XXXXXXXX  
 Blanchard, John Z., Jr., XXXXXXXX  
 Blanchfield, Robert, XXXXXXXX  
 Blaydes, Bernard B., XXXXXXXX  
 Blazek, Miroslav F., XXXXXXXX  
 Blevins, William C., XXXXXXXX  
 Blinn, Robert D., Jr., XXXXXXXX  
 Bloom, Michael I., XXXXXXXX  
 Bobak, John W., XXXXXXXX  
 Bobka, Ronald F., XXXXXXXX  
 Bocklage, Norman W., XXXXXXXX  
 Bodrak, Gilbert C., XXXX  
 Bogner, Harry W., XXXXXXXX  
 Bohannon, Richard L., Jr., XXXXXXXX  
 Bohner, Harry R., XXXXXXXX

Bold, David P. J., XXXXXXXX  
 Boleski, Stanley, Jr., XXXX  
 Bolliger, Ronald E., XXXXXXXX  
 Bolton, Ben W., XXXX  
 Bolton, Wayne E., XXXXXXXX  
 Bonck, Lionel N., XXXXXXXX  
 Bonniwell, Frank E., Jr., XXXXXXXX  
 Bond, Walter R., XXXXXXXX  
 Boole, Douglas S., XXXXXXXX  
 Booth, Kenneth C., Jr., XXXXXXXX  
 Boudreaux, Merlen, XXXXXXXX  
 Bourke, Theodore R., XXXXXXXX  
 Bousquet, Alfred, Jr., XXXXXXXX  
 Bousquet, Thomas R., XXXXXXXX  
 Bowen, Ronald A., XXXXXXXX  
 Bower, Frank H., XXXX  
 Bowers, Billy H., XXXXXXXX  
 Bowling, Isaac M., XXXXXXXX  
 Bowman, James D., XXXX  
 Boyd, Billy M., XXXXXXXX  
 Bozarth, Thomas L., XXXX  
 Bradford, Bruce, XXXXXXXX  
 Bradwell, John J., XXXXXXXX  
 Branch, Charles L., XXXXXXXX  
 Branch, John H., Jr., XXXXXXXX  
 Brand, Jimmie R., XXXXXXXX  
 Brandt, Ronald L., XXXXXXXX  
 Branine, Raymond G., XXXXXXXX  
 Bransfield, John R., Jr., XXXXXXXX  
 Braun, Robert G., XXXXXXXX  
 Bray, Richard A., XXXXXXXX  
 Breininger, Robert L., XXXXXXXX  
 Brennan, John L. III, XXXXXXXX  
 Brindle, George T., XXXXXXXX  
 Brinson, Everett, XXXXXXXX  
 Britt, Ronald P., XXXXXXXX  
 Britz, William C., XXXXXXXX  
 Brockman, Charles D., XXXXXXXX  
 Broestler, Robert H., XXXX  
 Brogile, James R., XXXXXXXX  
 Bron, Robert P., XXXXXXXX  
 Bronstein, Abraham, XXXXXXXX  
 Brooks, David H., XXXXXXXX  
 Brosowske, Dennis L., XXXXXXXX  
 Brower, Barry S., XXXXXXXX  
 Brown, Harry M., XXXXXXXX  
 Brown, Jack H., XXXXXXXX  
 Brown, Jerry V., XXXXXXXX  
 Brown, Robert C., XXXXXXXX  
 Brown, Robert N., XXXXXXXX  
 Brown, Thomas P., XXXXXXXX  
 Browning, Richard A., XXXXXXXX  
 Brozovsky, David A., XXXX  
 Brumble, Michael E., XXXXXXXX  
 Brunson, Leslie S., XXXXXXXX  
 Bryner, Richard F., XXXXXXXX  
 Bryner, Richard L., XXXX  
 Buchanan, Hubert E., XXXXXXXX  
 Buehrig, Richard H., XXXXXXXX  
 Burif, Donald S., XXXXXXXX  
 Burleigh, Larry G., XXXXXXXX  
 Burnett, Terrell E., XXXXXXXX  
 Burnette, Herman C., Jr., XXXXXXXX  
 Burnham, Robert F., Jr., XXXXXXXX  
 Burns, William A., XXXXXXXX  
 Burns, William C., Jr., XXXXXXXX  
 Burr, Alan L., XXXXXXXX  
 Burrell, Donald E., XXXXXXXX  
 Bush, Howard J., XXXXXXXX  
 Bushey, James W., XXXXXXXX  
 Butcher, Stanley R., XXXXXXXX  
 Butler, David H., XXXXXXXX  
 Butler, Joseph E., XXXXXXXX  
 Butler, Walter O., Jr., XXXXXXXX  
 Butler, William W., XXXXXXXX  
 Butterly, Glenn M., Jr., XXXXXXXX  
 Butterworth, Raymond J., XXXXXXXX  
 Buys, Richard E., XXXXXXXX  
 Buzzelli, James A., XXXXXXXX  
 Byers, Arden L., XXXXXXXX  
 Cabrera, Mark A., XXXX  
 Cain, Charles R., XXXXXXXX  
 Calahan, Wray D., XXXXXXXX  
 Calhoun, John H., III, XXXX  
 Call, Robert M., XXXXXXXX  
 Callanan, Anthony P., XXXXXXXX  
 Callen, Harry K., XXXXXXXX  
 Campbell, Doyle E., XXXXXXXX  
 Campbell, James T., III, XXXXXXXX  
 Campbell, Thomas E., XXXXXXXX  
 Canaday, Jerome B., XXXXXXXX  
 Cannaday, Curtis P., Jr., XXXXXXXX

Capeheart, David E., [REDACTED]  
 Caradec, Bernard J. G., [REDACTED]  
 Caraway, George E., [REDACTED]  
 Carle, Richard L., [REDACTED]  
 Carlson, Aulay P., [REDACTED]  
 Carlton, Robert N., Jr., [REDACTED]  
 Carmichael, Thomas O., [REDACTED]  
 Carney, William L., [REDACTED]  
 Carpenter, Frank L., [REDACTED]  
 Carpenter, George R., [REDACTED]  
 Carter, Robert W., Jr., [REDACTED]  
 Cartledge, William T., [REDACTED]  
 Casali, Gary, [REDACTED]  
 Casey, Bernard L., [REDACTED]  
 Casey, Joseph H., [REDACTED]  
 Casey, Kevin M., [REDACTED]  
 Casey, William E., Jr., [REDACTED]  
 Cassidy, Francis M., [REDACTED]  
 Catlett, John A., [REDACTED]  
 Cavazos, Raul R., Jr., [REDACTED]  
 Caviness, Donald G., [REDACTED]  
 Cegavske, Wallace D., [REDACTED]  
 Cenac, Dennis L., [REDACTED]  
 Cervantes, Joaquin A., [REDACTED]  
 Chaloult, Michael P., [REDACTED]  
 Chambers, Glenn R., [REDACTED]  
 Chambers, Willard R., [REDACTED]  
 Chapman, David L., [REDACTED]  
 Chapman, Johnny L., [REDACTED]  
 Chapman, Robert L., Jr., [REDACTED]  
 Charlton, John E., [REDACTED]  
 Charneco, Humbert R., [REDACTED]  
 Chatlos, Michael A., [REDACTED]  
 Chavers, Pasqual D., [REDACTED]  
 Cherone, Martin E., [REDACTED]  
 Childress, Harvey A., Jr., [REDACTED]  
 Chittenden, Robert D., [REDACTED]  
 Christensen, Carl R., [REDACTED]  
 Christensen, Marles A., [REDACTED]  
 Christodoulou, Christo, [REDACTED]  
 Christofillis, John G., [REDACTED]  
 Chronister, Vernon L., [REDACTED]  
 Chun, Patrick F., [REDACTED]  
 Churan, Thomas M., [REDACTED]  
 Churnell, Robert F., [REDACTED]  
 Ciminero, John, [REDACTED]  
 Clark, Byron A., [REDACTED]  
 Clark, David E., [REDACTED]  
 Clark, Ralph W., Jr., [REDACTED]  
 Clark, Wayne E., [REDACTED]  
 Clary, John J. III, [REDACTED]  
 Clatterbuck, Guy E., Jr., [REDACTED]  
 Clegg, Donald H., [REDACTED]  
 Clements, William H., III, [REDACTED]  
 Cleve, Robert E., [REDACTED]  
 Closson, James B., [REDACTED]  
 Coats, James A., [REDACTED]  
 Cocciolo, Harry F., [REDACTED]  
 Cofer, Arthur W., [REDACTED]  
 Coffey, Donald J., [REDACTED]  
 Coker, Artis B., Jr., [REDACTED]  
 Coleman, Charles A., [REDACTED]  
 Collier, Clifton E., [REDACTED]  
 Collier, Russell L., [REDACTED]  
 Collins, Earl L., [REDACTED]  
 Collins, James L., [REDACTED]  
 Combs, Delbert D., [REDACTED]  
 Combs, Jesse L., [REDACTED]  
 Combs, Ronald H., [REDACTED]  
 Compton, Roger B., [REDACTED]  
 Connor, Edward A., [REDACTED]  
 Cook, David C., [REDACTED]  
 Coover, Michael G., [REDACTED]  
 Cordera, David M., [REDACTED]  
 Corn, Philip B., [REDACTED]  
 Corrion, James R., [REDACTED]  
 Corry, Kenneth R., [REDACTED]  
 Cortez, Robert B., [REDACTED]  
 Costa, Francis L., [REDACTED]  
 Cottingham, James D., [REDACTED]  
 Cotton, Richard B., [REDACTED]  
 Cottrell, Kit G., [REDACTED]  
 Cousin, Edwin F., [REDACTED]  
 Cox, Jasper D. M., [REDACTED]  
 Cox, John T., [REDACTED]  
 Crabb, William T., [REDACTED]  
 Crabtree, Albert L., [REDACTED]  
 Cranston, James R., [REDACTED]  
 Crawford, Michael J., [REDACTED]  
 Cray, Merwin L., [REDACTED]  
 Cress, Ted S., [REDACTED]  
 Crombie, Kent E., [REDACTED]  
 Cronian, Dannie J., [REDACTED]  
 Crooker, Christian A., [REDACTED]  
 Crouch, Robert J., [REDACTED]  
 Crowell, Charles C., [REDACTED]  
 Cruger, Kenneth J., [REDACTED]  
 Crummev, Donald M., [REDACTED]  
 Cude, Michael W., [REDACTED]  
 Cuellar, Fernando D., [REDACTED]  
 Cumella, Joseph T., Jr., [REDACTED]  
 Cunningham, John E., [REDACTED]  
 Curtis, Stanley G., Jr., [REDACTED]  
 Cusick, Richard J., [REDACTED]  
 Cutter, Earl W., Jr., [REDACTED]  
 Daigre, Richard G., [REDACTED]  
 Dana, Gary L., [REDACTED]  
 Dana, Joseph B., [REDACTED]  
 Darden, Russell B. G., [REDACTED]  
 Dargitz, David K., [REDACTED]  
 Dausel, Dennis H., [REDACTED]  
 Dausend, Robert J., [REDACTED]  
 Davidson, James F., [REDACTED]  
 Davidson, Ronald L., [REDACTED]  
 Davis, James W., [REDACTED]  
 Davis, Laurens C., Jr., [REDACTED]  
 Davis, Thomas W., Jr., [REDACTED]  
 Davis, William J., Jr., [REDACTED]  
 Davis, Wilmer L., [REDACTED]  
 Day, Joshua T. III, [REDACTED]  
 Day, Lawrence A., [REDACTED]  
 Degrella, George J., Jr., [REDACTED]  
 Delaney, William J., [REDACTED]  
 Delowery, Gregory M., [REDACTED]  
 Demers, Joseph R. R., [REDACTED]  
 Dempsey, Robert F., [REDACTED]  
 Denk, Paul T., [REDACTED]  
 Dennis, Thomas H., [REDACTED]  
 Denton, Barry P., [REDACTED]  
 Derato, Christen S., [REDACTED]  
 Dervaes, Joseph E., [REDACTED]  
 Dettling, Robert E., [REDACTED]  
 Deuel, Robert F., [REDACTED]  
 Devine, Bernard G., [REDACTED]  
 Devine, Jerry A., [REDACTED]  
 Devivo, Robert, [REDACTED]  
 Diamond, Stephen W., [REDACTED]  
 Dietrich, Henry L., [REDACTED]  
 Dilda, Stencil L., Jr., [REDACTED]  
 Dillmann, Edward C., III, [REDACTED]  
 Dillon, Floyd R., [REDACTED]  
 Dinapoli, Anthony C., [REDACTED]  
 Dlotte, Claude, Jr., [REDACTED]  
 Dirga, Richard, [REDACTED]  
 Dobberfuhr, Gerald P., [REDACTED]  
 Dodd, Lawrence E., Jr., [REDACTED]  
 Doerr, Albert F., [REDACTED]  
 Doerr, Christopher M., [REDACTED]  
 Dolan, George A., Jr., [REDACTED]  
 Domeratzki, Alexander J., Jr., [REDACTED]  
 Donley, Martin N., [REDACTED]  
 Dooley, Frank, [REDACTED]  
 Dooyema, Curtis C., [REDACTED]  
 Dopplick, Thomas G., [REDACTED]  
 Dorau, Laurence E., [REDACTED]  
 Dorman, Robert K., [REDACTED]  
 Dorsey, Clark B., [REDACTED]  
 Dougherty, Richard P., [REDACTED]  
 Douglass, Bruce S., [REDACTED]  
 Douglass, Joseph W., [REDACTED]  
 Douthitt, Albert L., [REDACTED]  
 Dow, David S., [REDACTED]  
 Doyle, Edward T., [REDACTED]  
 Doyle, Larry T., [REDACTED]  
 Doyle, Robert D., [REDACTED]  
 Drake, Gordon L., [REDACTED]  
 Drake, Robert D., Jr., [REDACTED]  
 Drefuss, David A., [REDACTED]  
 Drew, Daniel, L., Jr., [REDACTED]  
 Driggs, James D., [REDACTED]  
 Drill, Arnold G., [REDACTED]  
 Drowns, Walter J., [REDACTED]  
 Druva, Karlis J., [REDACTED]  
 Drysdale, Larry L., [REDACTED]  
 Dubois, David L., [REDACTED]  
 Dubois, Joel R., [REDACTED]  
 Dudzinski, Stanley J., [REDACTED]  
 Duffy, Edward P., [REDACTED]  
 Dugan, Francis D., [REDACTED]  
 Duke, William G., [REDACTED]  
 Dukes, James F., [REDACTED]  
 Duncan, Deryl C., [REDACTED]  
 Dunn, William G., Sr., [REDACTED]  
 Duto, Michael D., [REDACTED]  
 Dykes, Clifford E., Jr., [REDACTED]  
 Dzur, Robert J., [REDACTED]  
 Dzyban, Charles W., [REDACTED]  
 Eads, Charles M., Jr., [REDACTED]  
 Earnshaw, Bruce B., [REDACTED]  
 Eason, Ernest R., [REDACTED]  
 Edenfield, James L., [REDACTED]  
 Edmondson, William R., [REDACTED]  
 Edson, Lee A., [REDACTED]  
 Edwards, Charles R., [REDACTED]  
 Edwards, David S., [REDACTED]  
 Edwards, Frederick J., [REDACTED]  
 Egbert, Edward M., [REDACTED]  
 Egle, Valdis, [REDACTED]  
 Elbert, Keith R., [REDACTED]  
 Elder, Samuel D., [REDACTED]  
 Eller, Deryck J., [REDACTED]  
 Elliott, Thomas F., [REDACTED]  
 Elsberry, Lloyd W., [REDACTED]  
 Emerson, Jerome A., [REDACTED]  
 Enga, Richard H., [REDACTED]  
 Engle, John D., [REDACTED]  
 Ennett, Alfred, [REDACTED]  
 Erickson, Eric J., [REDACTED]  
 Erion, Gerald L., [REDACTED]  
 Esterly, William K., [REDACTED]  
 Etheredge, James M., [REDACTED]  
 Evans, Damian G., [REDACTED]  
 Evans, John D., [REDACTED]  
 Evans, Roland B., [REDACTED]  
 Evans, Thomas H., [REDACTED]  
 Eveleigh, Robert E., [REDACTED]  
 Ewanco, Thomas, [REDACTED]  
 Ewing, Charles A., [REDACTED]  
 Fackler, Edward H., [REDACTED]  
 Fadal, William K., [REDACTED]  
 Fain, Earl H., Jr., [REDACTED]  
 Fairchild, William W., [REDACTED]  
 Fallis, David L., [REDACTED]  
 Fantle, Samuel III, [REDACTED]  
 Farber, Melvyn E., [REDACTED]  
 Farmer, James L., [REDACTED]  
 Faye, Alexander L., Jr., [REDACTED]  
 Fazio, Pasquale R., [REDACTED]  
 Fenlon, James P., [REDACTED]  
 Ferguson, David H., [REDACTED]  
 Fernandez, Joaquin, [REDACTED]  
 Feutz, Frank T., [REDACTED]  
 Ficke, Wayne L., [REDACTED]  
 Fields, David B., [REDACTED]  
 Fields, Volle C., Jr., [REDACTED]  
 Filandro, Peter A., [REDACTED]  
 Filigno, Daniel A., [REDACTED]  
 Filkins, Darrell L., [REDACTED]  
 Fillip, Darrel L., [REDACTED]  
 Finuf, Bernard D., [REDACTED]  
 Fischer, Richard J., [REDACTED]  
 Fjetland, Gerald L., [REDACTED]  
 Flatt, Dwayne T., [REDACTED]  
 Fleck, Richard N., [REDACTED]  
 Fletcher, Kenneth S., Jr., [REDACTED]  
 Flint, Russell L., [REDACTED]  
 Floyd J. T., Jr., [REDACTED]  
 Flynt, James L., [REDACTED]  
 Follmer, William H., [REDACTED]  
 Forbes, Alfred A., III, [REDACTED]  
 Forbis, William R., Jr., [REDACTED]  
 Ford, David E., [REDACTED]  
 Forrest, Harry J., Jr., [REDACTED]  
 Foster, Leland C., Jr., [REDACTED]  
 Fowler, Harold D., [REDACTED]  
 Fowler, William P., [REDACTED]  
 Fragos, John, [REDACTED]  
 Frank, David H., [REDACTED]  
 Frank, Ralph D., [REDACTED]  
 Franklin, James W., [REDACTED]  
 Franklin, Leon B., [REDACTED]  
 Freedman, Paul M., [REDACTED]  
 Freeman, John F., [REDACTED]  
 Frein, Emil C., [REDACTED]  
 Friend, Charles W., [REDACTED]  
 Frighetti, Vincent J., [REDACTED]  
 Fritze, Lee V., [REDACTED]  
 Frost, Stanfield Jr., [REDACTED]  
 Froyen, Leroy, [REDACTED]  
 Fujinaga, Edwin M., [REDACTED]  
 Funk, Dan G., [REDACTED]  
 Furlong, Robert P., [REDACTED]  
 Gacek, Frederick A., [REDACTED]  
 Gado, Elmo D., [REDACTED]  
 Gaines, William A., [REDACTED]

Galbraith, Lee R., [REDACTED]  
 Galbreath, Michael J., [REDACTED]  
 Galloto, Fedele J., [REDACTED]  
 Ganley, Richard D., [REDACTED]  
 Gannon, Eugene J., [REDACTED]  
 Gardner, Autrey T. Jr., [REDACTED]  
 Gardner, Felix B., [REDACTED]  
 Garmon, Claude E., [REDACTED]  
 Garrett, Dennis N., [REDACTED]  
 Garrett, James E., [REDACTED]  
 Garrett, Robert C., [REDACTED]  
 Garver, Claude D. Jr., [REDACTED]  
 Gasslott, Ernest W., II, [REDACTED]  
 Gassman, Thomas E., [REDACTED]  
 Gaston, Robert A., [REDACTED]  
 Gawelko, Jacob, [REDACTED]  
 Gebhardt, Roger P., [REDACTED]  
 Gehrke, Donald R., [REDACTED]  
 Geiger, Gary W., [REDACTED]  
 George, David I., [REDACTED]  
 George, Thomas F., [REDACTED]  
 Gerard, Joseph H., [REDACTED]  
 Gibson, James G., II, [REDACTED]  
 Gifford, Estel G., [REDACTED]  
 Gilbert, Charles L., [REDACTED]  
 Gilbertson, Jimmy D., [REDACTED]  
 Gilchrist, Dennis D., [REDACTED]  
 Gilding, Thomas J., [REDACTED]  
 Gilkeson, Thomas C., [REDACTED]  
 Gill, Robert E., [REDACTED]  
 Gindlesperger, Larry P., [REDACTED]  
 Girard, Gerald A., [REDACTED]  
 Giusti, Paul G., [REDACTED]  
 Glasser, Martin J., [REDACTED]  
 Globokar, Frank T., [REDACTED]  
 Goble, James A., [REDACTED]  
 Godsey, Elwyn A., [REDACTED]  
 Goeble, Harold E., Jr., [REDACTED]  
 Georges, William R., [REDACTED]  
 Goethert, Wolfhart E., [REDACTED]  
 Goetzman, Gary R., [REDACTED]  
 Goin, John E., [REDACTED]  
 Golden, George D., [REDACTED]  
 Goldsmith, Eugene S., [REDACTED]  
 Golemis, Denis, [REDACTED]  
 Gonzalez, Louis P., Jr., [REDACTED]  
 Goodale, George, [REDACTED]  
 Goolsby, Ira D., [REDACTED]  
 Gorg, Francis A., [REDACTED]  
 Gottschalk, Donald W., [REDACTED]  
 Gow, Edwin K., [REDACTED]  
 Graber, Charles R., [REDACTED]  
 Graetzel, Robert L., [REDACTED]  
 Graff, Gordon A., [REDACTED]  
 Graham, Dennis L., [REDACTED]  
 Graham, Samuel H., [REDACTED]  
 Gram, Arthur M., [REDACTED]  
 Grant, Stephen C., [REDACTED]  
 Grasmeder, Robert F., [REDACTED]  
 Gray, Zac L., [REDACTED]  
 Green, Bobby L., [REDACTED]  
 Green, Bobby R., [REDACTED]  
 Green, Glenn E., [REDACTED]  
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 Griffin, James P., [REDACTED]  
 Grimm, Paul G., Jr., [REDACTED]  
 Grobstein, Joseph A., [REDACTED]  
 Groff, Walter P., Jr., [REDACTED]  
 Gruver, Barry D., [REDACTED]  
 Gubler, Deon R., [REDACTED]  
 Guenther, Norman M., [REDACTED]  
 Guillermin, Louis F., [REDACTED]  
 Gullo, Vincent J., Jr., [REDACTED]  
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 Gunnoe, Orville D., [REDACTED]  
 Gwaltney, Javy R., Jr., [REDACTED]  
 Haas, Frederick W., [REDACTED]  
 Hackett, Charles K., Jr., [REDACTED]  
 Hadley, Terry J., [REDACTED]  
 Hafermalz, William B., [REDACTED]  
 Hagan, Dewey E., [REDACTED]  
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 Halpain, William L., [REDACTED]

Halsted, Ronald L., [REDACTED]  
 Hamilton, Phillip W., [REDACTED]  
 Hammond, Barrie L., [REDACTED]  
 Hammonds, Cecil D., [REDACTED]  
 Handrick, William J., [REDACTED]  
 Haniman, Randolf, Jr., [REDACTED]  
 Hannan, Robert R., [REDACTED]  
 Hansen, Allan L., Jr., [REDACTED]  
 Hansen, Vernon C., [REDACTED]  
 Hansen, William C., [REDACTED]  
 Hanson, Gary R., [REDACTED]  
 Harper, Gareth L., [REDACTED]  
 Harper, Larry K., [REDACTED]  
 Harrington, John P., [REDACTED]  
 Harris, Cleveland S., [REDACTED]  
 Harris, Joe L., [REDACTED]  
 Harris, Stuart J., [REDACTED]  
 Harrison, Alfred S., [REDACTED]  
 Harrison, James C., [REDACTED]  
 Harter, John L., [REDACTED]  
 Harvey, Norman G., [REDACTED]  
 Hast, Charles W., [REDACTED]  
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 Hatcher, Maxie A., Jr., [REDACTED]  
 Hauger, Jon D., [REDACTED]  
 Hawes, John L., [REDACTED]  
 Hawkins, Hoyt D., [REDACTED]  
 Hayes, William A., Jr., [REDACTED]  
 Hearron, Clifford D., [REDACTED]  
 Hebrank, Andrew N., [REDACTED]  
 Hecker, John F., [REDACTED]  
 Heerbrandt, Anthony C., [REDACTED]  
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 Henderson, William W., III, [REDACTED]  
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 Hermeling, Roger A., [REDACTED]  
 Herr, Edwin W., [REDACTED]  
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 Higgins, Page W., Jr., [REDACTED]  
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 Kilburn, Richard F., [REDACTED]  
 Kilchrist, Lanny F., [REDACTED]

Killingsworth, Lester J., Jr., XXXXXXXX  
 Kimbrough, Vernon R., XXXXXXXX  
 King, Carl W., XXXXXXXX  
 King, Gaylan W., XXXXXXXX  
 King, Leroy A., Jr., XXXXXXXX  
 Kinnie, Carl R., XXXXXXXX  
 Kirkeby, Larry D., XXXXXXXX  
 Kirksey, Gonza L., XXXXXXXX  
 Kiser, John D., XXXXXXXX  
 Kisla, Daniel F., XXXXXXXX  
 Kissner, George G., XXXXXXXX  
 Kline, Herbert M., XXXXXXXX  
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 Koch, Norman W., XXXXXXXX  
 Kochevar, Ronald J., XXXXXXXX  
 Koester, Allen R., XXXXXXXX  
 Koger, Perry D., Jr., XXXXXXXX  
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 Krejci, Lane, XXXXXXXX  
 Kress, Joseph H., XXXXXXXX  
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 Kugera, Eugene C., XXXXXXXX  
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 Labertew, Robert S., XXXXXXXX  
 Lacombacorbet, Fernando, XXXXXXXX  
 Lafon, Kenneth R., XXXXXXXX  
 Lagerstrom, Lloyd A., XXXXXXXX  
 Lamb, Charles F., XXXXXXXX  
 Lambiasi, Nicholas, Jr., XXXXXXXX  
 Lane, Jon S., XXXXXXXX  
 Lane, Michael C., XXXXXXXX  
 Lang, Robert E., XXXXXXXX  
 Larkin, John W., III, XXXXXXXX  
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 Larsen, Lanny L., XXXXXXXX  
 Lauer, John C., Jr., XXXXXXXX  
 Lauer, Keith G., XXXXXXXX  
 Lauro, Philip A., XXXXXXXX  
 Law, Arthur L., XXXXXXXX  
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 Lawson, Rex N., XXXXXXXX  
 Leach, Michael J., XXXXXXXX  
 Leachman, William D., XXXXXXXX  
 Leahy, Robert G., XXXXXXXX  
 Leatherbarrow, Kenneth, XXXXXXXX  
 Leblanc, Irving J., XXXXXXXX  
 Ledretter, Robert G., XXXXXXXX  
 Leding, John L., XXXXXXXX  
 Ledlow, Spencer A., XXXXXXXX  
 Lee, Maurice H., XXXXXXXX  
 Lee, Robert M., XXXXXXXX  
 Leigh, Harry W., XXXXXXXX  
 Lekarczyk, Robert J., XXXXXXXX  
 Leslie, James M., XXXXXXXX  
 Levesque, Douglas A., XXXXXXXX  
 Lewis, Alan E., XXXXXXXX  
 Lewis, Keith H., XXXXXXXX  
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 Lewis, Neil G., XXXXXXXX  
 Lewis, Paul W., XXXXXXXX  
 Liegl, John B., XXXXXXXX  
 Lighter, John J. Jr., XXXXXXXX  
 Lincer, Raymond L., XXXXXXXX  
 Lindquist, George R., XXXXXXXX  
 Linville, Charles M., XXXX  
 Lippincott, Roger H., XXXXXXXX  
 Liptak, Andrew S., XXXXXXXX  
 Little, Harrell W. Jr., XXXXXXXX  
 Little, Robert G., Jr., XXXXXXXX  
 Locascio, Gary R., XXXXXXXX  
 Lockard, Nick A., XXXXXXXX  
 Lombardi, Donato A., Jr., XXXXXXXX  
 Lord, Clark B., XXXXXXXX  
 Lorenzen, George L., XXXXXXXX  
 Lotter, Kenneth L., XXXXXXXX  
 Loud, George K., XXXXXXXX  
 Loulis, Paul T., XXXXXXXX  
 Loudermon, Andrew D., XXXXXXXX  
 Love, John A., III, XXXXXXXX  
 Low, Curtis S., XXXXXXXX  
 Lowe, Lawson, XXXXXXXX  
 Lowry, Kenneth F., XXXXXXXX  
 Lucas, David V., XXXXXXXX  
 Lueck, David M., XXXXXXXX  
 Luisi, Carmen A., Jr., XXXXXXXX  
 Luke, Hugh D., XXXXXXXX  
 Lukens, Larry A., XXXXXXXX  
 Lumpe, Ronald W., XXXXXXXX  
 Lusk, Glenn M., XXXXXXXX  
 Lutkenhouse, John D., XXXXXXXX  
 Lynch, John P., XXXXXXXX  
 Lyne, Robert B., XXXXXXXX  
 Maccio, Donald J., XXXXXXXX  
 Machado, Arthur F., XXXXXXXX  
 Mackinaw, William, III, XXXXXXXX  
 Macumber, Lorn J., XXXXXXXX  
 Madden, Francis M., XXXXXXXX  
 Maddin, Bob G., XXXXXXXX  
 Mahady, Thomas E., Jr., XXXXXXXX  
 Mahoney, John H., XXXXXXXX  
 Main, Wilson E., XXXXXXXX  
 Maloom, Charles E., XXXXXXXX  
 Malone, Robert H., III, XXXXXXXX  
 Malota, Robert E., XXXXXXXX  
 Mann, Horace J., XXXXXXXX  
 Manosh, James N., XXXXXXXX  
 Manzari, Thomas A., XXXXXXXX  
 Marcotte, Harold D., XXXXXXXX  
 Markey, James C., XXXXXXXX  
 Markham, Roy N., XXXXXXXX  
 Maroon, William F., XXXXXXXX  
 Marsh, George F., Jr., XXXXXXXX  
 Marshall, Patrick H., XXXXXXXX  
 Marshall, Ronald P., XXXXXXXX  
 Martin, Bruce A., XXXXXXXX  
 Martin, Cecil E., XXXXXXXX  
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 Martin, Harry G., XXXXXXXX  
 Martin, Jimmie D., XXXXXXXX  
 Martin, Joseph I., Jr., XXXXXXXX  
 Martin, Roddy C., XXXXXXXX  
 Mason, James F., Jr., XXXXXXXX  
 Matisak, Joseph J., XXXXXXXX  
 Matson, James H., XXXXXXXX  
 Mattus, Robert J., XXXXXXXX  
 Maughan, Peter K., XXXXXXXX  
 Maus, Richard D., XXXXXXXX  
 Mavrotheris, Theodore N., XXXXXXXX  
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 Mayer, Richard A., XXXXXXXX  
 McBryde, Garrett E., XXXXXXXX  
 McCabe, James E., XXXXXXXX  
 McCabe, William S., Jr., XXXXXXXX  
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 McCaslin, Patrick D., XXXXXXXX  
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 McDermott, Leo B., Jr., XXXXXXXX  
 McDowell, Alan J., Jr., XXXXXXXX  
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 McFarland, Harvey L., XXXXXXXX  
 McFarland, Marshall, XXXXXXXX  
 McGauley, William J., XXXXXXXX  
 McGinnis, Donald L., XXXXXXXX  
 McGowan, Samuel M., XXXXXXXX  
 McGraw, Richard L., XXXXXXXX  
 McGrew, James A., XXXXXXXX  
 McIlwaine, William T., XXXXXXXX  
 McIntyre, William H., II, XXXXXXXX  
 McKee, Richard H., Jr., XXXXXXXX  
 McKeithen, Leo A., Jr., XXXXXXXX  
 McKinney, Lowell T., XXXXXXXX  
 McKinney, Ronald E., XXXXXXXX  
 McKinney, Thomas W., XXXXXXXX  
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 McLeod, Clyde F., XXXXXXXX  
 McMaster, Larry L., XXXXXXXX  
 McNamara, John V., XXXXXXXX  
 McNary, William B., XXXXXXXX  
 McNutt, Douglas D., XXXXXXXX  
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 Mead, Robert W., XXXXXXXX  
 Meade, Charles H., XXXXXXXX  
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 Melikan, Mark G., XXXXXXXX  
 Menzel, Robert J., XXXXXXXX  
 Merson, John R., XXXXXXXX  
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 Meyer, Robert J., XXXXXXXX  
 Michael, George W., XXXXXXXX  
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 Mika, Francis, XXXXXXXX  
 Miller, Calvin R., XXXXXXXX  
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 Miller, Terry D., XXXXXXXX  
 Mills, Jerry R., XXXXXXXX  
 Mills, Michael E., XXXXXXXX  
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 Mirkin, Darryl S., XXXXXXXX  
 Mitchell, Bernard A., XXXXXXXX  
 Mitchell, Will D., XXXXXXXX  
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 Moncrief, Hugh, XXXXXXXX  
 Monteith, James W., XXXXXXXX  
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 Moore, Daniel J., XXXXXXXX  
 Moore, William R., Jr., XXXXXXXX  
 Morelock, Gary S., XXXXXXXX  
 Morgan, George T., Jr., XXXXXXXX  
 Morin, Lawrence A., XXXXXXXX  
 Morrill, James E., XXXXXXXX  
 Morris, Harry P., XXXXXXXX  
 Morriss, Donald W., XXXXXXXX  
 Morrissey, John W., XXXXXXXX  
 Morrow, Paul E., XXXXXXXX  
 Mosley, James R., XXXXXXXX  
 Moulton, Nell B., XXXXXXXX  
 Mugg, Steven C., XXXXXXXX  
 Mulder, Grant R., XXXXXXXX  
 Mullen, Robert P., Jr., XXXXXXXX  
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 Murphy, Charles G., Jr., XXXXXXXX  
 Murphy, Patricia M., XXXXXXXX  
 Murphy, William P., XXXXXXXX  
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 Myers, David J., XXXXXXXX  
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 Nelson, Jerome L., XXXXXXXX  
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 Oliver, Gregg R., XXXXXXXX  
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 Ormsby, David W., XXXXXXXX  
 Orsini, David N., XXXXXXXX  
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 Ott, Peter J., XXXXXXXX

Outwater, Morris H., [REDACTED]  
 Owens, Paul R., [REDACTED]  
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 Robertson, Kenneth W., [REDACTED]  
 Robinette, Ross A., [REDACTED]  
 Robinson, Hugh T., [REDACTED]  
 Robinson, William R., [REDACTED]  
 Robison, Raymond R., [REDACTED]  
 Roderick, Douglas A., [REDACTED]  
 Rogers, Nathan L., [REDACTED]  
 Rodriguez, Carlos G., [REDACTED]  
 Roe, Daniel, [REDACTED]  
 Roehling, Edwin A., Jr., [REDACTED]  
 Rogers, Bruce W., [REDACTED]  
 Rogers, Charles W., [REDACTED]  
 Rogers, Walter P., Jr., [REDACTED]  
 Rogers, William F., [REDACTED]  
 Rojeck, Gerald, [REDACTED]  
 Rollins, Maurice C., [REDACTED]  
 Roodie, Robert A., [REDACTED]  
 Ropp, James W., [REDACTED]  
 Roscoe, John H., [REDACTED]  
 Roseberry, Donald B., [REDACTED]  
 Ross, Ramiro, [REDACTED]  
 Roskopf, James D., [REDACTED]  
 Rothe, William D., [REDACTED]  
 Rothrock, James G., [REDACTED]  
 Rozmarich, Thomas A., [REDACTED]  
 Ruckman, Thomas E., [REDACTED]  
 Rudolph, Richard J., [REDACTED]  
 Rumsey, Gerald T., [REDACTED]  
 Rumzek, Harold A., [REDACTED]  
 Runge, William O., [REDACTED]  
 Rush, Randy G., [REDACTED]  
 Russell, Bobby H., [REDACTED]  
 Saar, Paul, [REDACTED]  
 Sabourin, Larry P., [REDACTED]  
 Saccoliti, Ralph A., [REDACTED]  
 Safford, Arthur T., III, [REDACTED]  
 Saffris, Charles E., [REDACTED]  
 Saginario, Robert T., [REDACTED]  
 Salcido, Henry A., Jr., [REDACTED]  
 Saliba, Gabriel S., Jr., [REDACTED]  
 Salmon, Jack, [REDACTED]  
 Same, Michael C., [REDACTED]  
 Sampson, Charles D., [REDACTED]  
 Sanders, David L., [REDACTED]  
 Sanders, Forrest W., [REDACTED]  
 Sandlin, Norris R., [REDACTED]  
 Sanford, David A., [REDACTED]  
 Sanpel, Francis T., [REDACTED]  
 Sauter, George N., [REDACTED]  
 Sauve, Ronald E., [REDACTED]  
 Savanick, Andrew, Jr., [REDACTED]  
 Schaaf, Richard J., [REDACTED]  
 Schafer, Donald J., [REDACTED]  
 Schaff, Kenneth J., [REDACTED]  
 Schantin, Edward J., [REDACTED]  
 Schapker, Alfred L., [REDACTED]  
 Schatz, John V., [REDACTED]  
 Scheerer, John F., [REDACTED]  
 Schell, John F., [REDACTED]  
 Schenk, James W., [REDACTED]  
 Schenkenberger, Henry C., [REDACTED]  
 Schmidt, Albert R. L., [REDACTED]  
 Schmidt, Edwin A., [REDACTED]  
 Schmidt, Eldon E., [REDACTED]  
 Schmidt, Nolan W., [REDACTED]  
 Schneider, Marlow A., [REDACTED]  
 Schoenborn, Carlton M., [REDACTED]  
 Schoenecker, Warren K., [REDACTED]  
 Schooley, Max C., [REDACTED]  
 Schreiber, Floyd A., [REDACTED]

Schroeder, James A., [REDACTED]  
 Schuler, George G., [REDACTED]  
 Schulz, Ronald E., [REDACTED]  
 Schur, Morris J., [REDACTED]  
 Schuyler, Donald L., [REDACTED]  
 Scifres, James H., [REDACTED]  
 Scola, Robert, [REDACTED]  
 Scott, John C., [REDACTED]  
 Scott, John J., [REDACTED]  
 Scott, Robert A., [REDACTED]  
 Sealy, Robert R., [REDACTED]  
 Seehafer, Gary D., [REDACTED]  
 Seiboldt, Friedrich C., IV, [REDACTED]  
 Sentimore, Gilbert L., [REDACTED]  
 Sentman, Harold T., [REDACTED]  
 Serfass, Richard W., [REDACTED]  
 Sessler, Richard P., [REDACTED]  
 Sewell, Stanley G., [REDACTED]  
 Sexton, Kenneth D., [REDACTED]  
 Shabazian, Michael R., [REDACTED]  
 Shafer, Richard P., [REDACTED]  
 Shafer, Jacob R., [REDACTED]  
 Shafer, John R., [REDACTED]  
 Shally, Dennis M., [REDACTED]  
 Shank, Arthur E., Jr., [REDACTED]  
 Shanks, Willis E., [REDACTED]  
 Sharp, Edward L., [REDACTED]  
 Sharp, Jimmy F., [REDACTED]  
 Shaw, Conway R., III, [REDACTED]  
 Shaw, James N., [REDACTED]  
 Shearer, Donald R., [REDACTED]  
 Sheedy, Leo J., Jr., [REDACTED]  
 Shelhammer, Donald E., [REDACTED]  
 Shelton, Robert K., [REDACTED]  
 Shingledecker, Armon D., [REDACTED]  
 Shoemaker, Corydon D., [REDACTED]  
 Shore, Gerald M., Jr., [REDACTED]  
 Shuck, Robert D., [REDACTED]  
 Shuler, John J., [REDACTED]  
 Siegwalt, Marlin L., [REDACTED]  
 Sikes, Joseph R., [REDACTED]  
 Siler, Chester H., [REDACTED]  
 Silhan, Ralph W., [REDACTED]  
 Silverman, George, [REDACTED]  
 Simms, Orton O., III, [REDACTED]  
 Simoncini, Richard C., [REDACTED]  
 Simonton, Sammie C., [REDACTED]  
 Simpson, Charles A., [REDACTED]  
 Simpson, James L., [REDACTED]  
 Singel, Ronald R., [REDACTED]  
 Skidmore, John B., [REDACTED]  
 Skidmore, Rance W., [REDACTED]  
 Skirchak, John J., [REDACTED]  
 Slater, David P., [REDACTED]  
 Slattery, John D., Jr., [REDACTED]  
 Slaughter, William G., [REDACTED]  
 Silwinski, Kevin F., [REDACTED]  
 Sloan, William D., [REDACTED]  
 Smith, Bradford H., [REDACTED]  
 Smith, Carl R., [REDACTED]  
 Smith, Charles E., [REDACTED]  
 Smith, Charles G., [REDACTED]  
 Smith, Charles, III, [REDACTED]  
 Smith, Clyde H., [REDACTED]  
 Smith, David J., [REDACTED]  
 Smith, Edward E., [REDACTED]  
 Smith, Harlan F., [REDACTED]  
 Smith, Jerry C., [REDACTED]  
 Smith, Joe B., [REDACTED]  
 Smith, John E., [REDACTED]  
 Smith, Joseph G., [REDACTED]  
 Smith, Lawrence E., [REDACTED]  
 Smith, Peter L., [REDACTED]  
 Smith, Raymond H., Jr., [REDACTED]  
 Smith, Richard J., [REDACTED]  
 Smith, Vernon R., [REDACTED]  
 Smith, William R., [REDACTED]  
 Sneed, Charles L., [REDACTED]  
 Snyder, Alan E., [REDACTED]  
 Snyder, Donald L., [REDACTED]  
 Snyder, Walter E., [REDACTED]  
 Snyder, William L., [REDACTED]  
 Solga, Dimitri J. C., [REDACTED]  
 Sorensen, Clyde R., [REDACTED]  
 Spear, William C., [REDACTED]  
 Spenrath, James R., [REDACTED]  
 Spidle, Thomas J., [REDACTED]  
 Spillman, George R., [REDACTED]  
 Spinelli, William M., [REDACTED]  
 Spore, David E., [REDACTED]  
 Spring, David W., [REDACTED]

Squires, Edwin M., XXXXXXXX  
 Srba, Anton F., Jr., XXXXXXXX  
 Stadjuhar, Robert E., XXXXXXXX  
 Stafford, Joan E., XXXXXXXX  
 Stafford, Stephen W., XXXXXXXX  
 Staniszewski, Henry J., Jr., XXXXXXXX  
 Stankosky, John A., XXXXXXXX  
 Stark, James E., XXXXXXXX  
 Starr, James W., XXXXXXXX  
 Staten, Edward C., Jr., XXXXXXXX  
 Steele, Grove F., XXXXXXXX  
 Steelquist, John A., XXXXXXXX  
 Steen, Jon M., XXXXXXXX  
 Steffan, William L., XXXXXXXX  
 Steffen, William W., XXXXXXXX  
 Stephens, George H., XXXXXXXX  
 Stephenson, Verle L., XXXXXXXX  
 Stevens, John B., XXXXXXXX  
 Stevens, Roger W., XXXXXXXX  
 Stewart, Jerry W., XXXXXXXX  
 Stewart, John T., Jr., XXXXXXXX  
 Stewart, Thomas B., Jr., XXXXXXXX  
 Stillwell, Charles E., XXXXXXXX  
 Stockman, David C., XXXXXXXX  
 Stokes, Jackie D., XXXXXXXX  
 Stone, Charles M., XXXXXXXX  
 Stone, Hubert M., Jr., XXXXXXXX  
 Stone, Richard H., XXXXXXXX  
 Stone, Robert P., XXXXXXXX  
 Stowe, Forrest M., XXXXXXXX  
 StPierre, Dean P., XXXXXXXX  
 Straume, Markus K., XXXXXXXX  
 Strockbine, Richard L., XXXXXXXX  
 Strong, John P., XXXXXXXX  
 Struble, Thomas A., XXXXXXXX  
 Stubbs, George E., XXXXXXXX  
 Stupar, Rudolph A., XXXXXXXX  
 Sturdevant, William D., XXXXXXXX  
 Stuyvesant, Gerald B., XXXXXXXX  
 Sullenger, William E., XXXXXXXX  
 Sullivan, Ennis C., II, XXXXXXXX  
 Sullivan, John J., XXXXXXXX  
 Sweeten, Noel W., XXXX  
 Swepson, David G., XXXXXXXX  
 Swindel, David J., XXXXXXXX  
 Szefer, Richard H., XXXXXXXX  
 Tabata, Hiroshi, XXXXXXXX  
 Tabler, Roy T., XXXXXXXX  
 Tameris, Gavin E., XXXXXXXX  
 Taylor, Dalton, XXXXXXXX  
 Taylor, Gerald R., XXXXXXXX  
 Taylor, Howard E., XXXXXXXX  
 Taylor, James L., XXXXXXXX  
 Taylor, Phillip A., XXXXXXXX  
 Teachout, William C. R., XXXXXXXX  
 Tegen, James G., XXXXXXXX  
 Terry, William E., XXXXXXXX  
 Test, Gary W., XXXXXXXX  
 Tevebaugh, Dennis G., XXXXXXXX  
 Thacker, Ronald L., XXXXXXXX  
 Thiem, Gary R., XXXXXXXX  
 Thomas, James S., XXXXXXXX  
 Thomas, John W., XXXXXXXX  
 Thomas, Kenneth H., XXXXXXXX  
 Thomas, Robert D., XXXXXXXX  
 Thomasson, Claiborne G., XXXXXXXX  
 Thompson, Lynn L., XXXXXXXX  
 Thompson, Thomas M., XXXXXXXX  
 Thompson, Walter D., XXXXXXXX  
 Thompson, William F., XXXXXXXX  
 Thornton, Bobby E., XXXXXXXX  
 Thorvaldson, Leif O., XXXXXXXX  
 Throneberry, Coy B., XXXXXXXX  
 Thurmer, Dennis O., XXXXXXXX  
 Tinsley, Daniel L., XXXXXXXX  
 Titlow, Robert A., Jr., XXXXXXXX  
 Tolbert, Richard B., XXXXXXXX  
 Tomaszewski, Joseph G., XXXXXXXX  
 Towe, Gordon K., XXXXXXXX  
 Trachtenberg, Julius F., XXXXXXXX  
 Trahan, Gayle J., XXXXXXXX  
 Traylor, Andrew N., XXXXXXXX  
 Tremmel, Lloyd A., XXXXXXXX  
 Trower, William W., XXXXXXXX  
 Trozzo, Ernest C., Jr., XXXXXXXX  
 Truman, James G., XXXXXXXX  
 Tucker, James H., XXXXXXXX  
 Tucker, John M., Jr., XXXXXXXX  
 Turner, James S., XXXXXXXX  
 Tweedie, Robert C., XXXXXXXX  
 Tyl, Charles, XXXXXXXX  
 Tyler, William, XXXXXXXX  
 Ullrey, Larry L., XXXXXXXX  
 Ulrich, Charles C., XXXXXXXX  
 Urquhart, Henry T., Jr., XXXXXXXX  
 Utz, Robert, XXXXXXXX  
 Vales, Roger M., XXXXXXXX  
 Vance, Jerry D., XXXXXXXX  
 Verbeck, Kenneth W., XXXXXXXX  
 Vermaas, John, XXXXXXXX  
 Veteikis, John C., XXXXXXXX  
 Vick, Russell W., XXXXXXXX  
 Villarreal, Jose, Jr., XXXXXXXX  
 Vincent, Cecil E., Jr., XXXXXXXX  
 Violette, James G., XXXXXXXX  
 Visher, Dennis G., XXXXXXXX  
 Vispi, Vito D., XXXXXXXX  
 Vogel, George J., Jr., XXXXXXXX  
 Voltz, Neal S., XXXXXXXX  
 Waall, Douglas R., XXXXXXXX  
 Wadagnolo, George E., Jr., XXXXXXXX  
 Wadsworth, William J., XXXXXXXX  
 Wagner, Robert M., XXXXXXXX  
 Wakeman, Donald E., XXXXXXXX  
 Walker, Clarence E., Jr., XXXXXXXX  
 Walker, Jerry L., XXXXXXXX  
 Wallace, Jere T., XXXXXXXX  
 Walmsley, John C., Jr., XXXXXXXX  
 Walsh, Edward M., XXXXXXXX  
 Walters, Maynard Z., XXXXXXXX  
 Walters, William T., Jr., XXXXXXXX  
 Ward, George H., XXXXXXXX  
 Ward, Stephen E., XXXXXXXX  
 Warmbrod, Donald F., XXXXXXXX  
 Warn, Peter W., XXXXXXXX  
 Watson, Denis P., XXXXXXXX  
 Weaver, Elisha P., II, XXXXXXXX  
 Weaver, Windol C., XXXXXXXX  
 Webb, Francis R., XXXXXXXX  
 Weber, Paul A., XXXXXXXX  
 Webster, Kenneth I., XXXXXXXX  
 Webster, Robert A., XXXXXXXX  
 Weimer, John R., Jr., XXXXXXXX  
 Welch, Harold W., XXXXXXXX  
 Welch, Roger J., XXXXXXXX  
 Wensel, Harvey L., XXXXXXXX  
 Wensil, Larry E., XXXXXXXX  
 Wersland, Kenneth L., XXXXXXXX  
 Wessell, Herbert W., XXXXXXXX  
 West, Hugh C., XXXXXXXX  
 Weston, Thomas A., XXXXXXXX  
 Wetzel, William J., Jr., XXXXXXXX  
 Wheaton, Eric E., XXXXXXXX  
 Wheeler, Richard H., XXXXXXXX  
 Wheeler, William L., XXXXXXXX  
 Whitaker, M. G., XXXXXXXX  
 White, Galvin G., XXXXXXXX  
 White, Lawrence L., XXXXXXXX  
 White, Neil W., XXXXXXXX  
 White, Richard W., III, XXXXXXXX  
 Whitehead, Charles L., XXXXXXXX  
 Whitehead, Charles W., XXXXXXXX  
 Whitehead, Richard J., XXXXXXXX  
 Whitehurst, James L., XXXXXXXX  
 Whitefield, Glenn T., Jr., XXXXXXXX  
 Whitley, David B., XXXXXXXX  
 Wieland, David H., XXXXXXXX  
 Wilburn, William N., XXXXXXXX  
 Wild, Robert E., XXXXXXXX  
 Wilder, Richard H., XXXXXXXX  
 Wilhelm, James J., XXXXXXXX  
 Wilkinson, Peter R., XXXXXXXX  
 Willhoit, Etzel M., XXXXXXXX  
 Williams, Ellis S., XXXXXXXX  
 Williams, George B., Jr., XXXXXXXX  
 Williams, Harold E., XXXXXXXX  
 Williams, Henry M., XXXXXXXX  
 Williams, James L., XXXXXXXX  
 Williams, John O. S., XXXXXXXX  
 Williams, Keith J., XXXXXXXX  
 Williamson, George L., III, XXXXXXXX  
 Wilson, Charles E., XXXXXXXX  
 Wilson, Gerald P., XXXXXXXX  
 Wilson, Samuel B., Jr., XXXXXXXX  
 Wilson, Thomas A., XXXXXXXX  
 Wimbrow, Nutter J., III, XXXXXXXX  
 Winkler, David E., XXXXXXXX  
 Winslow, Patrick A., XXXXXXXX  
 Wisely, Donald E., XXXXXXXX  
 Witt, John A., XXXXXXXX  
 Wittenberg, Frederick F., XXXXXXXX  
 Wittkopp, Vernon G., XXXXXXXX  
 Woerber, Philip J., XXXXXXXX  
 Wojciechowski, William A., XXXXXXXX

Wood, Roger S., XXXXXXXX  
 Woodbury, Elmer F., XXXXXXXX  
 Woodcock, Andrew J., XXXXXXXX  
 Woodruff, Dennis P., XXXXXXXX  
 Woods, Jon P., XXXXXXXX  
 Worthington, Charles G., XXXXXXXX  
 Wright, John J., Jr., XXXXXXXX  
 Wright, Peter W., XXXXXXXX  
 Wright, William W., XXXXXXXX  
 Yancey, George P., XXXXXXXX  
 Yingling, Kay A., XXXXXXXX  
 Yoblonsky, George W., XXXXXXXX  
 Yocum, Allen, XXXXXXXX  
 Young, Barclay B., XXXXXXXX  
 Young, William J., XXXXXXXX  
 Youngblood, Jackie R., XXXXXXXX  
 Younglove, Gary D., XXXXXXXX  
 Youst, Lionel D., XXXXXXXX  
 Yurkiewicz, Joseph A., XXXXXXXX  
 Zamboni, William A., XXXXXXXX  
 Zaugg, David M., XXXXXXXX  
 Zeitvogel, Thomas J., XXXXXXXX  
 Zeller, Robert A., XXXXXXXX  
 Zenkus, Joseph A., XXXXXXXX  
 Ziegler, Byron J., XXXXXXXX  
 Zigrino, Angelo R., XXXXXXXX  
 Zimmer, Karl E., XXXXXXXX  
 Zimmerman, Carl S., XXXXXXXX  
 Zitel, Victor S., XXXXXXXX  
 Zuchetti, Sergio, XXXXXXXX

The following distinguished graduates of the officer training school for appointment in the Regular Air Force in the grade of second lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Berry, Richard L., XXXXXXXX  
 Blanchard, Warren C. R., XXXXXXXX  
 Bloom, Arthur M., XXXXXXXX  
 Boland, John M., XXXXXXXX  
 Bonner, Barry D., XXXXXXXX  
 Booth, Robert T., XXXXXXXX  
 Bruce, Robert E. Jr., XXXXXXXX  
 Burleson, Lynn T., XXXXXXXX  
 Byrum, Edward S., XXXXXXXX  
 Ellis, Robert B., Jr., XXXXXXXX  
 Fairchilds, David C., XXXXXXXX  
 Grembowski, Eugene, XXXXXXXX  
 Hanson, Charles O., XXXXXXXX  
 Haringa, Robert R., XXXXXXXX  
 Hefling, Larry M., XXXXXXXX  
 Hollnagel, Michael J., XXXXXXXX  
 Jensen, Larry L., XXXXXXXX  
 Kemp, Scott P., XXXXXXXX  
 Lowrance, George G., XXXXXXXX  
 Mann, Perry S., XXXXXXXX  
 Marek, James D., XXXXXXXX  
 McGuire, James C., XXXXXXXX  
 McKenzie, Donald S., XXXXXXXX  
 Moody, Richard R., XXXXXXXX  
 Perrin, John P., XXXXXXXX  
 Podraza, George F., Jr., XXXXXXXX  
 Radueg, Dean W., XXXXXXXX  
 Richards, Stephen O., XXXXXXXX  
 Riley, John M., XXXXXXXX  
 Roe, William G., XXXXXXXX  
 Rues, Dennis C., XXXXXXXX  
 Salsbury, Richard W., XXXXXXXX  
 Shockley, Larry G., XXXXXXXX  
 Skupniewitz, Joseph W., XXXXXXXX  
 Smith, Robert B., XXXXXXXX  
 Wagner, Thomas A., XXXXXXXX  
 Weidman, Robert F., XXXXXXXX  
 Weis, John T., XXXXXXXX  
 Zielsdorff, George F., XXXXXXXX

#### CONFIRMATIONS

Executive nominations confirmed by the Senate June 28, 1968:

##### ATOMIC ENERGY COMMISSION

Glenn T. Seaborg, of California, to be a member of the Atomic Energy Commission for the remainder of the term expiring June 30, 1970.

James T. Ramey, of Illinois, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1973.

## HOUSE OF REPRESENTATIVES—Friday, June 28, 1968

The House was not in session today. Its next meeting will be held on Monday, July 1, 1968, at 12 o'clock noon.

### LAND AND WATER CONSERVATION FUND ACT—CONFERENCE REPORT

Mr. ASPINALL, pursuant to unanimous consent obtained on Thursday, June 27, 1968, submitted a conference report and statement on the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965.

## EXTENSIONS OF REMARKS

### RURAL RESURGENCE STRENGTHENS WEST VIRGINIA—BRIGHT BROTHERS BRIGHTEN SMALL TOWN ECONOMY

#### HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, June 28, 1968

Mr. RANDOLPH. Mr. President, I have long been a strong advocate of programs designed to help small companies and plants in rural sections. One of these—Bright of America—I shall emphasize later in my remarks.

In West Virginia new companies have been opened and numerous businesses established, and well-known corporations have brought small plants and factories to rural parts of our State.

During fiscal year 1966-67, the following new plants represent a partial listing of the firms which located in small and relatively small communities in West Virginia: Reidboard Corp., at Philippi; Air Reduction Co., at Arroyo in Hancock County; Alcan Silk Label Co., in Weston; Cabbot Corp., in St. Marys; Decorator Industries, in Mannington; Flex-O-Lite Co., in Keyser; Gichner Mobile Systems, in Berkeley Springs; Hanover Shoe Co., in Franklin; Kinney Shoe Co., in Romney and in Kingwood; Mammoth Plastics in Wellsburg; and West Virginia Pulp & Paper Co., concentration yards in Millwood, Alderson, Richwood, and Ellenboro.

Several firms expanded their works during the same period including Allied Egrý—a subsidiary of Allied Paper Co.—at Petersburg, Badger Fire Extinguisher Co., at Ranson; Bright of America, printers and stationers, at Summersville; Cumberland Charcoal, at Beryl, Mineral County; Globe Brick Co., at Newell; Goodyear Tire & Rubber, at Apple Grove; Harrisville Garment Co., at Harrisville; and Moore Business Forms at Buckhannon.

These operations in small towns and rural areas of West Virginia help to stimulate economic growth.

Bright of America, in Summersville, manufacturers of greeting cards and specialty note cards, began in 1959. It has, since that time, expanded, partly financed by a \$360,000 loan from the Small Business Administration. This

company—which began with one full-time and one part-time employee—is now employing over 70 persons and its management expects to employ approximately 100 by fall.

Bright of America is truly representative of what an aggressive company can do in rural sections. Summersville, with its slightly more than 2,000 citizens, is fortunate to have this progressive company among its payroll providers.

Pacesetter, a publication of the West Virginia Department of Commerce published an article on Bright of America in the May-June 1968, issue.

Mr. President, I ask unanimous consent to have the story printed in the Record at this point.

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

#### BRIGHT BROTHERS BRIGHTEN SMALL TOWN ECONOMY IN WEST VIRGINIA

There aren't many success stories in Nicholas County (W. Va.) that match the one of the Bright brothers.

John and Bill Bright are owners of Bright of America, Inc., a firm that manufactures and markets greeting cards and specialty note cards in Summersville.

In 1959 the parent enterprise of Bright of America, came into being in an upstairs bedroom in the Bright home as a result of John's interest in photography.

He had previously sold a number of photographs for covers of national magazines and advertising copy, and this experience really started the Bright brothers on their business path.

After completing his high school work at Nicholas County High School, John received a degree in English at West Virginia University, then after two years as an officer in the Signal Corps of the U.S. Army, he received a master's degree in Motion Picture Arts from the University of Southern California.

After graduation John worked in New York City with a firm that did a Christmas card line. That summer after a series of discussions between John and his younger brother Bill, they decided to try and crack the Christmas card market. Bill was at that time in his senior year at WVU and only able to devote part time to the new enterprise.

Thus, Church-Graphic Productions was formed and consisted of taking pictures of churches and church scenes and reproducing them in color.

The Bright brothers did the photography, farmed out the color printing and mailed out orders.

Their first appeal for business resulted in orders from almost four percent of the prospects in several states.

About this time the business outgrew

the bedroom headquarters and new quarters were rented in downtown Summersville. Also a system was devised whereby nonprofessional photographers could do the work and several college boys were hired to relay photos to the Church-Graphic office.

Also, by this time, Bill Bright had graduated from West Virginia University and had served as an officer in the Adjutant General Corps of the U.S. Army. He worked part time during 1962 and went to law school at WVU, but the potential of the business made him decide to devote his full efforts to it.

Encouraged by their success with the church Christmas cards, the Bright brothers decided to try and branch out into other markets and to develop new products.

In 1963, West Virginia's Centennial year, the Bright brothers conceived the idea of producing note paper with outstanding West Virginia scenes to call attention to the State's natural wonders. To handle this phase of the business they organized an affiliate organization called "Bright of America," and again hired more employees and additional office and shop space.

The West Virginia Centennial note cards were the start of a completely new market. The idea was to make up packages of color note cards with historic and scenic views of any particular states to be sold by schools and women's clubs and various civic organizations within that particular state. At present the company has produced a package for every state within the United States; and in most states they are on their second and third series.

Following along the same idea as the note paper, the next creation was Christmas cards made up with snow scenes of a state. These are also merchandised through schools, women's clubs and various civic organizations. The company makes up a new series each year for almost every state in the United States that has snow.

By 1966 the Bright brothers' business had developed nationwide and they began to expand their physical facilities.

The same year they applied for, and were granted, a \$360,000 loan from the Small Business Administration. The cost of their expansion program was \$450,000. The SBA portion covered 80 percent of the cost, but of the 80 percent, the Nicholas County Bank and Farmers and Merchants Bank handled 10 percent, or \$18,000 each; while the West Virginia Department of Commerce's Industrial Development Authority and the Summersville Chamber of Commerce Business Development Corporation each supplied \$45,000.

This money was used for a new building and additional equipment.

So today, Bright of America, which started in a basement with one full-time and one part-time employee is now occupying 35,000 square feet and has about 70 people

employed, and expect this figure to rise to 100 by fall, 1968.

The company's plans for the future are rather extensive, as Bill Bright says: "We are presently moving to new markets, and we are developing new products. We are starting to make color plastic placements that will be merchandised this fall, and we feel this has great potential."

With such rapid success, the future of Bright of America, does indeed look bright.

THIS, OUR AMERICA—ESSAY BY  
DIANE LINDSEY, SAVANNAH, GA.

### HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES  
Friday, June 28, 1968

Mr. TALMADGE. Mr. President, my attention has been called to an excellent essay on Americanism written by Miss Diane Lindsey, a 13-year-old student at Savannah, Ga.

The essay, entitled "This, Our America," expresses a great love of country and every citizen's responsibility in preserving the American heritage. In my judgment, this young lady speaks the real voice of American youth, which knows its duties and responsibilities to God and country and recognizes the value of and wants to preserve and strengthen the American way of life.

I ask unanimous consent that the essay be printed in the Extensions of Remarks.

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

#### THIS, OUR AMERICA

With one word you can sum up the greatest way of life in the world today—America. And the most wonderful thing about America is that it is ours. Our ancestors fashioned her, believed in her, fought for her, and died for her. They made her into the greatest country in the world and passed her on to us to build, to protect and to cherish all she is and all that she stands for. Our America is a sacred heritage, a great light and a great example for all the world, the finest way of life since the world began.

America is the Declaration of Independence, George Washington at Valley Forge, the Constitution, the Stars and Stripes, the Statue of Liberty, with her shining lamp held high. America is security, a refuge, a haven, "one Nation under God, indivisible, with Liberty and Justice for All". America is the living spirit of freedom, a dream of liberty and prosperity that men have made come true.

America has faults, for we, the people of America, have faults. But not even the greatest of these faults could stand up against the greatness of America's soul.

Our America is as beautiful a land as it is a way of life. America is a land of contrasts; the mild peacefulness of a summer day at dusk in the South; the breathless beauty of Niagara Falls; the wild loveliness of Alaska, the glory of sunset against the purple mountains of the West. America is the busy busting of the big cities, and the quietness of a field of wheat swaying in a breeze.

America is people. America is the honest farmer, the ambitious businessman, the millions of people who honestly believe in liberty and justice for all, and who believe in the country that offers that liberty and justice. In truth, we are America, the defenders of America, the protectors of the spirit of America, the keepers of the American way of life.

All this is our America—to protect and to preserve—because it is ours.

### "A GOD FOR MODERN MAN," BY ROLAND GAMMON

### HON. THEODORE R. KUPFERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES  
Friday, June 28, 1968

Mr. KUPFERMAN. Mr. Speaker, a remarkable new book has just been published and is available in the Nation's bookstores. Entitled "A God for Modern Man," it is written by my constituent, the widely known New York author and lecturer, Roland Gammon, the preface composed by the famed minister to millions, the Reverend Norman Vincent Peale, and the volume published by the Sayre Ross Co., 52 Park Avenue, New York City.

"A God for Modern Man," I deeply believe, is a notable breakthrough book which contains a tremendous moral message for our whole global generation. Because this inspirational volume celebrates the best of America's Judaic-Christian heritage and because it is written in a popular scientific-religious style of special appeal to our people, I should like permission to quote from Dr. Peale's fine introduction:

"This inspiring study might well be called The Coming Golden Age or The Rising Revolution in Science and Religion. For here is the authoritative book that the new age of science and spirituality has been waiting for. Here is the inspirational book that describes how the discoveries of modern science confirm the revelations of the prophets and the traditional truths of religion. Here is the mind-stretching, heart-warming book that gives a needed philosophy to live by, even as it reestablished the spiritual background of man and nature.

For the first time in "A God for Modern Man", a brilliant, science-oriented religious author has dramatized the developing unity of religion and science in a popular meaningful way for everyone. Roland Gammon, widely-known magazine writer, president of Editorial Communications and former *Life* editor, shows how the current breakthroughs in psychology, physics, biology, medicine and physical research reinstate the metaphysical in nature and reveal a universe of love, power and purposeful mind. Simultaneously, he shows how the great religious events of our time—the Ecumenical Movement, the Vatican Council, the New Reformation in the churches, the resurgence of mankind's great living religions—all confirm and complement Science's new world picture of a unified cosmos and Religion's age-old vision of a society of love, peace and brotherhood.

"A God For Modern Man" therefore, not only refutes and rejects the "Death of God" myth, but also eloquently reaffirms and recovers the "Life of God" in the modern world. In showing that the truths of science, religion and the innerself are one and the same, this vivid volume projects a hopeful new image of modern man as master of his fate, and thus helps all to see the first glimmers of God's Golden Age now beginning to dawn. Written for the new global generation, "A God For Modern Man" is just what the title implies—a guide in finding the living God in one's own experience.

Mr. Speaker, I should like to add my own personal commendation for the vol-

ume, and I am pleased to bring it to the attention of my colleagues.

### SUPREME COURT NOMINATIONS

### HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES  
Friday, June 28, 1968

Mr. GRIFFIN. Mr. President, I ask unanimous consent that a statement, which I issued on June 27, 1968, be inserted in the Extensions of Remarks.

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

STATEMENT BY U.S. SENATOR ROBERT S. GRIFFIN

If an appropriate balance is to be maintained among the branches of our government, there are times in the course of history when the United States Senate must draw a line and stand up.

I am convinced that this is such a time. Positions on the Supreme Court of the United States cannot be regarded as ordinary political plums. Such deviations as may have been condoned in the past cannot serve as a guide for the present or the future.

The importance of the Supreme Court as an institution cannot be over-emphasized. Its decisions reach out and touch the lives of every American every day.

It was the intention of our founding fathers that an appointment to the Supreme Court should represent the pinnacle of achievement and recognition in the field of law.

At the very least, nominations to the Supreme Court should never be based on cronyism. If and when they are, the Senate's responsibility is clear.

I reject the view that the Senate should rubber-stamp its approval of every Presidential appointment simply because a nominee doesn't beat his wife. The responsibility of the Senate must be of a higher order, particularly with respect to the Supreme Court of the United States.

At the present time, the American people are in the process of choosing a new government. By their votes in November the people will designate new leadership and new direction for our nation.

Of course, a "lame duck" President has the Constitutional power to submit nominations for the Supreme Court. But the Senate need not confirm them—and, in this case, should not do so.

The maneuvering to deny the people and the next President their choice in this instance is wrong in principle—and everybody knows it.

The appointments announced yesterday smack of "cronyism" at its worst—and everybody knows it.

It should be recognized that if the Senate does assert itself to reject these nominations, the Court need not be shorthanded when it reconvenes in October after the summer recess.

In the letter tendering his resignation, Chief Justice Warren made it clear that his retirement was effective at the pleasure of the President and that his action was not taken "... because of reasons of health or on account of any personal or associational problem, but solely because of age."

In his reply to the letter of Chief Justice Warren, President Johnson said he would accept his decision to retire "... effective at such time as a successor is qualified."

Under the circumstances, if the Senate refuses to confirm the new appointees, I am confident that the Chief Justice, after serving his country so long and nobly, would be

willing and able to continue in office a few more months until a new President takes over.

CALENDAR OF THE SMITHSONIAN INSTITUTION

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 28, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks, I include the following:

JULY AT THE SMITHSONIAN

1

The Glorious Cause of Liberty: The Townshend Acts (1767-1769) and the American Revolution. This exhibit, prepared for the Smithsonian by Dr. Keith E. Melder, Supervisor and Curator of the Smithsonian's Division of Political History, Department of Civil History, with the assistance of Carroll Greene, brings to life the very forceful resistance to the Government in England by Colonial Americans, particularly those in the cities and Colonial seaports whose trade was affected by The Townshend Acts, (which were, in essence, largely revenue acts.) It explores the techniques utilized to implement the resistance: boycott of imported British goods, the stimulation and encouragement of domestic manufactures, and so on. Hall of Historic Americans, Museum of History and Technology. *Through March 4, 1969.*

Smithsonian Tower Music. Open air concert of brass instruments with tympany. From the North Tower of the Smithsonian Building, Jefferson Drive on the Mall. Sponsored by the Division of Musical Instruments. Free. 7:30 p.m. to 8:30 p.m. *Through August 26.*

"Walking Down to Washington." National Park Service orientation film. Museum of History and Technology Auditorium. Free. 12 noon.

"Space Age Ballooning." Cosponsored by the United States Air Force Office of Aerospace Research (OAR) and the Smithsonian National Air and Space Museum, this exhibit depicts the role of giant U.S. Air Force research balloons in today's Space Age. The colorful display features more than 50 photographs, a short motion picture with spectacular shots of balloon operations, and three payloads that have been flown on Air Force balloons. On displays is NASA's 1600-pound "Voyager" Aeroshell that was lifted to an altitude of 130,000 feet by the world's largest balloon (over 815 feet high) to test parachute systems for landing instrument packages on Mars. Arts and Industries Building, South Hall. *Through June 21, 1969.*

2

"Music at the Smithsonian." Radio program on WAMU-FM (88.5 on FM dial), 8:30 p.m. to 9:30 p.m. Music selected from actual concert performances at the Smithsonian Institution sponsored by the Division of Musical Instruments, as played on instruments in the Smithsonian collection. *Carole Bogard, Soprano, and Members of the Smithsonian Collegium Musicum*, under the direction of John Fesperman, Associate Curator, Smithsonian Division of Musical Instruments. Program features music of Monteverdi and Frescobaldi. *Through August 27.*

"Walking Down to Washington." Free. See July 1.

Smithsonian Puppet Theatre: Small Worlds. Produced by the Smithsonian Division of Performing Arts. Three performances daily, Tuesday through Sunday, 12:30 p.m., 2:30 p.m. and 4:30 p.m. Limited seating. No

advance ticket sales. Tickets may be purchased at Puppet Theatre prior to performance." Admission fee—50¢. For further information, call 381-5407. *Through Labor Day.*

3

Smithsonian Second Annual Festival of American Folklife on the Mall. Sponsored by the Smithsonian Division of Performing Arts. Daily demonstrations of traditional folk crafts begin at 11 a.m. and continue until 5 p.m. Craft demonstrations include a wide variety of basket making, such as split-oak baskets made in Maryland, cane and coil baskets from the Choctaw Indian Craft Association in Mississippi, cedar bark baskets from Washington State, and rye grass and baleen baskets woven by Alaskan Indians.

Carvers in stone and wood will include a dulcimer maker from North Carolina, an old-time chair maker from Arkansas, whittlers and toy makers from North Carolina and Kentucky, and Santos carving demonstrated by Mexican-Americans.

A contingent of Lummi Indians from the State of Washington will demonstrate the century-old craft of spinning and net making, and there will be such unique craft demonstrations as blacksmithing, tin smithing, plus a complete sorghum mill from Kentucky. *A special feature will be a complete wool processing demonstration sponsored by the American Sheep Producers Council, which will include sheep shearing, spinning, carding, and weaving from North Carolina, Missouri, Tennessee, Virginia, Massachusetts and three members of the Navajo Indian Tribe from New Mexico.*

One area of the Festival will be devoted to the ethnic roots of the State of Texas and will feature such traditional Texas crafts as saddle and book making, blacksmithing and carving, plus performances by Negro, Czech, German, Anglo-American and Spanish musical groups. *Traditional food will be prepared and served by members of the San Antonio Conservation Society and the entire Texas contribution and participation is under the sponsorship of the Institute for Texan Cultures.* In addition to the daytime craft demonstrations, there will be three afternoon concert and workshop areas in which a wide variety of folk music styles will be performed and discussed.

A Saturday night concert will present many diverse Texas performers together on one stage for the first time as a demonstration of the variety patchwork of American culture still existent in the Southwest region of the United States. *Through Sunday, July 7.*

"Walking Down to Washington." Free. See July 1.

Smithsonian Puppet Theatre: Small Worlds. See July 2 entry.

4

Smithsonian Puppet Theatre: Small Worlds. See July 2 entry.

Smithsonian Second Annual Festival of American Folklife on the Mall. *Through July 7.*

5

"Walking Down to Washington." Free. See July 1.

Smithsonian Puppet Theatre: Small Worlds. See July 2 entry.

Smithsonian Second Annual Festival of American Folklife on the Mall. *Through July 7.*

6

Smithsonian Puppet Theatre: Small Worlds. See July 2 entry.

Smithsonian Second Annual Festival of American Folklife on the Mall. *Through July 7.*

7

Smithsonian Puppet Theatre: Small Worlds. See July 2 entry.

Smithsonian Second Annual Festival of American Folklife on the Mall. *(This is the last day of this popular event.)*

8

Smithsonian Tower Music. Open air concert of brass instruments with tympany. From the North Tower of the Smithsonian Building, Jefferson Drive on the Mall. Sponsored by the Division of Musical Instruments. Free. 7:30-8:30 p.m. *Through August 26.*

"Walking Down to Washington." Free. See July 1.

9

"Music at the Smithsonian." Radio program on WAMU-FM (88.5 on FM dial), 8:30 p.m. to 9:30 p.m. Music selected from actual concert performances at the Smithsonian Institution sponsored by the Division of Musical Instruments, as played on instruments in the Smithsonian collection. *English Concert of Viols.* Program of 17th Century English music for viols. *Through August 27.*

The Art of Organic Forms: Illustrated lecture and visit to current art exhibit conducted by Dr. Philip Ritterbush, Director, Smithsonian Office of Academic Programs. Sponsored by The Smithsonian Associates. Museum of Natural History Auditorium. 8:30 p.m. (Doors open at 8 p.m.) *Public will be admitted as seats are available at 8:20 p.m.†\**

"Walking Down to Washington." Free. See July 1.

Smithsonian Puppet Theatre: Small Worlds. See July 2 entry.

10

"Walking Down to Washington." Free. See July 1.

Smithsonian Puppet Theatre: Small Worlds. See July 2 entry.

11

"Walking Down to Washington." Free. See July 1.

Smithsonian Puppet Theatre: Small Worlds. See July 2 entry.

Retrospective Memorial Exhibition of Works of Alexander Archipenko (1908-1964): Organized by the University of California at Los Angeles Art Galleries. The objects in this exhibit are drawn entirely from the private collection of Mrs. Archipenko. Included is Archipenko's last sculpture, "King Solomon." National Collection of Fine Arts, 8th and G Streets, N.W. *Through August 18.*

12

"Walking Down to Washington." Free. See July 1.

Smithsonian puppet Theatre: Small Worlds. See July 2 entry.

"Movies on the Mall": Mall entrance of History and Technology, between Washington and Adams Drive. Sponsored by Smithsonian Division of Performing Arts. Free. Seating on the grass. Two-hour program starts at 9 p.m. Tonight "Grapes of Wrath."

13

Smithsonian Puppet Theatre: Small Worlds. See July 2 entry.

14

Smithsonian Puppet Theatre: Small Worlds. See July 2 entry.

15

Smithsonian Tower Music. Open air concert of brass instruments with tympany. From the North Tower of the Smithsonian Building, Jefferson Drive on the Mall. Sponsored by the Division of Musical Instruments. Free. 7:30 p.m.-8:30 p.m. *Through August 26.*

"Walking Down to Washington." Free. See July 1.

16

"Music at the Smithsonian." Radio program on WAMU-FM (88.5 on FM dial), 8:30 p.m. to 9:30 p.m. Music selected from actual concert performances at the Smithsonian Institution sponsored by the Division of Musical Instruments, as played on instruments in

Footnotes at end of article.

the Smithsonian collection. Alan Curtis, harpsichordist. Keyboard music of the Bach Family. *Through August 27.*

Smithsonian Associates Potomac Cruise. Pier 4, Maine Avenue and N Street, S.W. 8 to 11 p.m. *By subscription only.†\**

"Walking Down to Washington." Free. See July 1.

Smithsonian Puppet Theatre: Small Worlds. *See July 2 entry.*

17

"Walking Down to Washington." Free. See July 1.

Smithsonian Puppet Theatre: Small Worlds. *See July 2 entry.*

18

"Walking Down to Washington." Free. See July 1.

Smithsonian Puppet Theatre: Small Worlds. *See July 2 entry.*

19

"Walking Down to Washington." Free. See July 1.

Smithsonian Puppet Theatre: Small Worlds. *See July 2 entry.*

"Movies on the Mall": Dial-A-Museum—737-8811 for program.

20

An Introduction to Modern Dance: Erika Thimey and Dance Theatre Group. Sponsored by The Smithsonian Associates. For Young Associates. Doors open at 1:45 p.m. for performances starting at 2 p.m.†\*

Smithsonian Puppet Theatre: Small Worlds. *See July 2 entry.*

21

Smithsonian Puppet Theatre: Small Worlds. *See July 2 entry.*

22

Smithsonian Tower Music. Open air concert of brass instruments with tympany. From the North Tower of the Smithsonian Building, Jefferson Drive on the Mall. Sponsored by the Division of Musical Instruments. Free. 7:30 p.m.—8:30 p.m. *Through August 26.*

"Walking Down to Washington." Free. See July 1.

23

"Music at the Smithsonian" Radio program on WAMU-FM (88.5 on FM dial) 8:30 p.m.—9:30 p.m. Music selected from actual concert performances at the Smithsonian Institution sponsored by the Division of Musical Instruments, as played on instruments in the Smithsonian collection. *Music for Viola D'Amore, Recorder, and One-keyed Flute.* Program chosen from works of Johann Joachim Quantz, J. S. Bach, Franz Joseph Hayden, and George Philipp Telemann. *Through August 27.*

The Film and the Producer: Featuring Charles Guggenheim. Sponsored by The Smithsonian Associates. Museum of Natural History Auditorium. 8:30 p.m. (Doors open at 8 p.m.) *Public will be admitted at 8:20 p.m. as seats are available.†\**

"Walking Down to Washington." Free. See July 1.

Smithsonian Puppet Theatre: Small Worlds. *See July 2 entry.*

24

"Walking Down to Washington." Free. See July 1.

Smithsonian Puppet Theatre: Small Worlds. *See July 2 entry.*

25

"Walking Down to Washington." Free. See July 1.

Smithsonian Puppet Theatre: Small Worlds. *See July 2 entry.*

26

"Walking Down to Washington." Free. See July 1.

Smithsonian Puppet Theatre: Small Worlds. *See July 2 entry.*

"Movies on the Mall": Dial-A-Museum—737-8811 for program.

27

Adult Sketch-In at the Zoo. Under the direction of Berthold Schmutzchart, Corcoran School of Art. Sponsored by The Smithsonian Associates. *By reservation only.†\**

Smithsonian Puppet Theatre: Small Worlds. *See July 2 entry.*

28

Smithsonian Puppet Theatre: Small Worlds. *See July 2 entry.*

29

Smithsonian Tower Music. Open air concert of brass instruments with tympany. From the North Tower of the Smithsonian building, Jefferson Drive on the Mall. Sponsored by the Division of Musical Instruments. Free. 7:30 p.m. to 8:30 p.m. *Through August 26.*

"Walking Down to Washington." Free. See July 1.

30

"Music at the Smithsonian." Radio program on WAMU-FM (88.5 on FM dial), 8:30 to 9:30 p.m. Music selected from actual concert performances at the Smithsonian Institution sponsored by the Division of Musical Instruments, as played on instruments in the Smithsonian collection. *The Baroque Players of New York.* Program chosen from works of Johann Joseph Fux, J. S. Bach, Tobias Hume, John Dowland, and Alessandro Scarlatti. *Through August 27.*

National Collection of Fine Arts Docent Tours. Sponsored by The Smithsonian Associates. Continuous tours of the National Collection of Fine Arts in its new home, 8th and G Street, N. W., 7 to 9 p.m.†\*

"Walking Down to Washington." Free. See July 1.

Smithsonian Puppet Theatre: Small Worlds. *See July 2 entry.*

31

Smithsonian Puppet Theatre: Small Worlds. *See July 2 entry.*

## FOOTNOTES

\*Dial direct 381-5157 for full information on Smithsonian Associates events. (For general information, dial 381-5911.)

†For members of Smithsonian Associates.

‡For Smithsonian Associates and guests.

## CONTINUING EXHIBITIONS

The art of organic forms. A selection of Twentieth Century Art and of scientific illustrations which suggest that a similar sense of form is shared by both the biologist and the non-representational artist in their perception of their environment. Rotunda Art Exhibition Hall, Museum of Natural History. *Through July 31.*

Photography and the city: The evolution of an art and a science. An exhibition of over 1,000 photographs, some motion pictures, and special photographic equipment, shows the evolution of photography as it has affected city change and our attitudes toward the cities in which we live. Selected and designed for the Smithsonian Institution by Charles Eames, internationally known as an architect, motion picture producer and designer of furniture and exhibits. Arts and Industries Building. *Through December 1.*

The Copp Family textiles: A century of New England domestic manufactures. Sponsored by the Division of Textiles. (Spinning and weaving demonstrations, daily, including Saturdays and Sundays, from 10 a.m. to 1 p.m.) First Floor, Museum of History and Technology. *Through September 15.*

## MUSEUM SHOPS AND BOOK SHOPS

(Open to public during all regular hours)

## MUSEUM SHOPS #

1. Museum of History and Technology—First Floor Rotunda. Now featuring two re-

cently published books by two members of the Smithsonian Department of Science and Technology: *Search for Speed Under Sail*, authored by Howard Chapelle, Senior Historian, and *American Locomotives 1830-1880*, by John H. White, Jr., Curator, Division of Transportation. Exhibit includes models of ships and trains relative to contents of books.

2. Museum of Natural History—Constitution Avenue Entrance.

3. Arts and Industries Building—Mall Entrance. Newly renovated and enlarged to provide spacious and harmonious quarters for current and future sales-exhibitions, art galleries and comprehensive children's section. Art gallery exhibit will feature Archipenko graphics.

## BOOK SHOPS # #

1. Museum of History and Technology—Constitution Avenue Entrance.

2. Museum of Natural History—Mall entrance. This book shop features books on natural history subjects with emphasis on publications by Smithsonian curators, related to current exhibits. It also carries a large selection of children's books on such varied subjects as gems, the American Indian, shells, and prehistoric life.

3. National Collection of Fine Arts—Main Floor, 8th and G Streets entrance. This is a combination book shop and art gallery. The book shop specializes in publications on Art, Architecture, City Planning, and American furniture. Art Gallery current exhibit: Poster Art as an Art Form: Over 40 designs by prominent contemporary artists commissioned by the List Art Poster Program. *Through July 5.*

For a Calendar of Events at the National Gallery of Art, which is separately administered, please write to the Office of Information, National Gallery of Art, 6th Street and Constitution Avenue, N.W., Washington, D.C. 20565, or call 737-4215.

## FREER GALLERY OF ART

(Jefferson Drive at 12th St., S.W. on the Mall)

Opened in 1923, the gift of Detroit Industrialist Charles Lang Freer, the Freer Gallery of Arts is an outstanding center for research in the art of the Far and Near East. It houses a superb collection of sculpture, ceramics, metalwork, and other art objects. Major new accessions are added annually. The Freer also contains the Whistler Peacock Room and his etchings and paintings.

All Smithsonian Museums are open every day but Christmas Day. The Museum of Natural History, Freer Gallery of Art, National Collection of Fine Arts, National Air and Space Museum, and Arts and Industries Building are open the year around from 9 a.m. to 4:30 p.m.

Summer hours at The Museum of History and Technology are 9 a.m. to 9 p.m. through August 31.

Museum visitors are invited to enjoy the food services provided in the basement area of the Museum of History and Technology. Cafeteria is open daily 10:30 a.m. to 8 p.m. Snack counter is open daily 9 a.m. to 8:30 p.m.

Dial-A-Museum—737-8811—For daily announcements of exhibit openings and special events.

Dial-A-Satellite—737-8855—For recorded announcements of times and locations of satellite passages and other astronomical data, prepared daily by Smithsonian Astrophysical Observatory, Cambridge, Mass.

Deadline for August Calendar is June 28. Please submit material to the Smithsonian Office of Public Affairs. (Dial direct 381-5911 or Code 144-5911).

# Dial direct 381-5033 for further information.

# # Dial direct 381-5950 for further information.

SOUTH AFRICA'S POLICY ON SALE  
OF GOLD PRODUCTION

## HON. JOHN G. TOWER

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Friday, June 28, 1968

Mr. TOWER. Mr. President, the Washington Post recently published an article by Mr. Hobart Rowen which I believe gives an excellent up-to-date evaluation of South Africa's policy of not selling its gold production on the so-called free gold market.

I ask unanimous consent that Mr. Rowen's article be printed in the Extensions of Remarks.

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

[From the Washington (D.C.) Post, June 27, 1968]

SOUTH AFRICA'S PRESSURE OF IMF POSES  
DELICATE GOLD QUESTION

(By Hobart Rowen)

The Government of South Africa, world's leading gold producer, is still pressing the International Monetary Fund to buy part of its output for official reserves at \$35 an ounce.

So far, a split IMF has refused to accede to the South African request. The United States has taken a strong position against the South Africans, assuming that if the existing "free" market is deprived of South African gold, prices would soar.

In turn, this would spell the end of the dual price system for gold, making it impossible to hold the official price at \$35 an ounce. A general increase in the price of gold is, of course, a key objective of the South African government.

It was stressed by more than one official yesterday that the South African gold question "is a very delicate" one.

All officials involved have agreed not to talk to reporters until the issue is finally resolved, and it was emphasized by those close to the discussions here that the matter "is still before the Fund for consideration."

One source judged that the question might be settled one way or the other in a few days.

South Africa has not sold any gold since the U.S. and six co-operating nations announced on March 17 in Washington that they would maintain the official price of gold at \$35 an ounce; that they would stop sales to private buyers out of official gold reserves; and that they would no longer add to the existing supply of their gold reserves. "They no longer feel," the communique said, "it necessary to buy gold from the market."

The free market price was allowed to seek its own level—and the hope was that since newly mined South African gold had no other place to go, it would be sold in the unofficial market, and that the price would thus be kept from soaring out of sight.

Some 92 central banks around the world have asked to cooperate with the "Washington" gold pool. Treasury officials reported to a Congressional committee on April 12 that most agreed to do so.

But despite such assurances, many central banks, in the wake of continuing uncertainty about key currencies and an unofficial price over \$40 an ounce, have obviously been itchy to add to their gold reserves. The South Africans, naturally, do what they can to accentuate this mood.

On Tuesday, Mr. T. Reekie, president of the South African Chamber of Mines, said in a speech at Johannesburg that the international monetary system is suffering from

## EXTENSIONS OF REMARKS

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a shortage of "real money." By "real money," Reekie said, "I mean a commodity that is acceptable throughout the world as an unconditional final means of payment. The only proven commodity that fits these requirements is gold."

He called for an immediate increase in the price to \$49 (a 40 per cent jump) and an eventual doubling of the value of gold to \$70.

The South African argument here is that the Fund rules require the organization to buy gold from a member who offers it at \$35 an ounce. Some members, including the United States, contend that the Fund is not obligated to buy, but is permitted to do so.

It is understood that Managing Director Pierre-Paul Schweitzer and some Board members think that the South Africans have the better side of the legal argument, but they appear to be in a minority. "But it's a policy matter, and not a legal issue," says one insider, "and that's the way it eventually will be settled."

One touchy part of the situation is that many members of the Fund object to South Africa's apartheid policy. And while this presumably is not a formal part of the IMF discussions, the South Africans doubtless interpret some of the resistance to their plea as a political sanction.

The South Africans presumably are arguing that if the IMF makes some regular purchases, she then will be willing to sell the remainder of her gold production on the open market.

The South Africans would then get a higher price than \$35 for a good share of her output.

But even more important would be establishment of her right to sell to the IMF at \$35 an ounce. For the South Africans, that would establish a "floor", and tend to assure that the world price would never drop below \$35 an ounce.

Those who are trying to block this deal think it would give the best of both worlds to the South Africans.

It would re-confirm reliance on gold as the backbone of the international monetary system, just at a time when most of the leading nations are trying to move away from a sole dependence on gold.

The South Africans are desperately trying to avert demonetization of gold, which could drop the price below \$35 an ounce. This would be a crushing blow for a country heavily dependent on gold exports for her prosperity.

On the other hand, if the South Africans win their argument at the IMF, or if they persuade key individual countries to buy large amounts of gold, it could mean the end of the two-tier system.

Thus, the stakes are high in the "very delicate" discussions now going on.

SENATOR ROBERT F. KENNEDY—  
IN MEMORIAM

## HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Friday, June 28, 1968

Mr. TALMADGE. Mr. President, I invite the attention of the Senate to a resolution adopted by the Veterans of Foreign Wars Post No. 3027 in Atlanta, Ga., of which I am a member, mourning the tragic and senseless assassination of Senator Kennedy.

The resolution expresses the deep grief felt by citizens throughout our country. I ask unanimous consent that it be printed in the Extensions of Remarks.

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

RESOLUTION OF POST NO. 3027, VFW, ATLANTA, GA., JUNE 13, 1968

Whereas our Nation and the entire world sustained a great loss in the tragic passing of Senator Robert Francis Kennedy, and

Whereas, he was carrying on a family heritage of public service at the time he was so cruelly attacked, and

Whereas he served honorably in war-time in the United States Navy, and

Whereas he was true to God, Country and Flag in his desire and efforts to better serve the people of our Nation,

Now therefore be it resolved that the Marcus W. Beck Jr.,—Post No. 3027, Veterans of Foreign Wars of the United States, located in Atlanta, Georgia, mourn with our fellow-Americans the passing of this great soul, U.S. Navy war veteran, a patriot in every sense of the word, a prominent member of the U.S. Senate, a loyal communicant of his Church, a devoted son, brother, husband and father, and

Be it further resolved that a copy of this Resolution be presented at the State Convention of the Georgia VFW in Atlanta June 21-23, for similar adoption and to Comrade Herman Talmadge, U.S. Senate, requesting it be inserted in the Congressional Record.

HAROLD B. MCELROY,  
Commander.

A. C. DOOLEY,  
Adjutant.

CHARLES A. MORAN,  
Cofounder and Past Commander.

AS SEEN THROUGH THE EYES OF  
MOSCOW

## HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 28, 1968

Mr. ASHBROOK. Mr. Speaker, in the press every day we see statements by diplomats and articles by journalists commenting on relations between the Soviet Union and other countries of the world. Despite the increase of Soviet armaments to North Vietnam to be used against American servicemen, somehow the U.S.S.R. is mellowing—at least in the eyes of some of our homegrown "Kremlinologists." The difficulty besetting these analysts who try to tell us that the Soviets actually desire a true peace with freedom and justice stems from the fact that these sources tend to view Soviet strategy and tactics through their own eyes, and not through the eyes of Moscow.

A recent article by a true expert on the machinations of the Soviet Union, Herman Feoflowitsch Achminow, should be thoroughly digested by those who either write about, or negotiate with the Soviet Union. Mr. Achminow, who was born in 1921 in Archangelsk and reared in Leningrad, went to Germany during the war as a member of the Red army. In 1959 he completed his studies at Oxford and since the end of the war has been writing on political affairs in the German language. In 1950, he published his first book, "Die Macht im Hintergrund"—"The Power Behind the Scenes"—in which he predicted post-Stalin developments with astonishing accuracy. His most important work, "Die Totengraber

des Kommunismus"—"The Gravediggers of Communism"—appeared in 1964. It is largely an analysis of the historical viewpoint and trends of modern communism. In addition, he has written numerous articles, radio scripts, and brochures. Since 1957, Mr. Achminow has been working at the Institute for the Study of the U.S.S.R., a highly respected center of learning in Munich, Germany.

The article, entitled "As Seen Through the Eyes of Moscow," recently appeared in a German publication, *Defense and the Economy*, and the translation was rendered by the Legislative Reference Service of the Library of Congress with certain minor changes made here in the office.

The seven points made by the author are worthy of serious considerations in this day of conferences and agreements with the Soviet Union.

By unanimous consent heretofore granted, I include the above-mentioned article in the RECORD at this point:

One of the cock-and-bull stories of our day is the myth of the Eastern Sphinx. It is not particularly difficult to analyze the actions, motives, and strategic and tactical plans of the Soviet leaders. The number of factors which determine their decisions is small as compared, for instance, to the many factors which must be considered by a President of the United States; moreover, they have a more or less constant effect. If we know them, then an analysis of Soviet policy is purely a matter of routine.

However, it is much more difficult to explain the results of such an analysis to a reader who is not a Marxist. Many conceptions that are taken for granted in Communist countries are either not grasped here, or they are rejected as "something impossible"—due either to historico-philosophical prejudices, or, especially in Germany, to an anti-Communist or anti-Russian complex which has its roots in the "insuperable past". But prejudices and guilt feelings make for poor judgment.

We list below seven prerequisites which must be kept in mind at all times when it comes to judging Soviet policy:

(1) *All Communists—including the Soviet leaders—are genuine Communists.*

That sounds like a truism. Unfortunately, it is not. Even in the ranks of the most sophisticated observers we hear it said that the Communists are Communists in name only; that in reality they are after something entirely different. Yes indeed, vague ideas prevail even on the very concept of Communism; though actually there is no room for argument. Marx and Engels stated unequivocally: "The Communists can sum up their theory in one expression: 'abolition of private property'". (*The Communist Manifesto*, 1848), and this one-point program has been strictly adhered to by the Communists wherever they have risen to power.

With it, however, they ran into considerable resistance by the large majority of the population, and that is why the program is implemented in stages: First they nationalize the key industries and the banks; then the smaller industries, the arts and crafts, and businesses, as well as the retail trade. As for the peasants, they are (if they are well-to-do) either expelled or forced to collectivize, and single-family homes whose construction is, on the one hand, still permitted in order to relieve the housing shortage and, on the other hand, prohibited in order to fight capitalistic trends, are confiscated individually and sporadically.

In spite of this historic experience, enough people in the West claim, by pointing to the shortcomings of the Socialist planned economy, "these abuses must and will force the

Communist leaders to give up their doctrine". Further arguments revolve around the occasional "retreats", or the occasional toleration, or even the encouragement, of "capitalistic trends".

None of these arguments hold water. Let us not forget: We are concerned with looking at the world through the eyes of the Soviet leaders. People like Josef Stalin, Nikita Khrushchev, Leonid Brezhnev, or Alexey Kosygin take the view that the abolition of private property has led not only to innumerable abuses, but that it has also made Russia become a powerful industrial nation—and the Red Flag atop the Brandenburg Gate vindicates all the shortcomings at home. The same goes for thousands of little Stalins, Brezhnevs, and Kosygin.

As regards the occasional toleration, or even encouragement, of private enterprise, especially in agriculture, the knowledge of history alone was to prove to everyone that these concessions to the population, forced by circumstances, were not equivalent to abandonment of a doctrine. So far we have seen three relatively large-scale retreats: in 1921, when the civil war had come to an end and the country was totally exhausted; in 1941, following Hitler's surprise attack; and in 1953, when the whole system was rocked by Stalin's death. Each time, as soon as the crisis was over, the expropriation policy was immediately restored.

We place particular emphasis on this fundamental, theoretical question because here, in the knowledge of the Communist one-point program, lies the key to the understanding of all strategic decisions of the Soviet leaders. The next step is:

(2) *The Soviet leaders actually strive for Communist world revolution.*

Frequent references are found in the Western press to a "nationalistic trend in Soviet Communism", to its "turning away from the slogans of world revolution". The fact that such views are publicly expressed at all is evidence of low-level political thinking. It is nonsense, in the case of the Soviet Union, to set "national ideals" and "ideas of world revolution" against each other. It is just as futile as the discussion of whether during the Korean War the USA was pursuing national or international democratic objectives.

The Red Flag atop the Brandenburg Gate may be considered just as much a symbol of national victory as a stage in the Communist world revolution. The crucial point is not the national or international aspect, but Communism—the program of abolition of private property. And if we want to understand the relation between Kremlin policy and Communist world revolution, we must ask: Why should not the Soviets work toward Communist world revolution?

We live in a world revolution. We are witnesses to a radical, worldwide upheaval. It has many aspects: the collapse of the colonial powers and the rise of the Third World; the industrial revolution and the rise of the working class in the developing countries; the "second industrial revolution" and the nation-state crisis in Europe; etc.

All these processes take place independent of the will of Moscow. They always include significant changes in the property relations, such as, for instance, radical land reforms, and may lead to Communist dictatorships. Why in the world should not the Communist leaders take advantage of anything that may work toward the victory of Communism, toward the abolition of private property? Even if we ignore Marxism-Leninism and think of the Kremlin masters as good, old Russian imperialists, it is within their interest to shake other political systems to their foundations, and the best way to do this is by making radical changes in the property relations and by wiping out the existing leadership group. What is more, the abuses which accompany the abolition of private property and the planned economy produce continuous criticism and discontent at home. This can be

fought with various weapons: with education, with censorship, and with terror. The most effective weapon for silencing all critics and doubters is, and remains to be, success in foreign policy. The more Communist states that are created, the more the Soviet citizen becomes convinced of the superiority of the Communist system.

The policy of abolition of private property nationally, and the expansion of Communism internationally, is a difficult task; in order to carry it out, a certain way of thinking is required which is usually called the Marxist-Leninist doctrine. It is a conglomeration of various true and false concepts. For our purposes, this is important:

(3) *The Soviet leaders are convinced that their policy is based on scientific principles and that it is, therefore, correct and successful.*

This goes back to the founders of modern Communism, Marx and Engels. They called their doctrine "scientific Socialism" from which, in the course of time, several disciplines developed such as dialectical and historical materialism, and scientific Communism, (the practical doctrine of building communism) and others. According to the latest state of science, the Marxist doctrine, taken as a whole, does not stand up to serious criticism. But it does contain a rational element which enables the Communists to see their way in political relations often much better than their opponents. This "rational element" is known by the misleading name of "historical materialism"; actually, the doctrine of the primary role of the productive forces in the historical and social process.

In reality, all political scientists accept this theory. Nobody will argue against the thesis that the construction of a factory in a village will produce certain predictable changes in the political attitude of its inhabitants, i.e., new conflicts and new problems. But while, in such a case, the West would investigate mainly the economic consequences, the East concentrates on the political consequences, because:

(4) *The Soviet leaders base their decisions on the firm belief that the historic process is predictable and basically controllable.*

This is a very important point by which, due to the philosophical interpretation of historical concepts prevailing in the West, many Western politicians are prevented from understanding the motives and aims of the Soviet leaders.

In the West, especially in Germany, the concept prevails that each historical event is unique and that the individual persons play a decisive part in history. The Communist-controlled, on the other hand, feel that a statesman is merely the spokesman for certain social groups, and that individual historical events are concrete manifestations of the objective and basically predictable laws of social development.

The Soviet leaders have all the more reason to believe that political processes are predictable and controllable, since their experience proves them right.

Let us cite only one example: the course of World War II. Stalin had expected this war and he had wanted to win it. On January 9, 1925, he said that, in his opinion, the "conditions for another war would mature", and he announced, in the name of his Party: "Should war break out, we will not be able to stand by idly—we will have to take a stand, but we will be the last to take a stand. And we will take a stand in order to throw the decisive weight which should tip the scale". When war broke out and the British Intelligence Service warned the Kremlin that a German invasion was imminent, the great Stalin made one mistake: he considered the warning as a provocation on the part of the British who wanted to have a second front for Germany, and he could not believe that Hitler would actually attack the Soviet Union.

From the standpoint of the present Soviet

leaders, all of whom are Stalin disciples, he was right: he was the last to enter the war, and his weight tipped the scale. That he misjudged Hitler's psychology and, thereby, the cost of the victory, is immaterial for them.

However, the belief in being able to control the historical process remains theory pure and simple so long as the organizational conditions for taking action do not exist. Therefore, the next point is:

(5) *The Communist world movement is the instrument with which the Soviet leadership can help shape social processes all over the world.*

Insofar as the Soviet leadership is concerned, the Communist world movement has two aspects. On the one hand, it can actually influence the social processes in other countries, were it only by organizing Vietnam demonstrations. On the other hand—which is more important for us here—it must think in terms of long-term and large-scale social processes. If, for example, the Soviets decide to support the Communist Party in a newly arisen state, they must predict processes which develop far below the government level and which may not come to fruition for decades.

For non-Communist governments, on the other hand, only the government actually in office, or its most likely successor, is a reality in diplomatic relations.

All this, complemented by practical experience acquired in a multi-nation state and within the system of the Socialist states, will create a mental attitude which is called most appropriately, statesmanlike thinking and which is found among the big and the small Soviet leaders. Among the minor leaders because, in the Soviet Union, even the minor party functionaries are systematically indoctrinated with the idea that they are "statesmen at the district level"; i.e., that they must judge processes within their district, not from a purely local standpoint, but from that of the movement as a whole. Each district party secretary actually refers in his propaganda activity on subjects of "here and now", to Communist successes in the Congo or in Cuba; therefore, these developments are for him just as much of a reality as the successful performance of a "Mercedes", winning an automobile race in South America is a sales argument for a Mercedes dealer in Munich.

This statesmanlike thinking acquired by years of experience, leads the Soviet leaders to look at their limitations and possibilities, their failures and successes, differently from the way a Western observer influenced by nation-state thinking would view them. This refers, above all, to the so-called pluralism of the Communist world movement and to the use of force in the struggle for the Communist world revolution:

(6) *The internationalism of the Communist world movement is not based on the organic control of all Communist Parties, but on their community of interests, expressed in the common ideology.*

Before World War II, all non-Russian Communists were considered as "Moscow puppets". It was a skillful propaganda thesis, and it was so convincing that later, when the Communist movements outside of Russia became stronger and, necessarily, "more independent", people immediately began to talk about a "disintegration of the movement". It has become fashionable to expect national Communism to be the panacea.

In reality, people only rarely become Communists because they are pro-Russian. As a rule, they become Communists because they reject the reality of their countries, and they become "pro-Russian", because they seek in Moscow support for conquering power or keeping it. Hence, it is not true that the "poor Soviet leaders" do not know how to keep their flock together: Rather, the non-Russian Communists vie for Moscow's support, and the Kremlin masters set the priorities.

It is obvious why Western observers attach such great importance to national Communism: They think almost exclusively in national categories, which are, for them, the only realities: national prestige, national honor, hegemony—or national defeat and subjection.

For the Soviet leaders, on the other hand, National Communism is not a new phenomenon, but rather one inherent in the movement: As early as 1850, attempts were made to carry out the Communist program with a nationalist label, at the time of the split of the "Communist League" created by Marx; after that, there were other attempts, and it was proved over and over again that "nationalist Communism" comes to nothing: either the nationalist-Communists fail completely, or they become "internationalistic" because every country has only a small minority of people, enthusiastic about the abolition of private property but able to survive, and prevail, only as part of the international movement.

Tito is a good example of it: He has not yet entirely abolished private property in his country; before final arrangements have been made concerning his succession, this would be too dangerous. But he has transformed his State from a "people's republic" into a "Socialist Republic", thereby committing his successors to Socialism. And he has found his way back into the "Socialist Camp", though not formally. His foreign policy differs in no way from that of other Communist countries; but because he does not yet belong to it formally, his influence in the Third World remains assured.

Tito's return to the fold has not been played up as much as was his defection 20 years ago, because we now have a new great "schism"; the Soviet-Chinese conflict. Here too, current western interpretations and the views of Moscow differ radically. No Soviet leader would be afraid of the "flooding of Siberia with the Chinese population surplus". But the real danger to him is that upon Mao's death Communism may collapse in China.

The Soviets accuse Mao of bungling the Communist dictatorship. And they have genuine cause for concern, because the collapse of Communism in China would be a bitter blow, politically and ideologically, for Communism as a whole. Many Soviet measures all over the world can be properly understood only if they are viewed as preparations for saving the Communist dictatorship in China.

And, finally, the last prerequisite:

(7) *The struggle for Communist world revolution; i.e., the effort to establish more and more Communist dictatorships is not identical with military expansion.*

War and the use of force are only the last step in a series of actions, and force will be used only if the political conditions seem to be ripe for a Communist takeover. The policy of "peaceful coexistence", for example, is therefore absolutely not identical with the abandonment of world revolution—on the contrary, it is to create the most favorable conditions possible for further expansion.

Experience has proved the Soviet leaders right: Up to now they have expanded the Communist sphere of influence at all times with the express approval of the non-Communist powers. In 1917, the Communists came to power in Russia with the approval and support of the government of Emperor William II while they, the Communists, forced neutrality of the Entente; in 1939, they annexed the Baltic States, East Poland, and Bessarabia, with the approval of Hitler-Germany. The seven East European "People's Democracies" were created in the wake of the alliance with England and the USA; and Red China, as a direct result of the Soviet-American Alliance against Japan. In Cuba, the Communist dictatorship could come into being only on account of John F. Kennedy's "Great Family" policy, which im-

plied that one could tolerate a Khrushchev satrap in the front-yard of the USA.

In view of these experiences it is only logical that the Soviet leaders should pave the way to expansion by political means and that they should consider force only as a last, and not always necessary, resort.

Any analysis of Soviet foreign policy thus boils down to the question of how the Soviets could exploit, as of now, the world revolution—which is proceeding independent of their will—in the interest of Communism. This may be achieved by application of a number of methods.

The Soviet Union can spontaneously make contacts—either informal ones, or those resembling an alliance—with non-Communist governments, with the secondary aim of making communism acceptable. This is being done right now in the case of Jordan.

After a certain length of time, these contacts might serve as a starting point in the struggle for having the Communist Parties declared legal—this is one of the aspects of the present Kremlin policy toward the Federal Republic and several Arab States. They might also be used for slowly building up a legal Communist Party (in the USA), or creating a "united front" of all opposition forces—in France and Italy. And finally, more extensive maneuvers—partly diplomatic and partly social—might be carried out with the aim of isolating a given State, a group of States, or a social stratum, and bringing the respective sphere of influence under Communist control.

Let me cite some examples: First, the present Kremlin policy toward the USA—all measures, from slogans of "peaceful coexistence" to frequently rather turbulent Vietnam-demonstrations, are designed to isolate the USA and thereby automatically to expand the influence of the Soviet Union.

One example of diplomatic isolation of a group of states is the preparation for occupation of the Baltic States in 1940. Due to Ribbentrop-Molotov Pact, the outbreak of World War II, and the collapse of Poland, Estonia, Latvia, and Lithuania were cut off from the democratic nations, and their occupation followed, with Hitler's approval, without firing a single shot.

The diplomatic and social isolation of a group of states was demonstrated at the end of World War II: The result of Hitler's policy was that not only Germany, but also its allies, were regarded as fair game—with the transformation of its satellites into Communist "people's democracies" as a logical consequence. Moreover, the attempted social isolation of certain—i.e., the ruling—groups is sum and substance of the anti-American activities of Leftist groups throughout the world: The governments are to be stigmatized as stooges of a foreign power.

To repeat once more, and to stress: all these maneuvers are primarily an exploitation of existing processes—not an initiative of the Soviet leaders. The Soviet policy is aimed at discrediting the existing non-Communist governments and at pushing them politically into a situation where there will be at the government level and, especially, below it, a definite move toward the Left, until the country is ripe for a Communist takeover.

For active intervention in the course of events, the Soviet leaders also have a number of methods at hand, ranging from organization of more or less unruly demonstrations for any reason whatever to commitment of Soviet forces. The decision depends, however, primarily on the headway made in political preparation for intervention.

These general conclusions must also form the basis for an analysis of current events which, as seen through the eyes of Moscow, are merely a stage in the international struggle between Communism and Democracy or—in the Communist terminology—Capitalism.

At present there is practically no opportunity for establishing a Communist dic-

tatorship anywhere in the world. Theoretically, South Vietnam, West Berlin, and Finland might fill the bill, but it is not very likely that the Americans could be forced to a genuine capitulation; for a coup d'état to erupt in Berlin, the preparations are insufficient; and an annexation of Finland would interfere with too many other plans.

Therefore, the question is to plan for future victories, and that is what we are able to observe everywhere in the centers of conflict.

The Communists will probably fail in their efforts to push the Americans out of South Vietnam. However, they may create a political situation inside the USA which would make it virtually impossible for President Johnson or his successor to enter similar future commitments outside the American continent, with special emphasis on Asia. And that may be the salvation of Communism in Asia, should civil war break out in China after Mao's death.

There is practically no possibility now for the Arab countries to be placed under Communist control, or for the Communist Parties to become legalized. But, the longer the state of war with Israel lasts, the poorer these countries will become, and the more the Communists will be able to hope to make an open move . . . not right now, but several years from now.

The present trend clearly shows the global nature of the Communist policy. It is certainly no accident that so many things have happened in the span of a few weeks: In Korea, incidents on the line of demarcation; in South Vietnam, a major Communist offensive; shooting on the Israeli-Jordanian border; Vietnam demonstrations in many Western cities, especially in Berlin—coupled with Soviet initiatives in the Berlin question which amount to a separation from the Federal Republic, i.e., an annexation, of West Berlin.

Though the incidents in Korea may have been triggered by other influences than the organization of Vietnam demonstration in Berlin—with the instruments available to them, the Soviet leaders can set the time and apply the brakes in these two cases—and in any other—because the processes which they exploit, exist: anti-American sentiments in the Western nations and the desire of North Korea to dominate the whole country.

We hope that we have been able to make one thing clear: the Soviet policy can be understood only if it is viewed within the scope of overall international developments, i.e., as an attempt of the Soviet Government to shape history—scientifically. Whether or not these attempts will be successful remains to be seen, but they are the expression of a way of thinking without the knowledge of which the actions of the Soviet leaders cannot be understood.

HERMAN F. ACHMINOW.

#### SELF-HELP RIGHT PRINCIPLE

### HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Friday, June 28, 1968

Mr. FANNIN, Mr. President, I invite the attention of the Senate to the following letter, which I ask unanimous consent to have printed in the RECORD, because I think it provides a promising alternative and contrast to the widely publicized letter from a District of Columbia jail by Rev. Ralph Abernathy.

This is a letter from Dr. Thomas W. Matthew, a Negro neurosurgeon who gave up a \$100,000-a-year practice to

help Negro people help themselves. Dr. Matthew writes in an open letter to the Reverend Mr. Abernathy that the National Economic Growth and Reconstruction Organization of which he is president, is willing to intercede with the courts to secure the release of the SCLC people in jail who wish to participate in "this productive movement of self-help." Dr. Matthew is suggesting that these people can take the first step toward ending poverty by getting a job, and he offers to help them in that quest.

Mr. President, I am not familiar enough with the work of Dr. Matthew to say that I can support or agree with every action he takes, but I can certainly say that he is enunciating the right principle—the principle upon which America was founded and by which she has become the greatest Nation on earth with the highest standard of living yet known.

More importantly, Mr. President, I think Dr. Matthew, and others like him, are to be commended for their work in providing an alternative to "showdowns and confrontations" that are being advocated by leaders of the so-called Poor People's Campaign.

Mr. President, I ask unanimous consent to have the open letter from Dr. Matthew to which I have referred along with an article from yesterday's Washington Post that gives some indication of the work Dr. Matthew is doing.

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

OPEN LETTER TO REV. RALPH D. ABERNATHY  
IN JAIL  
JUNE 25, 1968.

REV. RALPH D. ABERNATHY,  
Federal Detention Center,  
Occoquan, Va.

DEAR REV. ABERNATHY: With a great feeling of empathy I understand your current plight. We both have the same ultimate objective of freedom and equal opportunity for all people. We do, however, have a fundamental difference in principles of strategy to accomplish that objective.

Firstly NEGRO holds that since the black man in our nation is the most deprived and underprivileged because of his color there can be no freedom for anyone unless it is won through the struggle for full emancipation of the 20 million descendants of black slaves in America. As a by-product of the black man's emancipation all other oppressed and underprivileged peoples will gain their opportunity to share in this freedom. Prior to the Poor People's Campaign I was not successful in convincing you, but your campaign has proved, that it is mainly black people who suffer during any of your resistance campaigns regardless of how peaceful—and as they become less peaceful the more exclusively does the suffering become the black man's. We of NEGRO do hope you will now join our position because we hold it as being fundamental insurance that when the coalition ceases struggling as in the past black men will not be the only people who will still be seeking freedom.

The second principle of strategy about which we have fundamental differences involves the concept of self-help and more self-determination for the black man as well as all underprivileged people. While you were forcefully stressing demands for aid to all people based upon charity and welfare methods there was by comparison no emphasis on the concept of self-help. The nearest that the Poor People's Campaign demands came to this point was in asking for

jobs. If a man has an adequately paying job he fulfills some aspects of self-help, but that does not necessarily mean he has security. The history of mankind forcefully teaches that the job given today can be so easily taken away tomorrow. There is no true freedom for any people until they have meaningful influence over the economics upon which their survival depends. Economic self-determination is ultimately the only insurance that the black man as a group and all other underprivileged shall become free.

There are threatening clouds gathering over our people. Race relations are worsening between black and white because the doctrine of self-help has been so blatantly overlooked as your Poor People's Campaign has backed into a needless and non-productive confrontation. Your present (post-Resurrection City) position offers our people welfare dependency or prison. But, I am even more greatly troubled because, notwithstanding your surface pledge to non-violence, you know how much our people hurt and will fight for their freedom. Consciously or unconsciously your doctrine of non-violence depends on the background threat of violence. It is the black man you have ultimately to depend upon to put up the violent resistance or worse in passive resistance to be the recipient of violence from the forces with which you are in confrontation. The shame and wrong of this strategy is not that it causes a confrontation that may cause many of our black brothers to lose their freedom in jail or worse, to lose their lives but rather in what is offered to our people in exchange for imprisonment or death.

To ask all this for welfare dependency is too great a price. If we must make this kind of sacrifice, let us do it for freedom. Our people need more self-determination and this can only come from a strategy founded on the concepts of self-help. To this end, my black brother, I call upon you to call a moratorium on your present course of action. I implore you not to lead into tragedy those of our people who are so desperate for freedom that they will submit even to death not fully understanding why you are asking it of them.

As a first step NEGRO is willing to intercede with the courts to secure the release of all your people currently in jail who wish to participate in this productive movement of self-help.

You still have non-violent and peaceful options in the strategy of self-help. I invite you to join with NEGRO and millions of your black brothers who are working for economic self-determination. There are millions of white brother citizens who also support the black man in this objective. If you truly believe in non-violence and are profoundly protective of the freedom and life of our people, I am sure that you will want to explore this route with us. Imprisonment, death and destruction can wait. Our people have sought freedom and self-determination for 350 years. Let us not overlook the golden opportunities of the times.

This is the option left to our people in the black ghetto this summer. Let us explore the mechanics of self-help before assuming that our nation has come to a final confrontation. Through this positive approach we of NEGRO expect that all other minority groups will also benefit in their quest to combat poverty.

I sincerely await your response and pray that it will be positive.

I remain yours in brotherhood.

THOMAS W. MATTHEW, M.D.,  
President.

CITY MAY FIGHT OCCUPANCY OF SHAW BUILDING: SMILING DR. MATTHEW PLANS MARKET

(By Robert F. Levey)

Dr. Thomas E. Matthew and his Negro self-help organization began to rehabilitate a

riot-wrecked Shaw market and hire some local staff yesterday.

But their occupancy of the O Street Market, Seventh and O Streets nw., may hasten a showdown between Dr. Matthew's group—the National Economic and Growth Reconstruction Organization (NEGRO)—and city officials.

The issue is whether NEGRO can legally occupy the building. Dr. Matthew says the group can because it paid \$1400 rent and a year's taxes to the owners, the Northern Market Co., Inc.

A company spokesman says he returned the money and cannot approve occupancy without a vote of the stockholders. The city's Department of Licenses and Inspections says NEGRO has no permit. The captain of the Second Police Precinct, William Trussell, says he is ready to make arrests as soon as his complainant-on-file, the company, complains.

But Dr. Matthew, a New York neurosurgeon, forged ahead smilingly yesterday. Wearing a white lab coat with "NEGRO" stenciled on the back, he greeted residents of the area, thumped their knees with a rubber hammer, and trumpeted the program to the press.

His consulting room was a sacked butcher's counter, ruined during the April riots like everything else in the barn-like building. Curtains were made of paper towels. Instruments were laid out on sheets of waxed paper. There was no electricity. But the patients did not complain.

They were being given physical exams for employment with NEGRO at what Dr. Matthews said would become a fully-functioning market inside three months.

Jobs were open as countermen, porters, baggers or bulders. Other positions will be available for boys aged 14-18. Dr. Matthew said, as pushcart peddlers in ghetto streets.

Dr. Matthew, no friend of the Poor People's Campaign approach to Negro economic equality, accused it yesterday of "blatantly avoiding the area of self-help in favor of dependency."

"Our people are looking for freedom, not imprisonment," he said, and he volunteered to bail out of jail any Poor People's demonstrators who wished to join him.

ROBERT F. KENNEDY MEMORIAL SERVICE, INDIANAPOLIS, IND., JUNE 9, 1968

### HON. JOHN BRADEMAs

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 28, 1968

Mr. BRADEMAs. Mr. Speaker, all across our country, and indeed throughout the world, memorial services were conducted following the assassination of Senator Robert F. Kennedy this month.

Among these services was one conducted in the capital city of my State, Indianapolis, Ind. Both our distinguished colleagues, Congressman ANDREW JACOBS, Jr., and Mayor Richard G. Lugar, of Indianapolis, addressed this service.

Mr. Speaker, by unanimous consent heretofore granted, I insert at this point in the RECORD the prayers and remarks delivered on this occasion:

ROBERT F. KENNEDY MEMORIAL SERVICE, INDIANAPOLIS, IND., JUNE 9, 1968

INVOCATION BY RABBI MURRAY SALTZMAN, INDIANAPOLIS HEBREW CONGREGATION

O Thou who dost comfort the afflicted and sustain the bereaved, we pray that Thy hand

may uphold the sorrowing wife, children, and family of Robert F. Kennedy.

No more than the service of his country was the aspiration of Robert F. Kennedy. No less than the freeing of men from immemorial bonds of poverty, despair, bigotry and futility was the goal of Robert F. Kennedy. We mourn the stillness of his voice, the loss of his vigor, the absence of his determined presence. O America, you lie wounded and we shudder with grief for a precious son has been slain.

Yet let us not forget that this nation and its ideals were the germinating influences molding Robert Kennedy's refined commitments. He fed from the storehouse of America's spiritual granaries. He was given sight by America's bold vision. His discernment was born of her perception. His faith was inspired by her catechism of liberty and justice for all.

O God, in our grief we turn, as he turned, to America. In her was his trust. In her shall rest our confidence. Even as she spoke to him, she speaks now to us. We hear her speak in phrases hallowed by the martyrs who have lived and died so that she might greatly serve mankind.

Bowed by our sorrow, in Thy presence, Lord of all, we courageously move toward a new day when compassion and love shall unite us all. This nation conceived in the affirmation of human dignity and the uncompromised value of human life, gathers strength from that for which Robert F. Kennedy labored to realize. If there is any way that any of us can bring a degree of comfort to his bereaved family, surely it is through our consecrated dedication and renewed determination to move forward toward that end for which Robert Kennedy lived: The enthralling vision of a nation of free men divinely moved to establish justice, peace, and brotherhood in their midst.

SCRIPTURE BY THE VERY REVEREND FRANCIS R. TUOHY, INDIANAPOLIS CATHOLIC ARCHDIOCESE

Father Tuohy's message included 3 readings:

1. Psalms 140, verses 1-4; 6-8 and 12-13.
2. Book of Wisdom (in Catholic Bible only), Chapter 4, verses 7-16.
3. Gospel of St. John, Chapter 12, verses 24-26.

REMARKS OF THE HONORABLE ANDREW JACOBS JR. REPRESENTATIVE, 11TH DISTRICT

We gather together today to mourn the kind of event which three times in the lifetime of almost all of us has pierced our hearts with unspeakable grief. From the beginning leaders who have lived, loved and taught the ways of peace have seldom been allowed to live or even die that way.

It was true of Lincoln. It was true of Kennedy, of Evers, of King and now of Kennedy again.

How can one escape the conclusion that the most dangerous thing on this earth to do is preach love and kindness. And who makes it dangerous? I do. And you do. Why? Two hundred million did not kill or want the killing to happen and, in fact, no American killed. All legal consequence relates to the one who performed the murder, still, "no man is an island." And the one who did fire the shot lived among us for a dozen years. So before we dismiss ourselves too lightly, perhaps we should reflect on just what we as a people have come to accept and even want on the part of those who speak publicly and those who entertain us.

None of the two hundred million is morally responsible for unwitting negligence. But if after learning that our neglect can produce harm we continue that neglect, then according to the dogma of Dante, we are deserving of the hottest rung in hell.

Every time we fail to carry out the broad mandate of creation for self-control; every time we fail to control the natural temptation, born of fear and misunderstanding, to

speak or print harsh words, we burn so much incense to the false god of violence.

"And sure it keeps their honor clean, the learned Court believes.

"They never gave a piece of plate to murderers and thieves.

"They never told the ramping crowd to card a woman's hide.

"They never marked a man for death, what fault of theirs he died.

"They only said he's awful

and talked and went their way.

"By God, the boys who did the work were better men than they."

—KIPLING.

What each person says and does is influenced in some measure by what is said and done around him. If one lives life surrounded by gentleness and love, his ability to control himself from acts of violence is greater. If he is surrounded by an atmosphere of hostility and hate, he is more likely to become a part of it and consider violence the thing to do in order to earn respect from those who have expressed hatred for the victim. Hateful and violent words are akin to hateful and violent deeds. The suspect in the killing of Dr. Martin Luther King is reported once to have said, "I'm going to kill Martin Luther King and get a bounty."

*How do we measure up?*

So the question occurs, how do we as a nation measure up on the scales of civilization in terms of gentle ideas and kind words? And the answer is that we could do better—very much better.

I don't think we are a sick society. Most of us very much do not want harm done to others. But in the busy lives most of us lead we may have become a nation of unintentional neglect, permitting ourselves and our children to be conditioned—even a bit hardened to violence.

A casual accounting of American habits in television and movies reveals a taste for violence which simply cannot and, according to a great share of a Congressman's mail, is not separated from American political attitudes.

While one channel shows "The Dirty Dozen," another runs film of Vietnam; and somehow the fiction and the reality merge and we begin to have difficulty distinguishing one from the other. A newspaper finds it possible to refer to killing enemy soldiers as a "turkey shoot."

We give lip service to the term "gentleman."

But how many remember what the word means? A gentleman is a man who is gentle.

Yet harsh hatred is heaped upon a young Senator because he displays an inclination to take seriously the teaching of Christ: "love thy enemy" as well as friends.

It is possible to oppose without hating. And neither a nation nor a man can hate adversaries without having some of that hate spill over onto friends. Gentleness is not something to be ashamed of. Gentleness is not weakness. There is a difference between strength and brutality; between pride and arrogance.

It is a shameful commentary on the American volume of violence that in this century one-third of our Presidents have been targets for the assassin's bullet. It won't do to say that the general atmosphere of a country has nothing to do with political assassination. The fact is that the United States has had much more than its share of this sort of thing.

So what shall we do, we who are sick in our hearts from the grief that violence brings?

Improvement of our ability to apprehend and punish for violence already done is not enough, if we continue to accept for ourselves and our children the words and ways of violence as an index to patriotism and respectability.

If we as a nation should declare on this day of national mourning that we shall have a crash diet away from our taste for violence; that we shall never again treat a man worse in life than in death, we would be deducing ourselves and merely adding to pretty but meaningless Sunday oratory.

Little children will not lay aside their toy guns and their parents will not lay aside their acceptance of violent entertainment and tough talk overnight.

#### Let us begin

Perhaps we older ones will never fully reform. But we could begin a process. We could begin to teach the little ones what is really represented when they play with toy guns and use harsh words, and watch television do the same.

We can begin to reject hateful and violent words spoken and printed about others, and perhaps even come to the aid of those who are the target of such abuse, even those with whom we disagree.

Perhaps there will be no fewer who use harsh words. But surely there could be more who would begin to listen only to reasoned words.

"Let us begin," President Kennedy said. And if we falter let us begin again the process of teaching the very young the tragic human folly of admiring violence, which is their plaything in an hour and their master forever. Even if gentle ways did not contribute to greater national safety, they would still create a happier way to live for all of us.

"Being lied about—don't deal in lies. And being hated—don't give way to hating."

Such a man was Robert Francis Kennedy. Who here ever heard Senator Kennedy return violent words for violent words hurled against him? Search your hearts and recent memories about the hateful words he endured here in our own community—"unshorn and un-American." But being hated, he did not give way to hating. Nor would he have us, the living, hate those who heaped abuse upon him when he was here.

He had that Christ-like quality of loving and even trying to understand his enemies, domestic as well as foreign. He would gently kid them but never, never hate.

And to the world he was one of the Americans who carried for America the image of youth and vigor and ideals.

In the words of Stevenson:

"He made us proud to be Americans. Now he is gone. Today we mourn him. Tomorrow and tomorrow we shall miss him. And so we shall never know how different the world might have been had fate permitted this blazing talent to live and labor longer at mankind's unfinished agenda of peace and progress for all."

Still, for those of you who loved and followed him there can be no doubt about what his message would be: "Don't give up."

On his death bed the former Secretary of State, Henry L. Stimson, said this as advice to young men:

"But let them not turn aside from what they have to do, nor think that criticism excuses inaction. Let them have hope, and virtue, and let them believe in mankind and its future, for there is good as well as evil, and the man who tries to work for the good, believing in its eventual victory, while he may suffer setback and even disaster, will never know defeat. The only deadly sin I know is cynicism."

And this from Shakespeare Senator Robert Kennedy said of his beloved brother, the President:

"And when he shall die take him and cut him out into little stars and he shall make the face of heaven so fair that all the world will be in love with night, and pay no worship to the garish sun."

We have lost Senator Kennedy, and the grief in our hearts calls forth the tribute

of the sorrowing Horatio in final farewell to his departed friend, Hamlet:

"Good night sweet Prince, and may flights of angels sing thee to thy rest."

REMARKS BY THE HONORABLE RICHARD G. LUGAR, MAYOR

Dear friends, for the past few days, our nation has struggled with questions of sorrow and horrible motivation. For over four years, we have read thousands of words which tried to explain the death of a President. With morbid fascination, many will read and listen to a torrent of expression which tries to explain the death of Senator Robert F. Kennedy. Our minds and our hearts find it difficult to accept the fact that these murders were senseless and absurd. We are inclined to follow two courses of thought, both of which are potentially disastrous.

Some of our citizens are certain that an unseen conspiracy lies behind the deaths of President John F. Kennedy and Senator Robert F. Kennedy and perhaps extends likewise to the murders of Medgar Evers and Dr. Martin Luther King. Some are certain that the conspirators are steeped in communistic philosophy and are trying to bring our democracy to its knees by paralytic assaults on our political, religious, and civil rights leadership.

Others are equally certain that a conspiracy consists of those who oppose civil rights for all Americans and who lie in wait to cut down each leader who would speak out for those oppressed by social injustice. The fact that the alleged killers of Dr. King and Senator Kennedy do not appear to be related even remotely stands as no block to conspiracy logic because many believe that a large and current crop of hatred lies so close beneath the surface of American life that the actual gun man is irrelevant—literally any one of a million men could have performed the act of murder.

Each of us who believes in searching for the truth may wish to maintain a wait and see attitude on the theories of conspiracy. For my own part, I do not believe they are true nor am I interested, especially, in the assassins. From a relatively short period of public service, I am well acquainted by letters, calls, and personal confrontations with a legion of citizens in our own community who are at best unstable in their mental attitudes and at worst verge on madness. If this tribute to Senator Kennedy seems embarrassingly personal to an objective observer, it has been composed in such a way because I am deeply weary of the drone of voices who wish to chastise the United States of America, use our brief to further a political or theological premise, or simply to indulge in an emotional purge for the sake of it without emphasis on the great lessons which seem most important.

In short, Judao-Christian theology is clear and our own experience surely testifies that we are all fallible men. We do not sin once or twice in our life but on every occasion when we are determined to substitute our wills for that of God. We pray, "Let Thy will be done," but too hastily indicate through our feeble follow-through that we meant, "Let my will be done," and let it be supported by whatever scriptural or governmental sanctions that sheer cleverness may bring to the fore. If there has been hatred in America, the phenomenon is not unique to our time. Men far less conspicuous than Senator Kennedy have been killed in our own city in recent months for reasons equally as absurd as whatever might have motivated a murderer in Los Angeles on Wednesday morning. Historically, many in our own community continue to be more interested in the life and death of a public enemy of the people who terrorized this community than in Benjamin Harrison, a man who lived here and who was elected President of the United States.

#### To celebrate his life

My own bias remains in favor of celebrating the life of Robert Kennedy and not his assassin or the climate of our times, whatever it may be. My quest in this statement is simply to ask the question, why did he do what he did? The question is not asked of the assassin but asked in a special way of Robert F. Kennedy.

Robert Kennedy was a fortunate human being. He was raised by strong and loving parents who did all that they could to bring his young life into unity with God, with the patriotic destiny of his country, and with people of all walks of life who live anywhere in the world. He enjoyed the rich fellowship of talented brothers and sisters. He enjoyed the loyalty of many devoted friends of widely diverse backgrounds. From his birth, he had no material wants and no financial pressures. He married a loving and vivacious wife. He was the father of a great and growing family of his own. With all of these blessings, what compelled him to drive himself and others at such an incredible pace around this state and around this country in search of political responsibility?

Some men are drawn to political office by money. For some the salary of an office or funds unethically drawn from positions of power are an irresistible lure. Some men are less compelled to seek office for reasons of personal financial gain than by the possibilities to bend the law for the benefit of friends, associates, or others who are impressed by such abilities literally to "fix" the system.

#### The ambition of power?

Most will be quick to admit that Robert Kennedy, and John Kennedy before him, were not interested in money or in feathering the nests of cronies. Some will contend that it is obvious they were interested in exercising power. Some will contend, further, that they were willing to expend money, their friends, their families, and themselves to obtain power.

Of course, the fact remains that power is sought by many men in our society and running in campaigns for elective office would appear to be one of the most difficult and deliberately self-punishing ways to obtain power. Far more often than we might realize, power to effect social or moral or economical change in our democracy is exercised by political managers who maintain power by reasons of personal wealth, corporate or labor union position, ownership of mass media such as newspapers, television, or radio stations, or men who employ representative political management to produce and maintain a stable of reliable and manageable potential candidates.

One could be a political opponent of the Kennedy brothers and still affirm, as I do, that I am grateful to them for coming to the people, themselves. Both John and Robert Kennedy were perhaps ruthless when pompous stuff-shirts demanded special privilege. They could be and were gentle with children and youth but curt with adults who were loyal only when the sun shined and turned tail so very quickly when clouds appeared.

I am not certain that I know precisely how Robert Kennedy would have brought greater racial unity and harmony and justice to this nation, but I know why he gained the support of so many who have felt the lash of discrimination in this country. The answer is simply that he was so often physically there, himself, in neighborhoods where men and women cry out for understanding. It is not pleasant to be there on the hot pavement, in the sweat and dust, and heartbreak. Most men who have craved political power and who have attained and exercised it have not been there. Sadly enough, many talk as if they will never get there, that it is too dangerous, too uncertain—that personal, open campaigning may need to be curtailed if our leadership is to survive.

The irony of Robert Kennedy's last campaign was the fact that for all of his exertion and for all of his popular victories, for all the identification with youth and the future, with the alienated and dispossessed of our society, for all of his courage and independence in calling the shots himself unbossed and unobstructed by whatever power brokers remain in our society, it is certainly unclear whether he would have attained the prize of nomination by his party. Contrary to popular opinion, the percentage possibilities for success do not lie with those who champion reform.

#### *The turmoil of our times*

But we are in a period of transition in history. In my judgment, it is doubtful whether more countries have been in such internal turmoil at any one time since 1848. The youth of Poland, Czechoslovakia, France, Communist China, Spain are pulling in seemingly opposite political directions and are in process of re-ordering those countries and others. The same is happening in the United States. John and Robert Kennedy brought an unusual degree of dignity and responsibility to that change in the realm of statecraft. Medger Evers and Martin Luther King afforded channels of responsibility in the civil rights movements. I have been influenced by each and the passing of each has been a grievous shock which at the moment seemed unendurable.

Sometimes at moments such as these, we would be less than human if we did not have feelings of fear and inadequacy. Sometimes, we might even entertain a fleeting thought of such disgust that we wonder why we carry on in the face of hostility and malice and evil which seems to abound around us. On occasion, I have been deeply discouraged to read letters from citizens in this community who wrote with such hatred and used such strong words as "treason" that I have wondered why one would want to continue in public service.

I am certain Senator Kennedy knew very well why he continued on and down deep so do each of us. With all of his blessings, he still had a conscience and the terrible human predicament of living in a world of suffering all about him. He was compelled to act, and he sought change through reform and reconciliation in the ways he thought best as long as he had life to do so.

This memorial service for him comes only two months after the burial of Dr. Martin Luther King and it seems like many years since I affirmed the course of action which Indianapolis would take for the next four years. I have no way of knowing how Robert Kennedy would have implemented the goals and sentiments I set forth on January 8, but I am led to believe through conversation with his aides that at some point he read the words I am about to repeat and expressed his admiration and kinship for an unknown young mayor who he was not to meet.

In his memory and to fortify our own resolve, I say again today, "Many thousands still feel privately that decline and decay of our great urban areas is inevitable. Indeed, the odds are long because the problems are so enormous and complex and our skepticism as a community is still a great deal more obvious than our brave public words of confidence. Yet the fact remains that on this one occasion, you have given a young man an opportunity to serve 1461 days in an experiment with the idea that an honest, businesslike, intelligent, and compassionate government will be very different and that we will all love Indianapolis a great deal more after we have survived the experiment.

"The dangers of this administration are obvious to all of us. So much more is expected because so many more hopes have been raised. Moral frailty which might seem a necessary evil of big city government will not be treated so kindly in an

enterprise which has been chosen for its idealism. Lapses of thought will seem less excusable in an administration chosen for intelligence rather than one selected to perform the role of caretaker or mortician.

"But let us remember from the outset that a Mayor is no stronger than the life which each of you in this community has for Indianapolis and for one another. I will think, and plan, and speak, and plead, and pray, but we will be greater in the next four years only if you respond very generously.

"I have enjoyed that rarest of all gifts, the opportunity to speak and to act as a free man, an independent spirit who was beholden to no man and determined to seek the truth.

#### *After each winter a more beautiful spring*

"The truly free man must be a man for all seasons. I have been grateful for each. After each winter has come a more beautiful spring. And soon, other young men who fight in our behalf today in a foreign land will return to enjoy a springtime in their lives. All of our young fighting men share with us now the winter of our discontent. We are disquieted by fears of racial strife, by fears of violence on our city streets, and perhaps by fears that the Bedrock certainties of moral judgment have been sliding into a fog, and that while we comfortably enjoy business as usual, the family next door suffers the anguish each night of knowing that a young man is in danger.

"Some of us are not prepared to pay the price for living in a just society which is equal and open to all men. But I say to each of you, please prepare to pay that price because I intend to ask it of you. If we are to enjoy social peace in this community, it will prevail only so long as our physical force is combined with a passion for justice. I intend to walk the sidewalks of this city, visit the factories, the schools, and the playgrounds, and grasp as many hands this year as I did last. Last year, I needed your votes and a chance to do the things I had suggested.

"This year, I will need your strength, your quiet confidence, and your pledge to help. And the next year, I will be back again because we must run this course together. We live in harmony only when the right words are spoken to the right people at the right time. Life is not merciful to those who suggest great plans and aims but execute them halfheartedly.

"We will act and speak in a timely manner, but I hope too that we will enjoy during all of these coming days an experience which may be a product of the tensions of our trials and errors—let us become a much more friendly city. Let us grow closer together rather than fragmenting ourselves in tiny areas of exclusiveness. Let us meet together as entire communities in our school buildings. Let us support each other's churches and neighborhood associations. Let us help many to become owners of businesses, many more to own homes, and all of our children to have the tools of health and education which will make Indianapolis a brighter city in years to come.

"Time and life are precious. We are responsible for all that we do. We can no longer plead ignorance of the tasks and challenges before us. Let us help each other to do his best."

Let this be remembered as one time and one place in which men and women said with the Scriptures, "Now death where is thy sting?" Victory is His and ours because we gave ourselves at the time we were needed and there is now new life within each one of us and in our city.

#### *Why the frenzied pace?*

But some would inquire still, why is the pace so frenzied? Why must all the ills which plague mankind be attacked today and simultaneously without rest and respite?

There was a time before the deaths of John and Robert Kennedy when I, too, took the viewpoint that change is in the wind but that change can come through the mellowness of time and the patient work of an Albert Schweitzer laboring in Lambarene over the course of many decades.

Now I am inclined to believe that words which should be spoken today should not be left until a seemingly more appropriate time, responsibilities which could be shouldered now should not be left until the times seem more right.

Even if I have confessed that I am not certain about the precise means which Robert Kennedy sought to employ and, in fact, his pragmatic philosophy made numerous adaptations even during his weeks among us this year in Indianapolis, he sensed correctly that the youth of America are in favor of a new sense of justice for those who are handicapped by race, by physical disability, by accident of birth, by any of a number of factors which have made this world more cruel and justice more uncertain.

For those of us who are involved even in a small way as political campaigners for a better life, for the furthering of God's will on this Earth as well as in the life to come, we are angered and enraged over the death of Robert Kennedy in the same way as one of our law enforcement officers would be enraged over the murder of a fellow officer in the streets of our city by a common felon. And yet slowly our anger dissolves into tears as we ponder the calm and courageous eulogy of a surviving brother, Senator Edward Kennedy, a man with every right to be vengeful, but instead a man who asked the right question before he spoke. And that question must always be for many of us, "What would our Lord Jesus Christ say and do if He was among us at this time and this moment?"

And so it must be for us as we are influenced by the words of two great poets, William Shakespeare and Dylan Thomas when we said last night to Robert Kennedy, "Good night sweet prince." "Do not despair for in the sunlight of today death shall have no dominion, death shall have no dominion, death shall have no dominion," because we shall dream with you and your brothers "things that never were and say why not?"

(NOTE.—The benediction was given by The Reverend F. Benjamin Davis.)

### THE PRESIDENT HAS THE RIGHT AND THE RESPONSIBILITY TO FILL VACANCIES ON THE NATION'S HIGHEST COURT DURING HIS ENTIRE TERM—EVENING STAR PRESENTS A WELL-REASONED COMMENT

#### HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, June 28, 1968

Mr. RANDOLPH. Mr. President, I will support the appointments of Justice Abe Fortas to be the Chief Justice and Judge Homer Thornberry to be Associate Justice of the U.S. Supreme Court.

It is my feeling that the President has not only the right but the responsibility to fill vacancies on the Court as long as he serves as our Chief Executive.

I disagree with those persons who indicate that Presidential appointments now are in the nature of a lame-duck action.

The President is expected by the American people to act as their President during his entire term of office. It is

begging the question to intimate that President Johnson should not make these selections now.

I recognize the individual responsibility of each Senator to assess the men on their own merits. This is a matter for individual judgment.

I believe that the Senate will approve these jurists. They have proved themselves men of the temperament and the capability to hold these positions with distinction and honor.

Mr. President, an editorial, "New Court Lineup," in the June 27, 1968, issue of the Washington, D.C., Evening Star, presents a very cogent and well-reasoned observation on the filling of the vacancies on the Court.

I ask unanimous consent, Mr. President, to have it inserted in the RECORD at this point.

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

#### NEW COURT LINEUP

The choice of Judge Homer Thornberry to fill the vacancy on the Supreme Court is the crucial factor in the judicial changes announced yesterday by President Johnson. For while the "liberal" justices in any event will retain a 5-to-4 majority, the involvement of Judge Thornberry's philosophy will have an important bearing on the direction which the court takes in the future.

He is described in some news reports as a "liberal." But this is not a very meaningful term. During his 15 years in the House, he was close to Speaker Sam Rayburn, which hardly suggests that he will go charging off into left field when he takes his place on the high bench.

A son of parents who were deaf mutes, he worked his way through high school, college and law school. He was a member of one of the best law firms in Houston. As a man and as a judge, he is highly respected by the lawyers who practiced before him. He has had five years of judicial experience and has served as a district attorney. The reports that come to us reflect enthusiastic approval of this nomination.

All of this has to be tempered with a certain reservation. A Solomon could not predict where a man will come down when he takes his place on the Supreme Court. But our hope and belief is that Judge Thornberry will travel the middle road, eschewing both the right and the left. If so, the fact that he has long been a close personal friend of Lyndon Johnson is not something to be held against him when the Senate votes on his confirmation.

The elevation of Justice Abe Fortas, also a close friend and adviser of the President, has brought forth complaints of "cronyism." But the fact of a close association with a President is not a disqualifying factor in judicial selections. What counts is the quality of the nominee.

No one can fault Fortas on the grounds of intellectual qualification or legal competence. One question, however, is whether he has the temperament that many look for in a man who, as Chief Justice, is to stand as a symbol of even-handedness. There are some who think of Fortas as an "operator," and, depending upon the meaning one attaches to the term, there may be some basis for this. The fact remains, however, that John Marshall, now regarded as one of the great chief justices, was very much of an "operator" in his bitter political feuds with Thomas Jefferson. So perhaps hasty judgment on this score should be avoided.

We do not put much stock in the contention that a "lame duck" President should refrain from naming a new Chief Justice. And we say this in spite of the fact that

Lyndon Johnson, as majority leader, did not hesitate to bottle up many of Eisenhower court appointments until after the 1960 election was over. If there is a fight over his confirmation, Fortas is most likely to run into trouble because some senators feel very strongly that he misled them; that he testified one way on interrogation of criminal suspects during the hearing on his nomination to the bench, and then made a 180-degree turn after donning the judicial robes. At this juncture, however, it seems unlikely that this will be a formidable barrier to his promotion.

This leaves the problem of how to evaluate the performance of Earl Warren during the 15 years he presided over the court as Chief Justice.

It has been said that he stepped down at this time to avoid the risk that Richard Nixon might be elected in November and then appoint his successor. We prefer not to believe that any such shabby political consideration was the motivating factor. In his letter to the President, Warren gave the weight of 77 years as the sole reason for his decision to retire. If there was any other reason, it probably was that the court under his direction had been steered into a stormy controversy that could hardly fall to prejudice its work in the future. One item of evidence in support of this was the overwhelming vote by which Congress passed the omnibus crime bill, and the President's unwillingness to veto it. This measure was not as some have charged, an assault on the court. But it certainly reflected a serious and deep-seated discontent with some of the decisions by the "Warren Court."

It most surely does not follow, however, that the final judgment of the 15 Warren years will be an unfavorable one. It is too early at this stage to say. Our view is that some of the rulings should be modified, and we hope they will be. But the great advances made by the court, notably in such areas as racial equality and political reform, are most unlikely to be condemned when time's verdict is rendered.

#### THE 10TH ANNIVERSARY OF AMERICANS FOR CONSTITUTIONAL ACTION

#### HON. CLIFFORD P. HANSEN

OF WYOMING

IN THE SENATE OF THE UNITED STATES

Friday, June 28, 1968

Mr. HANSEN. Mr. President, our country is facing a major challenge to our governmental system—the only solution to which is education. We must inform our people so they will not only be aware of the problems we face but will be able intelligently to aid in finding solutions to these problems.

An organization known as the ACA, Americans for Constitutional Action, located at 20 E Street NW., Washington, D.C., has helped greatly in making the public aware of the nature of the national crisis which America faces. It has helped to inform American citizens in the principles of constitutional conservatism, and the organization and proper functions of government in a free society, by distributing widely certain educational materials.

The ACA celebrates its 10th anniversary June 27, 1968. This is a nonpartisan, nonprofit, nationwide, political action organization. The organization was organized in 1958 by a group of citi-

zens who sincerely believe that the United States now faces a crisis of such proportions as to jeopardize its survival and that of its citizens as a free people.

The group's goals are twofold: first, to help reelect to the U.S. Senate and House those legislators who have shown by their voting records allegiance to the original spirit and principles of the Constitution; and second, to assist in recruiting and electing others of like mind to strengthen the ranks of constitutional conservatives in Congress.

The ACA program consists of professional campaign assistance by providing conservative candidates with statistical research, speech material, art layouts, personalized news releases, counseling of new candidates, news releases designed to refute "smears," and ACA-published materials. Also included is the ACA Index which contains the voting records of Senators and Representatives on the crucial measures acted on in the session just ended, as well as the cumulative voting records from 1955 to the present for Senators and from 1957 for Representatives; and the Congressional Record Digest and Tally, issued periodically, which contains brief analyses of crucial measures pending in the Congress and the votes on such measures. The Congressional Record Digest and Tally also contains significant speeches and debates.

All funds made available to ACA are used entirely for support of constitutional candidates as almost all services are rendered by trustees without compensation or reimbursement.

Mr. President, I take this means to commend the ACA for its outstanding work, not only in aiding candidates but also in assisting through a number of programs to promote constitutional government. The organization has contributed to the awareness of the public and I am pleased to salute their efforts.

#### THE FOURTH OF JULY

#### HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 28, 1968

Mr. BUCHANAN. Mr. Speaker, this Thursday—the Fourth of July—is a special day in the hearts of Americans and free men everywhere. On this day we recall and honor the courage of a small band of men who pledged their lives, their fortunes, and their sacred honor to build a new, independent nation of freedom.

The spirit and ideals of the American Revolution in 1775 have substantially changed the thoughts, cultures, and the destiny of mankind. Our Revolution has kindled the desire for more individual freedom on every continent in the world.

Ralph Waldo Emerson, the famed American poet, put it most aptly in his famous "Concord Hymn," when he said:

Here once the embattled farmers stood,  
And fired the shot heard 'round the world.

Indeed, it was a shot heard around the world and it reverberates today as men in

other lands seek to achieve or regain the freedoms our forefathers secured for us.

With this Fourth of July we approach our Nation's second centennial. It is appropriate then that we remind ourselves of what America is, why she is great, and reaffirm our faith in our heritage.

America was conceived, has been and is the bastion of freedom. The brave men who fought for independence; the brilliant and courageous men who infused our Constitution and Bill of Rights with their ideals and who dared to try a new form of government of, by, and for the people; the millions who have sought refuge and hope in her midst, and our soldiers who have gallantly given their lives to preserve her—all did so in the belief that America is man's best hope for freedom and dignity.

The spirit of the American Revolution has been instilled into each new generation and into each immigrant entering her ports. That spirit was not a hot, bloody revolution led by men seeking kingdoms or the subservience of fellow citizens. It was a revolution of individuals seeking to guarantee freedom and liberty for themselves and generations to come. Since then, millions of men, women and children have given of their God-given talents to conquer a wilderness, to reap the harvest of our bountiful natural resources, to develop railroads, to build hospitals, opera houses, and homes for orphaned children.

Her citizens have always been free from a State police force, from dictatorship, from a system of the divine right of kings or politicians. In America, neighbor has helped neighbor, friend has helped friend, doctors have cared for the poor and rich alike, education has been open to all, and a nation of law, not men, has prevailed.

Today, the spirit of 1775 is still the spirit of most Americans—Americans striving to preserve the qualities that have made our Nation great, to build upon that greatness and to right wrongs wherever they exist in our society.

Yet, there also is a small minority that "claims" they are revolutionaries. But their concept of revolution is defiance of the law, the use of force and violence, the trampling of the rights of the majority.

The heroes of many of the so-called revolutionary student and minority movements are not young revolutionaries like Nathan Hale, who cried: "I only regret that I have but one life to give for my country," nor Patrick Henry, whose faith in freedom was "Give me liberty, or give me death." Their heroes are Fidel Castro, Che Guevara, Mao Tse-tung—men who slaughtered millions and oppress billions—men who made slaves of those they claimed to liberate.

That is why the radicals and militants who would transform this country will surely fail: because the men they revere, the goals they seek, the methods they employ cannot match, and cannot eclipse, the American heroes, the American goals, the American way you and I commemorate this Fourth of July.

As long as we reaffirm our faith in the American Revolution of 1775 and make whatever sacrifice is necessary to pre-

serve it, freedom will continue not only in America but around the world.

#### LEGAL QUESTIONS ON TRANSPLANTS PROBED

### HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 28, 1968

Mr. DUNCAN. Mr. Speaker, one of the biggest questions concerning medical science today is the morality and the legality of transplanting organs in humans. I want to place in the RECORD an article from the Knoxville, Tenn., News-Sentinel, which pays tribute to an east Tennessee expert in the legal aspects, Attorney Erma Greenwood, of Knoxville. Mrs. Greenwood is one of the better lawyers in Tennessee and in our Nation, and I am sure her comments will be of interest and value to many readers:

#### LEGAL QUESTIONS ON TRANSPLANTS PROBED (By Georgiana Fry)

The transplant of a murder victim's heart in Houston, Texas, has raised questions on the legality of such acts in the minds of many persons.

They should call on Mrs. Erma Griffith Greenwood, a Knoxville lawyer who in the last year has become somewhat of an expert on legal repercussions of transplants.

As the advisor to the Transplantation Society, an international organization formed a year ago in Oak Ridge, she has had to become knowledgeable on the subject of transplants. Dr. Christian Barnard, of South Africa, who performed the world's first heart transplant, is a member of the society.

#### STATUTE DEFINES DEATH

In the Houston case, the victim was declared dead by the county medical examiner's office three hours before the hospital said she died. The victim's death was ruled a homicide.

Mrs. Greenwood said some of the questions arose because Texas has a statutory definition of death—death being when the heart stops.

In contrast, Tennessee does not have a statutory definition of death and the courts have always accepted medical definitions, she said.

#### ANSWERS QUESTIONS

In an interview, Mrs. Greenwood explored some of the questions asked in connection with the Houston transplant. Here are the questions and her answers:

1. Can an autopsy report, required in homicide cases in Texas but not in Tennessee, be considered complete with the heart missing?

"I don't see any problem there. The removal of the heart is part of an autopsy in which the internal organs are examined. It would seem to me the heart would be more completely examined if the doctors were going to put it in someone else."

2. If a total autopsy was impossible, could it affect the prosecution, and defense in a murder trial?

"Not in Tennessee. It might depend on the laws in other states. But you always get back to the cause of death established by medical evidence."

3. Could a heart transplant team be prosecuted for interfering with a planned autopsy by removing a homicide victim's heart?

"Not in Tennessee. That's not an insurmountable problem, even in Texas. However,

they might be sued if the heart is removed without permission (of the next of kin)."

The Transplantation Society may cast some influence in meeting the medical and legal repercussions of any kind of transplant.

The society was set up principally to disseminate particularly to surgeons, scientific knowledge on the biology, chemistry, immunology and genetics of transplantation and their clinical applications.

#### AEC PROVIDES FUNDS

Funds to finance the society initially came from the Atomic Energy Commission and were used to publish research findings for private and public doctors.

Since incorporating in February 1967, the society itself has decided to engage in research, and some of the AEC funds, as well as some from the National Institutes of Health, are being used to support that activity.

Mrs. Greenwood said one reason the society was established in the United States is because of the basic research in transplants being done at Oak Ridge National Laboratory. The absence here of a statute defining death, but the existence of one that authorizes residents to will parts of their body to another person or to research, made incorporation in Tennessee appealing, she said.

#### BODY'S REJECTION BIG PROBLEM

The incorporators include Dr. Charles C. Congdon of Oak Ridge, who has a worldwide reputation as a pioneer in research dealing with the body's rejection of transplanted organisms—"the big problem" in whether a transplant is a success or a failure.

Other incorporators, all transplant researchers at Oak Ridge, are Drs. Raymond A. Popp and his wife, Diana M. Popp, Pennell Lane; and Dr. Raymond G. Cragle and Dr. Joan Wright Goodman, both of Oak Ridge.

The chief legal problem of the society has been a "peculiar" one, Mrs. Greenwood said. It was getting the society recognized by the Federal Government as a charitable organization, so that contributions could be tax deductible.

#### CONTRIBUTORS THROUGHOUT WORLD

Part of the problem came about because contributors live throughout the world and have different monetary systems from that in the United States.

To qualify as a charitable organization, none of the money is to go behind the Iron Curtain, a country doing a great deal of transplant research. At the same time, Russia won't let its money go outside the country.

It became an international problem that was resolved with the help of the AEC and NIH, Mrs. Greenwood said. Contributions to the society are now tax deductible.

#### TURNOVER CEREMONIES OF THE PACIFIC WAR MEMORIAL AT CORREGIDOR ISLAND

### HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 28, 1968

Mr. TEAGUE of Texas. Mr. Speaker, I was privileged to attend the official turnover ceremonies of the Pacific War Memorial at Corregidor Island on June 22, 1968. The invocation was offered by Father Pacifico A. Ortiz, S.J., a veteran of Corregidor and wartime chaplain of the late President Quezon of the Philippines. His invocation follows:

## INVOCATION

(By Father Pacifico A. Ortiz, S.J.)

Almighty and eternal God whose providence has guided our people in their long struggle for freedom, behold gathered in Thy presence, around the President of our Republic—the remnants of that army which 26 years ago fought its last battle in the fastnesses of Bataan and on this island fortress of Corregidor.

We stand on *historic* ground: it was here in the tunnels of this mountain under the leadership of Quezon and McArthur that far-reaching decisions were made which forged forever the friendship of the American and Filipino peoples in the crucible of battle and on the anvil of courage, honor and mutual loyalty.

We stand on *heroic* ground: it was here that Filipino and American soldiers fought to the limit of human endurance, till, in the words of Gen. Wainwright, they laid down their arms "with broken heart, and head bowed down in sadness, but not in shame."

We stand on *hallowed* ground: For whoever stands on this island, stands under the banners of that forlorn-hope of gallant men who at Thy command rode out their last mission through the tunnels of these burnt-out hills into the valley of the shadows of death.

For these our fallen comrades, O God we stand at salute and pray: Let Thy peace descend on them and the splendor of Thy eternal vision.

For us their living comrades who remember them, we pray O God, let memory be kind, and forgetting all the ugliness of war, remember only the magnificent side of it: remember only as a badge of honor that in the noontide of our youth, Thou didst call us to bear for freedom the perils and passions of war; that in its muck and agony, we discovered our true and noble selves—how we too, even we, by what miracle of courage we knew not of, could rise to unscathed heights of selflessness and heroism, and if only for a moment, for an hour, for a day, did learn under enemy attack, to forget our selfish selves, and to throw away our lives for a friend, for a comrade, for our native land.

Grant, O God, that as we stand today in a twilight of peace amid "the doubts of civil life more besetting and harder to overcome than all the misgivings of the battlefield," that we whom Thou hast chosen and tempered in the crucible of war, may become, in peace, worthy instruments of Thy providence to teach our children and our children's children the uncompromising gospel of freedom: that freedom cannot be bought from one's enemy, nor fully in-

herited from one's ancestors, nor permanently maintained by one's friend—that freedom belongs to none but to the brave: to a people always ready to fight its own Bataan, survive its own death march, and, under enemy bombardment stand immovable like Corregidor.

On this living rock, as on the heart of the nation, we beseech you, O God, write this gospel of freedom: write it, if need be, as those who died here 26 years ago, write it in their blood—write it as your own Son wrote His epitaph on the Rock of Calvary: "Greater love than this no man hath that a man lay down his life for his friends." Amen.

THE "PUEBLO": HOW LONG,  
MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 28, 1968

Mr. SCHERLE. Mr. Speaker, this is the 158th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

## HOUSE OF REPRESENTATIVES—Monday, July 1, 1968

The House met at 12 o'clock noon.

Rabbi Mark I. Brener, Congregation Etz Jacob, Los Angeles, Calif., offered the following prayer:

Heavenly Father, we beseech Thy blessing on the constituency of this august body of Representatives of our Nation.

Grave is the responsibility and heavy is the burden of leadership.

Guide our thoughts, words, and actions to the fulfillment of our temporal welfare and our eternal happiness, to legislate in the spirit of our Founding Fathers with probity to all and partiality to none.

In a world torn by strife, animosity, and human degradation, America symbolizes the hopes and yearnings of free men the world over.

We pray Thee to endow our chosen leaders with wisdom, courage, and foresight.

Wisdom—to legislate with dignity, love, and compassion.

Courage—to uphold our democratic way of life and espouse our commitment to freedom and human equity.

Foresight—to continue to be the pathfinders and trailblazers of new goals in democracy, and to be a lighthouse unto all the peoples who sail in darkness upon life's uncharted sea.

May our American Nation ever be worthy of its God-given destiny to hold aloft the flaming torch of freedom and to help usher in that happier day of a world at peace and at one with Thee, our Father in heaven. Amen.

### THE JOURNAL

The Journal of the proceedings of Thursday, June 27, 1968, was read and approved.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and a concurrent resolution of the House of the following titles:

H.R. 3865. An act for the relief of Mauritz A. Sterner;

H.R. 10673. An act to amend title III of the Packers and Stockyards Act, 1921, as amended; and

H. Con. Res. 785. Concurrent resolution relating to the pay of the U.S. Capitol Police force for duty performed in emergencies.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 102. An act to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease (Wyoming 0310090);

S. 443. An act to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease (Wyoming 0280122);

S. 823. An act to authorize the Secretary of the Interior to reinstate oil and gas lease (Las Cruces 063610); and

S. 2047. An act to exempt certain vessels engaged in the fishing industry from the requirements of certain laws.

The message also announced that the Senate had passed bills and joint and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 2628. An act to amend the act entitled "An act to incorporate the National Education Association of the United States," approved June 30, 1906 (34 Stat. 804);

S. 2960. An act to provide for the appointment, promotion, separation, and retirement of commissioned officers of the Environmental Science Services Administration, and for other purposes;

S.J. Res. 171. Joint resolution to provide for the appointment of Robert Strange McNamara as Citizen Regent of the Board of Regents of the Smithsonian Institution;

S. Con. Res. 75. Concurrent resolution authorizing acceptance for the National Statuary Hall collection of statues of Father Damien and King Kamehameha I, presented by the State of Hawaii; and

S. Con. Res. 77. Concurrent resolution authorizing the printing of additional copies of parts 1 and 2 of Senate hearings on "Status and Future of Small Business."

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

JUNE 28, 1968.

The Honorable the SPEAKER,  
*House of Representatives.*

SIR: Pursuant to authority granted on June 27, 1968, the Clerk received from the Secretary of the Senate today, the following message:

That the Senate passed without amendment the Joint Resolution (H.J. Res. 1368) entitled "Making continuing appropriations for the fiscal year 1969, and for other purposes."

Respectfully yours,

W. PAT JENNINGS,  
*Clerk, U.S. House of Representatives.*

### ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Thursday, June 27, 1968, he did on June 28, 1968, sign the following enrolled joint resolution of the House: House Joint Resolution 1368, joint resolution making continuing appropriations for the fiscal year 1969 and for other purposes.