United States Code to prohibit the assignment of a member of an armed force to combat area duty if any of certain relatives of such member dies, is captured, is missing in action, or is totally disabled as a result of service in the Armed Forces in Vietnam; to the Committee on Armed Services.

By Mr. DANIELS (for himself, Mr. QUIE, Mr. CAREY, Mr. PERKINS, Mr. DENT, Mr. HAWKINS, Mrs. MINK, Mr. MEEDS, Mrs. GREEN of Oregon, Mr. AYRES, Mr. REID of New York, Mr. BELL, Mr. ERLENBORN, Mr. SCHERLE, Mr. STEIGER of Wisconsin, Mr. THOMPSON, of New Jersey, Mr. HOLLAND, Mr. PUCINSKI, Mr. BRADEMAS, Mr. HATHAWAY, Mr. SCHEUER, Mr. BURTON of California, Mr. GOODELL, Mr. GURNEY, and Mr. ESCH):

H.R. 18763. A bill to authorize preschool and early education programs for handicapped children; to the Committee on Education and Labor.

By Mr. FRASER:

H.R. 18764. A bill to authorize the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MILLER of Ohio:

H.R. 18765. A bill to amend title 10 of the United States Code to prohibit the assignment of a member of an armed force to combat area duty if any of certain relatives of such member dies, is captured, is missing in action, or is totally disabled as a result of service in the Armed Forces in Vietnam; to the Committee on Armed Services.

By Mr. ROTH (for himself, Mr. BENNETT, Mr. DEVINE, Mr. DORN, Mr. GUDE, Mrs. GRIFFITHS, Mr. GROVER, Mr. GURNEY, Mr. HATHAWAY, Mr. QUIE, Mr. TEAGUE of California, and Mr. VANDER JAGT):

H.R. 18766. A bill to establish the Commission for the Improvement of Government Management and Organization; to the Committee on Government Operations.

By Mr. SAYLOR (for himself, Mr. MOORE, Mr. MORGAN, Mr. PERKINS, Mr. WAMPLER, Mr. BRAY, Mr. CLARK, Mr. STAGGERS, Mr. OLSEN, Mr. BURTON of Utah, Mr. BATTIN, Mr. HAYS, Mr. SLACK, Mr. DENT, Mr. CARTER, Mr. KEE, and Mr. MOORHEAD).

H.R. 18767. A bill to require congressional approval before a license may be granted for the construction of any facility for the commercial generation of electricity from nuclear energy; to the Joint Committee on Atomic Energy.

By Mr. WHITENER:

H.R. 18768. A bill to amend title 10 of the United States Code to prohibit the assignment of a member of an armed force to combat area duty if any of certain relatives of such member dies, is captured, is missing in action, or is totally disabled as a result of service in the Armed Forces in Vietnam; to the Committee on Armed Services.

By Mr. GOODELL:

H.J. Res. 1413. Joint resolution to amend the Constitution to provide for the direct election of the President and the Vice President of the United States; to the Committee on the Judiciary.

By Mrs. DWYER:

H. Res. 1269. Resolution that it is the sense of the House of Representatives that the United States enter into an agreement with the Government of Israel for the sale of military planes, commonly known as Phantom jet fighters, necessary for Israel's defense to an amount which shall be adequate to provide Israel with a deterrent force capable of preventing future Arab aggression by offsetting sophisticated weapons received by the Arab States, and on order for future delivery, and to replace losses suffered by Israel in the 1967 conflict; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ANNUNZIO:

H.R. 18769. A bill for the relief of Francesco Branca; to the Committee on the Judiciary.

H.R. 18770. A bill for the relief of Jean George Taglis; to the Committee on the Judiciary.

By Mr. BELL:

H.R. 18771. A bill for the relief of Yoko Sato; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 18772. A bill for the relief of Antonio Candela, his wife, Beatrice, and their child, Giovanni; to the Committee on the Judiciary.

H.R. 18773. A bill for the relief of Vincenzo Licata; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.H. 18774. A bill for the relief of Sara B. Nelson; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 18775. A bill for the relief of Jung Ja Soh; to the Committee on the Judiciary.

By Mr. DADDARIO:

H.R. 18776. A bill for the relief of Vincenza Incorvaia; to the Committee on the Judiciary.

By Mr. EDMONDSON:

H.R. 18777. A bill for the relief of Loi Sing Yip, his wife, Szeto Pik Shun Yip, and their minor son, Koon Ying Yip; to the Committee on the Judiciary.

By Mr. JOELSON:

H.R. 18778. A bill for the relief of Fernando Carreira Martins; to the Committee on the Judiciary.

By Mr. JOHNSON of Pennsylvania:

H.R. 18779. A bill for the relief of Anthony Degleris; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.R. 18780. A bill for the relief of Pavlos Kosmogiannis; to the Committee on the Judiciary.

H.R. 18781. A bill for the relief of Miss Aurora Ursua; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 18782. A bill for the relief of Salvatore Di Maria; to the Committee on the Judiciary.

By Mr. ROTH:

H.R. 18783. A bill for the relief of Mrs. Augusto A. Amurao; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 18784. A bill for the relief of Jong Yool Kim; to the Committee on the Judiciary.

By Mr. CORBETT:

H. Res. 1270. Resolution to refer the bill (H.R. 18305) entitled "A bill for the relief of Morris and Lenka Gelb," to the chief commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code; to the Committee on the Judiciary.

SENATE—*Friday, July 19, 1968*

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

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

Merciful Father, we are aware as we pray that You bestow upon Your children gifts that they cannot gain for themselves. Thus, we need Your blessings for this hour. Grant unto the President and his advisers wisdom as they deal today with the problem of a just solution to the Vietnam crisis. Bless our world leaders with the awareness that You are loving us in our disasters, lighting a way in every darkness, strengthening us in our weakness, and caring for us in our trouble.

Forgive us our sins and failures. Inspire these men and women of high office with calmness and self-control. Direct the thinking of men of all nations that peace and justice might be the fruit of the seeds of righteousness, truth, goodness and love. We pray in the Master's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, July 18, 1968, be dispensed with.

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

APPOINTMENT OF ADDITIONAL CONFEREE ON S. 3293

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Nevada [Mr. CANNON] may be added as an additional conferee on S. 3293, the military procurement authorization bill for fiscal year 1969.

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

COMMITTEE MEETING DURING SENATE SESSION TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR McCLELLAN—CONSIDERATION OF SENATE RESOLUTION 379

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the transaction of routine morning business, there may be allowed not to exceed 30 minutes on Calendar No. 1417, Senate Resolution 379, citing Jeff Fort for contempt of the Senate, with the

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time to be equally divided between the minority and majority leaders, or whomever they may designate.

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

Mr. MANSFIELD. May I say, Mr. President, that at the conclusion of the debate on the resolution, there will be a rollcall vote.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the yeas and nays be ordered on Calendar No. 1417, Senate Resolution 379.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair, under the provisions of Public Law 90–321, appoints the following Senators to the National Commission on Consumer Finance: Mr. SPARKMAN, Mr. PROXMIRE, and Mr. BROOKE.

The Chair, under the provisions of Public Law 90–70, appoints the junior Senator from California [Mr. MURPHY] to the Golden Spike Centennial Celebration Commission to replace the senior Senator from California [Mr. KUCHEL], resigned.

The Chair, under the provisions of Public Law 74–170, appoints the following Senators to attend the Interparliamentary Union meeting to be held at Lima, Peru, on September 5 to 13, 1968: Mr. YARBOROUGH, Mr. HART, Mr. BYRD of West Virginia, Mr. YOUNG of Ohio, Mr. CANNON, Mr. ALLOTT, Mr. THURMOND, Mr. BAKER, Mr. FONG, and Mr. MILLER.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The VICE PRESIDENT announced that on today, July 19, 1968, he signed the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

S. 1299. An act to amend the Securities Exchange Act of 1934 to permit regulation of the amount of credit that may be extended and maintained with respect to securities that are not registered on a national securities exchange;

S. 1418. An act to make several changes in the passport laws presently in force;

S. 1808. An act for the relief of Miss Amalia Seresly;

S. 3245. An act to extend for an additional 3 years the authorization of appropriations under the State Technical Services Act of 1965;

H.R. 1879. An act for the relief of Stanislaw and Julianna Szymonik;

H.R. 18038. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1969, and for other purposes; and

S.J. Res. 160. Joint resolution to amend the Securities Exchange Act of 1934 to authorize an investigation of the effect on the securities markets of the operation of institutional investors.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session.

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting the nomination of Irvine H. Sprague, of California, to be a member of the Board of Directors of the Federal Deposit Insurance Corporation, which was referred to the Committee on Banking and Currency.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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 puposes.

The message also announced that the House had passed a bill (H.R. 14096) to amend the Federal Food, Drug, and Cosmetic Act to increase the penalties for unlawful acts involving lysergic acid diethylamide—LSD—and other depressant and stimulant drugs, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

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

H.R. 2695. An act for the relief of Donald D. Lambert;

H.R. 3681. An act for the relief of James M. Yates;

H.R. 8087. An act for the relief of Henry Gibson;

H.R. 8809. An act for the relief of Maj. Hollis O. Hall;

H.R. 12120. An act to assist the courts, correctional systems, community agencies, and primary and secondary public school systems 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;

H.R. 14323. An act for the relief of Mrs. Elise C. Gill; and

H.R. 18203. An act to increase the size of the Board of Directors of Gallaudet College, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 14096) to amend the Federal Food, Drug, and Cosmetic Act to increase the penalties for unlawful acts involving lysergic acid diethylamide—LSD—and other depressant and stimulant drugs, and for other purposes, was read twice by its title and referred to the Committee on Labor and Public Welfare.

PETITION

The VICE PRESIDENT laid before the Senate a resolution adopted by the board of supervisors of Westchester County, N.Y., praying for the enactment of legislation to enact an amendment to the U.S. Housing Act of 1937 so that it shall apply to those individuals who are entitled to apply for widows' benefits at age 60, which was referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MONRONEY, from the Committee on Post Office and Civil Service, with amendments:

H.R. 13844. An act to amend title 5, United States Code, to provide additional leave of absence for Federal employees in connection with the funerals of their immediate relatives who died while on duty with the Armed Forces and in connection with certain duty performed by such employees as members of the Armed Forces Reserve components or the National Guard, and for other purposes (Rept. No. 1443).

By Mr. SPARKMAN, from the Committee on Foreign Relations, without amendment:

H.R. 18065. An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations (Rept. No. 1444).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations:

George W. Renchard, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Burundi;

G. Edward Clark, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Mali;

Robert M. Sayre, of Virginia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Uruguay;

Walter J. Stoessel, Jr., of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Poland;

Samuel C. Adams, Jr., of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the Republic of Niger;

Carter L. Burgess, of New York, to be Ambassador Extraordinary and Plenipotentiary to Argentina;

Thomas W. McElhiney, of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Ghana; and

Harold Francis Linder, of New York, to be Ambassador Extraordinary and Plenipotentiary to Canada.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. MAGNUSON:

S. 3860. A bill to provide for the mailing of certain election material to voters free of postage, and for other purposes; to the Committee on Post Office and Civil Service.

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

By Mr. MAGNUSON (by request):

S. 3861. A bill to amend section 13a of the Interstate Commerce Act, to authorize a study of essential railroad passenger service by the Secretary of Transportation, and for other purposes; to the Committee on Commerce.

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

By Mr. MONDALE (for himself and Mr. MCCARTHY):

S. 3862. A bill to authorize the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GRUENING:

S. 3863. A bill for the relief of Kam Tim Cheung; Kwai Fai Cheng; Sui Wa Cheng; Kan Bun Chau; to the Committee on the Judiciary.

By Mr. SPARKMAN:

S.J. Res. 193. Joint resolution to designate the National Center for Biomedical Communications the Lister Hill National Center for Biomedical Communications; considered and passed.

(See reference to the above joint resolution when introduced by Mr. SPARKMAN, which appears under a separate heading.)

S. 3860—INTRODUCTION OF BILL RELATING TO FREE MAILING OF CERTAIN ELECTION MATERIAL TO VOTERS

Mr. MAGNUSON. Mr. President, I introduce a bill which will provide for the free mailing of educational election material to voters. This bill allows a State official or agency administering election laws to mail election material to voters if the material gives equal space to all candidates and opposite views on important issues. This is what is done in the State of Washington and in other States.

Unfortunately, few voters have time or resources to inform themselves about all issues and candidates. State election pamphlets are an imaginative and effective device to place this information in the hands of every voter.

Our times demand a more knowledgeable electorate than ever before. Passage of this bill will facilitate the efforts of those who attempt to provide the voters with this much-needed information.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3860) to provide for the mailing of certain election material to voters free of postage, and for other purposes, introduced by Mr. MAGNUSON, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 3861—INTRODUCTION OF BILL RELATING TO AUTHORIZATION OF STUDY OF ESSENTIAL RAILROAD PASSENGER SERVICE—NOTICE OF HEARINGS

Mr. MAGNUSON. Mr. President, at the Commerce Committee executive session on July 18, 1968, the members of the committee voted to hold hearings next week on the June 25, 1968 recommendations of the Interstate Commerce Commission that first for 2 years following enactment a special test of public convenience and necessity and financial burden be imposed on all passenger trains which represent the last remaining interstate service in either direction between two points provided by a rail carrier; and, second, the Secretary of Transportation acting in cooperation with the interstate Commerce Commission and other Federal agencies should undertake and submit within 1 year following enactment a study of the existing and future potential for intercity railroad passenger service in the United States.

The Surface Transportation Subcommittee held hearings on May 24, 25, July 31, August 1, 2, 3, and 25, 1967, on S. 1175, proposed amendments to section 13a of the Interstate Commerce Act recommended by the ICC; S. 4512, introduced by Senator WILLIAMS of New Jersey, and S. 1685, introduced by Senator CASE, to amend section 13a; and Senate Joint Resolution 52, introduced by Senator Moss, and Senate Concurrent Resolution 25, introduced by Senator ALLOTT, for himself, and for Senators AIKEN, BREWSTER, CANNON, CASE, COOPER, DOMINICK, FANNIN, HANSEN, HATFIELD, HICKENLOOPER, HRUSKA, INOUYE, JAVITS, KUCHEL, METCALF, MILLER, MONDALE, MUNDT, PROUTY, RIBICOFF, SCOTT, SPARKMAN, TOWER, TYDINGS, and YOUNG of North Dakota, to provide for moratoriums and studies of passenger train service and related matters.

On June 25, 1968, the Chairman of the Interstate Commerce Commission submitted to the Chairman of the House Interstate and Foreign Commerce Committee and to me a 70-page report and recommendations of the Interstate Commerce Commission, "Intercity Rail Passenger Service in 1968."

The committee will hold hearings next Wednesday and Thursday, July 24 and 25, 1968, on the ICC recommendations in that report on the special test for the next 2 years on the "last trains," and the study on passenger train service potential. I have asked Senator FRANK J. LAUSCHE to chair these hearings. The hearing on July 24 will begin at 10 a.m. in room 1202, and the hearing on July 25 will begin at 9 a.m. in room 5110. Paul J. Tierney, the Chairman of the Interstate Commerce Commission will be the first witness. He will be followed by A. Scheffer Lang, Federal Railroad Administrator, Department of Transportation.

These hearings will permit the ICC to report on the decline of intercity rail passenger service, and to explain what steps the Commission recommends should be taken.

I am convinced that steps must promptly be taken to preserve needed existing intercity rail passenger service. As the Commission points out in its June 25, 1968, report, in 1967 the increasing demise of intercity service sharply accelerated. In the past 12 months, the number of trains proposed for discontinuance has more than doubled. Nearly 15 percent of all the remaining intercity trains were permitted to cease operations under section 13a procedures. Unless we act promptly, there will not be a national rail passenger service resource left.

In order to have the Commission's recommendations before the committee at these hearings, I introduce, by request, the Commission's bill to amend section 13a of the Interstate Commerce Act, to authorize a study of essential railroad passenger service by the Secretary of Transportation and for other purposes.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3861) to amend section 13a of the Interstate Commerce Act, to authorize a study of essential railroad passenger service by the Secretary of Transportation, and for other purposes, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

ADDITIONAL COSPONSORS OF BILL AND JOINT RESOLUTION

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER] the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Wyoming [Mr. MCGEE], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Rhode Island [Mr. PASTORE], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Maryland [Mr. TYDINGS], be added as cosponsors of the bill (S. 698) to enact the Intergovernmental Cooperation Act of 1967.

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

Mr. COTTON. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Oklahoma [Mr. MONRONEY] be added as a cosponsor of the joint resolution (S. J. Res. 192) to provide for protection of passengers against danger caused by the hijacking of airplanes.

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

PUBLIC WORKS FOR WATER AND POWER RESOURCES DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATION BILL, 1969—AMENDMENT

AMENDMENT NO. 893

Mr. PROXMIRE submitted an amendment, intended to be proposed by him, to the bill (H.R. 17903) making appropriations for public works for water and power resources development, including certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, Interstate Commission on the Potomac River Basin, the Tennessee Valley Authority, the Water Resources Council, and the Atomic Energy Commission, for the fiscal year ending June 30, 1969, and for other purposes which was ordered to lie on the table and to be printed.

AGRICULTURAL ACT OF 1968—AMENDMENT

AMENDMENT NO. 894

Mr. WILLIAMS of Delaware (for himself and Mr. BREWSTER) proposed an amendment to the bill (S. 3590) to ex-

tend and improve legislation for maintaining farm income, stabilizing prices and assuring adequate supplies of agricultural commodities, which was ordered to be printed.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, July 19, 1968, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 1299. An act to amend the Securities Exchange Act of 1934 to permit regulation of the amount of credit that may be extended and maintained with respect to securities that are not registered on a national securities exchange;

S. 1418. An act to make several changes in the passport laws presently in force;

S. 1808. An act for the relief of Miss Amalia Seresly;

S. 3245. An act to extend for an additional 3 years the authorization of appropriations under the State Technical Services Act of 1965; and

S.J. Res. 160. Joint resolution to amend the Securities Exchange Act of 1934 to authorize an investigation of the effect on the securities markets of the operation of institutional investors.

SPECIAL SUBCOMMITTEE ON ARTS AND HUMANITIES—NOTICE OF HEARINGS

Mr. PELL. Mr. President, I wish to announce that the Special Subcommittee on Arts and Humanities of the Committee on Labor and Public Welfare will hold hearings on S. 2979, introduced by the Senator from Pennsylvania [Mr. SCOTT], the Senator from Massachusetts [Mr. BROOKE], the Senator from New Jersey [Mr. CASE], and the Senator from New York [Mr. JAVITS]. The bill would establish a Presidential Commission on Negro History and Culture which will study the means by which all Americans can come to a better understanding of the contribution of the Negro to American life; in addition, it would recommend ways for Federal and private agencies to encourage and support creation of new knowledge and dissemination of existing knowledge of Negro history and culture.

I believe that the purpose of the proposed legislation is wholly laudable and long overdue. As Prof. C. Eric Lincoln of Union Theological Seminary has noted:

> People who are proud of their history are proud of themselves. They feel that they belong. Negroes have not been included in American history.

The result of this exclusion from history is that Negro high school students can ask such questions as "Why doesn't the Negro have a country to call his own?" Textbooks, teachers, newspapers, and the popular media have not made the American Negro aware that this is their country to which they have made important historical and cultural contributions. Indeed, the extent of this lack of knowledge is demonstrated by the fact that the Xerox Co. has undertaken to dramatize our ignorance of the Negro in America's past by sponsoring a series of seven national programs by CBS News on "The Negro in America."

But it is not just to give Negroes pride that the country needs a better understanding of Negro history and culture. There are too many white Americans, young and old, who have the notion that they and their white forebears made this country. Well, Mr. President, they had some help—help which some find it comfortable to forget and easy to ignore. Until white Americans have a better understanding of the factual, unequivocal, demonstrated and undeniable contribution to American life of American citizens who happen to be black, the country will continue to be enchained by racial tension.

I have already requested a number of Federal agencies to report on their existing activities which disseminate knowledge of Negro history and culture and to indicate ways in which such activities could be expanded.

It is gratifying to note that there are already fine programs now being conducted. And I am especially proud of the record already made by the National Endowment for the Humanities. Although a relatively new agency, the Endowment, whose budget this body cut to a token level 2 weeks ago, has been helping to create better understanding between white and Negro citizens for 2 years.

In fiscal 1967 and 1968 the Endowment spent just under $1 million in grants aimed at the disadvantaged, primarily the Negro, of which approximately $300,000 was spent directly upon dissemination of new and existing knowledge about Negro history and culture.

With endowment support, seven colleges and universities will hold workshops for college faculty from all over the Nation on the materials available for courses on Negro history, literature, and culture. With endowment support, another university is offering further education in Negro history to high school teachers, and another is offering longer term instruction for college faculty in the teaching of courses in Negro culture. Another college, with endowment support, is completing a slide collection in African art which will be a useful resource in the broad subject of the Negro heritage. With endowment support an association of 12 colleges will identify teaching resources for courses in Negro culture. Also with endowment support, an educational television station will disseminate a series of programs on the Negro's search for identity through art. Cooperation between a major State university and the newspapers in that State, one objective of which is to provide expert knowledge on Negro culture, is the purpose of a recent endowment grant. The endowment has also helped expand a Museum of African Art and History less than four blocks from this Chamber; as a result of the endowment grant, 10 times the amount of the grant was contributed to the museum by private foundations and others.

Other endowment grants have gone for research into Negro history and culture—to create new knowledge of the Negro past and present. These activities of the endowment have not been aimed at creating a false, speedy poultice for our racial problems; they have been aimed at exercising with responsibility the mandate the Congress gave it to support the creation of new and dissemination of existing knowledge about the humanities in the national interest.

I ask unanimous consent to have printed in the RECORD an article recently published in the New York Times about some of the endowment's grants.

It is the subcommittee's intent to conduct hearings on S. 2979 next Tuesday, July 23, 1968, in the Labor and Public Welfare Committee hearing room.

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

A $70,000 GRANT FOR NEGRO STUDY—WORKSHOPS TO BE CONDUCTED IN SUMMER AT SEVEN COLLEGES

(By Nan Robertson)

WASHINGTON, July 16.—In response to rapidly growing interest in Negro history and culture, the National Endowment for the Humanities is awarding $70,000 to seven colleges for summer workshops on the topic.

Participants will be teachers from colleges and universities across the nation.

The institutions chosen for the grants are particularly well equipped by faculty expertise and source materials on Negro history and culture to offer the workshops, according to the endowment group.

The workshops will introduce published, unpublished and graphic materials that will enable participants "to enrich their instruction in the heritage of the American Negro and of his increasingly prominent contributions to American life and culture," it was announced.

Barnaby Keeney, chairman of the endowment, observed today he hoped that the workshops would produce in the long term "a more balanced view of American history" than has been true before, with the roles of the black man often ignored or distorted.

Mr. Keeney added that there was also "real danger" that Negro history might become "a separatist subject."

The workshops will be held in July and August.

Each institution will receive up to $10,000 to defray costs not covered by workshop registration fees. The institutions participating, their workshop dates, directors and special focuses are, as follows:

Boston University, Boston, Mass., Aug. 5–17—Dr. Hohn Cartwright, Afro-American Coordinating Center, a workshop stressing the inclusion of material on the Afro-American in sociology courses.

Cazenovia College, Cazenovia, N.Y., Aug. 18–24—Prof. Linoel R. Sharp, department of languages and literatures, a program oriented to the needs of two-year college faculty members and emphasizing the Negro in American literature.

Duke University, Durham, N.C., Aug. 18–24—Prof. Richard L. Watson Jr., department of history, a workshop for those teaching courses on the history of the American Negro.

Fisk University, Nashville, Tenn., Aug. 26–31—Dean George N. Redd, a workshop surveying publications and curriculums on the Negro in America.

Howard University, Washington, D.C., July 22–26—Mrs. Dorothy Porter, librarian of the Negro Collection, a workshop for librarians stressing bibliography and methods of improving college library collections on the Negro.

Morgan State University, Baltimore, Md., Aug. 5–9—Dr. Roland C. McConnell, department of history, a workshop on resource materials relevant to American Negro history.

Southern University, Baton Rouge, La., Aug. 12–16—Dr. E. C. Harrison, vice president for academic affairs, a conference on literature, criticism and visual arts in the context of American Negro.

Faculty members and other academic personnel interested in attending a workshop

may inquire directly to the college or university concerned.

HIGH-SPEED GROUND TRANSPORTATION

Mr. PASTORE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1416, H.R. 16024.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 16024) to extend for 2 years the act of September 30, 1965, relating to high-speed ground transportation, and for other purposes.

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

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

Mr. PASTORE. Mr. President, as the title of this act states this is a 2-year extension of the act of September 30, 1965, relating to high-speed ground transportation, and for other purposes. It is a 2-year authorization.

This bill is a House bill, which we adopted in committee exactly as it was passed by the House, and it was reported by our committee unanimously. I do not believe there is any controversy about it.

I see the distinguished Senator from New Hampshire, the ranking minority member of the committee, in the Chamber. I believe he will join me in saying that the amount that has been authorized for this year is already included in the Department of Transportation appropriation bill which is pending in the Senate, and a point of order could be made on that bill unless this authorization is passed. I move for concurrence on the part of the Senate.

Mr. COTTON. Mr. President, I certainly concur in the Senator's request. We all believe that it is highly essential that we have this authorization so it can be included in the transportation appropriation.

Mr. PASTORE. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1436), 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

The purpose of the bill is to extend for 2 years the authority of the Secretary of Transportation to undertake research and development, and demonstrations, in high-speed ground transportation.

INTRODUCTION

On September 30, 1965, the original high-speed ground transportation legislation was enacted. This legislation authorized to be appropriated not to exceed $20 million for the fiscal year ending June 30, 1966; $35 million for the fiscal year ending June 30, 1967; and, $35 million for the fiscal year ending June 30, 1968. Of the $90 million authorized to be appropriated, a total sum of $52 million was appropriated.

NEED FOR LEGISLATION

In his letter to the Congress proposing enactment of high-speed ground transportation legislation, President Johnson said:

"It is clear that we should explore the feasibility of an improved ground transportation system for such heavily traveled corridors. The program outlined by the Secretary of Commerce calls for research on materials, aerodynamics, vehicle power and control, and guideways. Information requirements for regional studies and evaluations are to be defined and the necessary data collected. We must learn about travel needs and preferences, in part through the use of large-scale demonstration projects. New methods of analyzing the problem will be developed to give adequate consideration to the large number of regional and local characteristics which influence the performance, acceptability, and cost of all kinds of systems."

The committee in recommending enactment of the high-speed ground transportation legislation stated in its report:

"Modern intercity surface transportation service is vital to both our national economic growth and to our national defense. To meet America's transportation needs, we must bring scientific and technical talent to bear on this increasingly important area of transportation, not previously subject to intensive, continuing inquiry. This bill will enable the power of science and technology, demonstrated so well in the evolution of air and highway travel, to be utilized in the development of high-speed ground transportation.

"By the end of the 20th century, the Nation's metropolitan population will double, and homes, highways, and other facilities must be provided equal to all those built since our country was first settled. The increasing density of population, together with greatly increased travel, will result in serious overburdening of our intercity transportation facilities."

The need for research and development in high-speed ground transportation has not abated, and there is an even greater sense of urgency now than when the original legislation was enacted in 1965. Senator Claiborne Pell, who first urged such legislation in 1962, stated as follows at this year's hearings:

"* * * when this program was being considered 3 years ago, the committee and the Congress were given abundant evidence of an impending crisis in passenger transportation, particularly in our congested and growing urban areas. The only real change in the situation since that time is that the crisis is closer at hand, and the indications of its rapid approach are more readily evident."

The Federal Railroad Administrator, A. Scheffer Lang, submitted the following testimony at the hearings on the urgency of action to increase our capacity to meet the demand for transportation in the urbanized intercity corridors:

"Today there is an ever greater sense of Urgency. Travel volumes have increased at a greater rate than predicted and the period of time before we will completely run out of transportation capacity in the northeast corridor is being drastically shortened. The growth in air transportation has been particularly dramatic. Between 1962 and 1966, intercity air passenger-miles in the United States nearly doubled, while intercity passenger-miles by all modes increased by more than 17 percent.

"In the northeast corridor the problem of congestion is extremely critical at several major airports. According to Federal Aviation Administration estimates, delay time at J. F. Kennedy, Newark, LaGuardia, Washington National, Boston, and Philadelphia Airports in 1965 amounted to 49,000 hours. Estimates indicate that at three airports alone—Kennedy, LaGuardia, and Newark—there will be an increase in delay time from 33,000 hours annually in 1966 to 133,000 hours in 1970 and the delays will become very much larger by 1975, if nothing is done to expand capacity.

"Estimates by the Bureau of Public Roads indicate that highway travel on intercity routes in the northeast corridor will almost double between 1965 and 1985. Approximately $2½ billion will be needed just on the intercity portion of the corridor highway system. The total cost to Federal, State, and local authorities of all street and highway construction in the northeast corridor for the same 20-year period is estimated at more than $33 billion. These new facilities will have to be accommodated into what is already the most heavily developed region in the country. Fourteen percent of the Nation's total road mileage is concentrated on less than 2 percent of the land area."

Today's traveler in the urban corridors of our Nation knows full well that our present transportation system is reaching saturation. The purpose of the high-speed ground transportation legislation when it was first enacted and today is to try, through research, development, and demonstrations to stimulate alternative modes of transportation which could better handle high volumes of movement in densely populated regions.

The committee knows of no other research and development program of comparable funding which not only promises to so directly benefit large numbers of people, but also which has truly acted as a seedbed to stimulate and encourage involvement by private firms. The Federal Railroad Administrator testified that over the 3-year initial period of the program, Federal appropriations of $52 million have been met by $75 to $100 million of expenditures and commitments by private firms.

The extension of the high-speed ground transportation legislation would permit the significant and promising research and development now underway to be carried forward without interruption. Among the activities which are to be undertaken are the design and fabrication of a tracked air cushion research vehicle suitable for full-scale testing; research to reduce the cost of tunneling through the use of laser beams, flamejets, high-pressure waterjets, and high-velocity projectiles for rock fracture; and the testing of a large-scale linear electric motor (a new concept in propulsion systems) in order to evaluate its usefulness for high-speed transportation. These activities will require the construction of experimental trackage and associated supporting facilities.

In addition, two demonstration projects—one between Washington and New York, and the other between New York and Boston, while delayed in the equipment stage—are now just reaching the point at which demonstrations can be conducted to measure and evaluate public response to new equipment, higher speeds, variations in fares, improved comfort and convenience, and more frequent service as contemplated in the original legislation. In both demonstrations, substantial improvements in rail passenger service are to be made. Terminal-to-terminal times are to be reduced, new equipment is to be acquired, and roadbeds and stations are to be upgraded.

In carrying out the demonstration between Washington and New York, the Department of Transportation entered into a contract with the Penn Central Co., for that railroad to acquire a fleet of MU cars capable of sustained speeds of up to 150 m.p.h., and to make improvements in its roadbeds and stations. In carrying out the demonstration between New York and Boston, the Department of Transportation has contracted with the United Aircraft Corp. for the lease of turbine-powdered trainsets to be operated on the New Haven Railroad. These new Turbo Trains not only rely on turbine power for propulsion but also have an advanced suspension system.

Another possible application for high-speed ground transportation research and development, and demonstrations is servicing airports with high-speed ground transport systems.

The committee believes that these research and development and demonstration pro-

grams should be continued for at least the additional 2 years requested.

While the initial demonstrations are to be conducted in the densely populated megalopolis stretching from Roanoke, Va., to the New Hampshire-Massachusetts border, there are other heavily populated areas such as the east coast of Florida, Milwaukee-Chicago-South Bend-Cleveland, San Francisco-Los Angeles, and Seattle-Tacoma-Portland, which face the prospect of critical intercity transportation problems which require the application of advanced technology to ground transportation systems.

The Department of Agriculture in its favorable comments on this legislation pointed out that the results of the research, development, and demonstration work carried on can often be applied not only in the highest population density area, but also to the transportation problems of the less densely settled areas. The Department of Agriculture noted:

"There is need to facilitate access and to provide better commuting systems between town and country, between rural and suburban areas, and even between cities. Improved transportation facilities are needed to stimulate economic development and to make the movement of people and goods easier among towns and small cities. Three out of ten rural residents cannot now conveniently commute to a city of 25,000 population. Regular efficient public transportation is needed to provide easy access to education, training, and jobs."

ANALYSIS OF BILL

Subsections (a) and (b) of H.R. 16024 propose technical changes in the High-Speed Ground Transportation Act of 1965 to reflect the establishment of the Department of Transportation and the transfer to it of this program from the Department of Commerce.

Subsection (c) of H.R. 16024 proposes to amend section 7 of the High-Speed Ground Transportation Act to grant the Secretary of Transportation the authority to acquire by purchase, lease, or grant, necessary sites, and to acquire, construct, repair, or furnish necessary support facilities for research and development and demonstration programs under the act. The Federal Railroad Administrator testified that the purpose of this proposed test track facility is to carry research and development on new systems such as the tracked air cushion vehicle and the linear electric motor to a testing stage. For test operations at the contemplated speeds on the order of 300 m.p.h., the Department indicated that it will need about 30,000 acres of land that is relatively flat, free of obstructions, and relatively isolated to insure noninterference. The Federal Railroad Administrator indicated that the Department hopes that it can use Government-owned property or property that can be made available at little or no cost for this purpose.

Subsection (c) further authorizes the Secretary of Transportation, in furtherance of a demonstration program, to contract for the construction of two suburban rail stations, one at Lanham, Md., and one at Woodbridge, N.J., without acquiring any property interest therein. The Federal Railroad Administrator pointed out that these suburban stations are considered an integral part of the planned demonstrations to test public response to improvements in service and equipment. They are being located at junctions with major limited-access highways, with ample parking provided to determine whether the urban, suburban, and rural populations in the communities having access to those highways will use the rail service for intermediate-distance travel.

The suburban station authority was not in the draft bill submitted by the Secretary of Transportation. The committee concurs with the view of the House that such authority should be specifically spelled out in the language of the bill.

Subsection (d) of H.R. 16024 proposes a technical change to reflect the transfer of functions from the Administrator of the Housing and Home Finance Agency to the Secretary of Housing and Urban Development.

Subsection (e) of H.R. 16024 proposes to amend the first sentence of section 11 of the high-speed ground transportation act by authorizing appropriations of $16,200,000 for the fiscal year ending June 30, 1969, and $21,200,000 for the fiscal year ending June 30, 1970. The draft bill submitted by the Secretary of Transportation proposed to amend section 11 by authorizing appropriations for such fiscal years without providing any appropriation limitations. The committee concurs with the view of the House that appropriation limitations in such amounts should be incorporated in the bill.

Subsection (f) of H.R. 16024 proposes to amend the first sentence of section 12 of the High-Speed Ground Transportation Act by striking out "1969" and inserting in lieu thereof "1971" to provide for a 2-year extension of the act.

HEARINGS

Hearings were held on H.R. 16024 and on the companion Senate bill, S. 3237, before the Surface Transportation Subcommittee on July 16 and 17, 1968. Testimony in support of this legislation was presented by Senator Claiborne Pell; Congressman Donald J. Irwin; A. Sheffer Lang, Administrator, Federal Railroad Administration, Department of Transportation; Paul J. Tierney, Chairman, Interstate Commerce Commission; and witnesses appearing on behalf of the Illinois Central Railroad, Penn Central Railroad, Santa Fe Railroad System, State of Florida Development Commission, Connecticut Transportation Authority, State of Illinois Department of Business and Economic Development, Railway Labor Executives' Association, and National Association of Railway Passengers.

Statements in support of this legislation were received from the Council of State Governments, and the Railway Progress Institute.

The Federal Railroad Administrator testified that the Department of Transportation would be agreeable to the two amendments in the House bill, which authorized the contracting for the construction of two suburban rail stations, and placed appropriations limitations for the fiscal years ending in 1969 and 1970.

No testimony was presented in opposition to the proposed extension.

COST TO THE GOVERNMENT

The authorization contained in this bill for the high-speed ground transportation activities is $16.2 million for the fiscal year ending June 30, 1969, and $21.2 million for the fiscal year ending June 30, 1970.

Mr. PELL. Mr. President, the Committee on Commerce late yesterday reported to the Senate H.R. 16024, a bill to extend for 2 years the program of research and development in high-speed ground transportation.

Mr. President, this program is a vital one if we are to develop an adequate and well-balanced transportation system to meet the future transportation needs of this country, particularly in our densely populated and growing urban areas.

The bill, Mr. President, was reported to the Senate by my senior colleague from Rhode Island, Senator PASTORE. I want to express here my deep admiration for the great contributions my colleague has made to this program and my appreciation of the expeditious treatment given this measure by the Commerce Committee. I want to take note also of the initiative my senior colleague from Rhode Island has taken, and the very real leadership he has shown as a member of the Appropriations Committee in seeking adequate and timely funding of this program.

The high-speed ground transportation program has benefited greatly from the interest in this program shown by my colleague. And most important, I am convinced, the ultimate beneficiary of his interest and concern will be the public.

The VICE PRESIDENT. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

CONVEYANCE OF LANDS TO THE STATE OF OHIO

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1359.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3687) to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the State of Ohio, and for other purposes.

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

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of subsection (c) of section 32 of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011(c)), the Secretary of Agriculture is authorized and directed to release on behalf of the United States with respect to lands designated pursuant to section 2 hereof, the condition in a deed dated January 30, 1957, conveying lands in the State of Ohio to the State of Ohio, which requires that the lands so conveyed be used for public purposes and provides for a reversion of such lands to the United States if at any time they cease to be so used.

SEC. 2. The Secretary shall release the condition referred to in the first section of this Act only with respect to lands covered by and described in an agreement or agreements entered into between the Secretary and the State of Ohio or an authorized agency of the State in which such State or agency, in consideration of the release of such condition as to such lands, agrees that the lands with respect to which such condition is released shall be exchanged for lands of approximately comparable value and that the lands so acquired by exchange shall be used for public purposes.

SEC. 3. Upon application all the undivided mineral interests of the United States in any parcel or tract of land released pursuant to

this Act from the condition as to such lands shall be conveyed to the State of Ohio for the use and benefit of the State by the Secretary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral development or leasing, and that the lands have no mineral value, the mineral interests covered by a single application shall be sold for a consideration of $1. In other areas the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into consideration such appraisals as he deems necessary or appropriate.

SEC. 4. Each application made under the provisions of section 3 of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant shall pay to the Secretary of the Interior the full administrative costs, less the deposit. If a conveyance is not made pursuant to an application filed under this Act, the deposit shall constitute full satisfaction of such administrative costs notwithstanding that the administrative coss exceed the deposit.

SEC. 5. The term "administrative costs" as used in this Act includes, in addition to other items, all costs which the Secretary of the Interior determines are included in a determination of (1) the mineral character of the land in question, and (2) the fair market value of the mineral interest.

SEC. 6. Amounts paid to the Secretary of the Interior under the provisions of this Act shall be paid into the Treasury of the United States as miscellaneous receipts.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD, an excerpt from the report (No. 1379), 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 would—

(1) Direct the Secretary of Agriculture to release a condition in a conveyance to the State of Ohio requiring the lands to be used for public purposes. Such release would be conditioned upon the State's agreement with respect to the lands covered by the release (A) to exchange such lands for lands of approximately comparable value, and (B) that the lands acquired by such exchange shall be used for public purposes.

(2) Require the Secretary of the Interior upon application to convey the mineral interests of the United States to the State of Ohio at fair market value (or $1 per application if of only nominal value).

The bill is generally similar to Public Law 90-307, which provides for a similar release to the University of Maine.

FEDERAL CROP INSURANCE IN LOUISIANA

Mr. ELLENDER. Mr. President, in these days of high financial risk in farming, it is encouraging to note that Louisiana farmers are carrying more than 16 times the amount of Federal crop insurance they did 8 years ago.

In 1968, their total protection under this program of the Federal Crop Insurance Corporation of the U.S. Department of Agriculture is estimated at $10 million, whereas in 1960 it was $600,000. In the 39 States where FCIC offers insurance, only one—California—topped Louisiana in percentage increase of FCIC participation over the last 8 years.

It is fortunate for Louisiana's 1,400 FCIC-insured farmers in 32 parishes that they have this protection, because last year 426 of them collected weather damage loss payments totaling over $400,000. Of these, 273 were cotton loss payments totaling $277,000 and 146 were soybean losses amounting to $120,000. The remaining seven losses were on rice and sugarcane and totaled $3,000.

During the last 20 years, 3 years have been higher in FCIC loss payments in Louisiana than 1967: $538,000 in 1966, $453,000 in 1964, and $413,000 in 1965. Louisiana is one of the few States in which FCIC has paid more in loss payments than it has collected in premiums from the insured farmers—but nationally, over the last 20 years, all losses have been paid out of premiums the farmers paid in—95 cents paid out for every $1 premium collected.

Losses paid in Louisiana in 1967—$400,097—were more than covered by 1967's premium total of nearly $441,000.

Over the last quarter century in Louisiana, Federal Crop Insurance Corporation loss payments have been made for these causes of loss: 43.7 percent for damage from excess moisture, 27.7 percent on drought, 19.8 percent on insects, and the remaining 8.8 percent for a great variety of other loss causes.

More and more, I understand, bankers are regarding an FCIC policy as sound support for a loan because it guarantees the insured farmer he will get approximately his production cost back. This, in turn, practically insures repayment of any loan the bank may have made the farmer that year for seeding, fertilizing, cultivation, and harvesting. While the payments never represent a profit, FCIC protection helps keep a farmer in business, come what may.

USDA and Federal Crop Insurance people have worked diligently to expand this program which Congress established in 1938, making it an important factor today in strengthening the credit and farming future of a grower who participates.

AMENDMENT OF PART I OF FEDERAL POWER ACT

Mr. MAGNUSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2445.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to 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, which was, strike out all after the enacting clause, and insert:

That section 7 of the Federal Power Act, as amended (16 U.S.C. 800), is amended by adding thereto the following new subsection:

"(c) Whenever, after notice and opportunity for hearing, the Commission determines that the United States should exercise its right upon or after the expiration of any license to take over any project or projects for public purposes, the Commission shall not issue a new license to the original licensee or to a new licensee but shall submit its recommendation to Congress together with such information as it may consider appropriate."

SEC. 2. Section 14 of the Federal Power Act, as amended (16 U.S.C. 807), is amended by inserting "(a)" immediately preceding the first sentence thereof and by adding thereto the following new subsection:

"(b) No earlier than five years before the expiration of any license, the Commission shall entertain applications for a new license and decide them in a relicensing proceeding pursuant to the provisions of section 15. In any relicensing proceeding before the Commission any Federal department or agency may timely recommend, pursuant to such rules as the Commission shall prescribe, that the United States exercise its right to take over any project or projects. Thereafter, the Commission, if it does not itself recommend such action pursuant to the provisions of section 7(c) of this part, shall upon motion of such department or agency stay the effective date of any order issuing a license, except an order issuing an annual license in accordance with the proviso of section 15(a), for two years after the date of issuance of such order, after which period the stay shall terminate, unless terminated earlier upon motion of the department or agency requesting the stay or by action of Congress. The Commission shall notify the Congress of any stay granted pursuant to this subsection."

SEC. 3. Section 15 of the Federal Power Act, as amended (16 U.S.C. 808), is amended by inserting "(a)" immediately preceding the first sentence thereof and by adding thereto the following new subsection:

"(b) In issuing any licenses under this section except an annual license, the Commission, on its own motion or upon application of any licensee, person, State, municipality, or State commission, after notice to each State commission and licensee affected, and after opportunity for hearing, whenever it finds that in conformity with a comprehensive plan for improving or developing a waterway or waterways for beneficial public uses all or part of any licensed project should no longer be used or adapted for use for power purposes, may license all or part of the project works for nonpower use. A license for nonpower use shall be issued to a new licensee only on the condition that the new licensee shall, before taking possession of the facilities encompassed thereunder, pay such amount and assume such contracts as the United States is required to do, in the manner specified in section 14 hereof. Any license for nonpower use shall be a temporary license. Whenever, in the judgment of the Commission, a State, municipality, interstate agency, or another Federal agency is authorized and willing to assume regulatory supervision of the lands and facilities included under the nonpower license and does so, the Commission shall thereupon terminate the license. Consistent with the provisions of the Act of August 15, 1953 (67 Stat. 587), every licensee for nonpower use shall keep such accounts and file such annual and other periodic or special reports concerning the removal, alteration, nonpower use, or other disposition of any project works or parts thereof covered by the nonpower use license as the Commission may by rules and regulations or order prescribe as necessary or appropriate."

SEC. 4. Section 10(d) of the Federal Power Act, as amended (16 U.S.C. 803), is amended by adding at the end thereof the following: "For any new license issued under section 15, the amortization reserves under this subsection shall be maintained on and after the effective date of such new license."

And strike out the preamble.

Mr. MAGNUSON. Mr. President, the House amendments are merely of a technical and clarifying nature and in no

way substantively amend S. 2445 as it passed the Senate.

Mr. President, I move that the Senate concur in the House amendments so that recapture and relicensing terminations for non-Federal hydropower project licenses may be made more efficiently and in harmony with the purposes for which the Congress provided limiting term licensing.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

RAIL-WATER "WILLING PARTNER"—ADDRESS BY FLOYD BLASKE, CHAIRMAN OF THE BOARD OF AMERICAN COMMERCIAL LINES, BEFORE THE INSTITUTE OF TRAFFIC ENGINEERS OF LOUISVILLE, KY.

Mr. MAGNUSON. Mr. President, important transporation industry changes may result from "mental breakthroughs" as well as technological advancements. A most welcome development of this type is the beginning of a new spirit of cooperation between water carriers and railroads. Congressional policy has long favored coordination of service between the modes. But to fully realize this purpose, legislation must be accompanied by a "willing partner" mental attitude on the part of the carriers involved. Floyd Blaske, chairman of the board of American Commercial Lines, and national president of the Propeller Club, recently examined a number of proposed movements showing potential savings in transport costs and asked for a business answer to a business question: Why would it not make sense to coordinate rail and river service on this particular movement? I would like to share with my colleagues his paper, given as a speech to the Institute of Traffic Engineers at Louisville, Ky.

I ask unanimous consent that it be printed in the RECORD.

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

RAIL-WATER "WILLING PARTNERS"—$321,000 A YEAR SAVINGS FROM TWO MOVEMENTS

(Remarks of Floyd Blaske, chairman of the board, American Commercial Lines, Inc., before the Institute of Traffic Engineers, Louisville, Ky., May 7, 1968)

I hope you didn't come to this meeting expecting a number of pleasing anecdotes, some well worn generalities and an appeal for better understanding of the problems of transportation.

If you did you are going to be disappointed. I warn you at the beginning that this may be a difficult paper for some of you to digest because it deals with the complex considerations that go into making an effective freight rate. I hope, however, it will be a mind stretcher.

I am glad to be talking to traffic specialists, and particularly traffic engineers. I think your designation well-chosen and I want to call on you to consider my topic today in the light of the original definition of the civil engineer contained in the 1828 charter of the Institution of Civil Engineers of London. The charter describes engineering, in part, as "the art of directing the great sources of power in nature for the use and convenience of man, as the means of production and traffic in states, both for external and internal trade . . ."

Now I'm going to ask you to take a new look at the art of directing the great sources of power in railroading and the great sources of power in river navigation so that they may be more useful and convenient to man "as the means of production and traffic in states both for external and internal trade."

We've had a bit of trouble in the past connecting the best efficiencies of river and rail transportation for reasons an engineer finds quite intolerable, the hangover of tradition and ancient hostility. By way of illustration, let me contrast the relations between the trucking industry and the barge lines and the railroads and the barge lines. The truckers are our friends and business associates, always the "willing partner." Whenever we need a gathering or distribution service, all we have to do is call a connecting trucker on the phone. We get a price from him representing his best efficiencies and we work together to give the customer the best service possible. Not so with the railroads. A Deparment of Commerce study last year confirmed our own experience that there is "marked reluctance" on the part of railroads to join with water carriers, despite the obvious public advantages.

We have struggled with this problem for many years. We are currently mounting a new campaign, through our trade group, the Water Transport Association, to appeal to the business self-interest of shippers and railroads involved in particular movements of traffic. Our objective is to promote the most efficient use of available transport resources. We are beginning to examine a series of case histories of particular movements. We set aside for the purposes of our discussion the question of whether or not the railroads will cooperate. We assume that the rail carrier will be just as friendly a business "willing partner" as a truck line.

I would stress at the beginning that we are not thinking in terms of a complaint before the Interstate Commerce Commission or a long excursion through the courts. We simply want a business answer to a business question: why would it not make sense to coordinate rail and river service on this particular movement?

I am going to discuss two such movements which appear to have the potential for a total savings of at least $321,000 a year. Please note that I do not say saving to the shipper. It may well be on some of these movements that the right economic decision is to share these savings between the shipper and the connecting railroad. I won't make this judgment here.

In an analysis of the rates of a particular movement a serious effort must be made to compare like with like. So you must be prepared for discussion in considerable detail. An overall rail rate from A. to B. may include truck delivery beyond a storage depot. If your proposed rate does not also include that service, your analysis is faulty.

Now to my first case history. As we all know, the steel mills of Pennsylvania are a major source of oil country steel pipe. As a matter of fact about 220,000 tons of pipe a year move between Pennsylvania and Texas by rail. The practice of the trade is to move the pipe from Pennsylvania to various storage yards throughout Texas. From these yards it is moved to the oil wells by truck.

We have selected Odessa, Texas, an important interior point of storage and one that is typical of a number of such points in Texas. The annual tonnage is in excess of 20,000 tons between Pittsburgh, Pa. and Odessa. The present rail rate is $30.80 a ton, minimum weight 35 net tons. Our analysis shows a potential saving of $6.18 a net ton using barge as far as Memphis, Tenn. down the Ohio and Mississippi Rivers and rail from Memphis to Odessa.

The total distance, Pittsburgh to Odessa is 1582 rail miles, the Memphis to Odessa distance is 823 miles.

We make the assumption that we have to have a profitable barge rate, a profitable rail rate and at the same time take into account all appropriate expenses so that our proposed rate in all respects provides the shipper with as acceptable service as the all-rail service.

Now how do we arrive at the $6.18 cent saving?

We suggest a rate of $12.36 a ton as a "willing partner" connecting rate. First of all this rate is the western division of the published through rate. In other words if the barge line were a connecting railroad, that is the rate we would be entitled to receive. But, more important, the division is a profitable one, exceeding fully distributed cost. We don't want to suggest a connecting service which relies on a division level which is on a starvation basis for the railroads. We are assuming and relying on the fact that the railroad has the same need to make money as anyone else.

What then are the factors and have we taken everything into account?

They look like this:

	(Per ton)
Present all-rail rate	$30.80
Barge rate from Pittsburgh to Memphis	4.76
Rail rate from Memphis to Odessa (above fully distributed cost)	12.36
Transfer cost, barge to rail car	1.00
Rail charge for spotting car at barge dock	2.00
Unloading and storage at Odessa	1.50
Truck delivery beyond storage at Odessa	3.00
Total for barge-rail service	24.62
Indicated saving to Odessa	6.18

If we multiply the annual volume of 20,000 tons times the $6.18 we arrive at an indicated saving of $123,000 on the traffic to Odessa. If you assume Odessa is typical of inland pipe storage situations in Texas you may want to think of the $6.18 as applying to the 220,000 tons annually moving between Pennsylvania and Texas. We might have to vary the points of transfer to Vicksburg, New Orleans or Houston, but there may be a potential for $1,359,000 savings or more in overall freight rate costs. I was here concerned to show that, even with a long haul for the railroad, substantial savings would result. I believe I have demonstrated that the very low barge rate of $4.76, which nevertheless provides the barge line with a reasonable profit, is a very powerful factor in arranging alternative and more economical routings.

My second case history involves a commodity much in demand when the roads ice over in the winter time—salt, from Avery Island, La. to Portage, Wisconsin, via a transfer point of La Crosse, Wisc. on the Mississippi River.

We are not dealing here with a high-rated comodity like steel pipe, but with the traditional low rates associated with bulk commodities. From Weeks, La., the rate basing point, to Portage, Wisc., is 1125 miles. The total present rail rate is $12.50 a ton.

Our proposal here is for a $2.44 per ton rate by rail for 110 miles of service from La Crosse, Wisc. to Portage. This is a mileage pro-rate of the division the railroads receive for the 371 miles above St. Louis on this traffic. This is not an ideal way to develop a "willing partner" relationship, but it is valid if special allowances are made for terminal costs. But as I have said before, we are not proposing to take the railroads to court over these examples. We simply want

to start a meaningful business dialogue with them on particular movements.

The factors look like this:

	(Per ton)
Present all-rail rate	$12.50
Barge rate from Avery Island to La Crosse (at 3/10th of a cent per ton mile)	5.11
Transfer cost, barge to rail at La Crosse	.75
Extra rail terminal allowance and car spotting cost	2.00
Rail rate, La Crosse to Portage	2.44
Total barge-rail service	10.30
Indicating saving	2.20

The annual volume is about 90,000 tons and hence the annual saving indicated is $198,000.

Let me point out again that this saving need not necesarily accrue entirely to the shipper. The railroads carry bulk commodities at very low rates. It is unheard of to carry a commodity like salt at fully distributed cost. But there is in this barge-rail relationship a potential for a rail charge at the fully distributed cost of $3.73 a ton. If the rail rate from La Crosse to Portage were $3.73 there would still be a saving of .91 cents for the shipper. Rate cases have been fought all the way to the Supreme Court for a saving of 50 cents.

That's enough of closely reasoned rate analysis for one paper. By the end of the year we hope to have twenty examples of this type.

I would like to stress one other important factor in this analysis. What we have constructed in this paper assumes a normal arms-length relationship. We are making the assumption that the railroads will do for us exactly what they do for their connecting railroads, no more and no less.

Let us suppose however, that a particular railroad marketing division were to become interested in the potential of those very low barge charges. Let us suppose that a particular railroad were to begin to consider what could be done if the *best* efficiencies of railroading, the *best* efficiencies of terminalling and of barging were to be joined together.

We would then begin to look for the high volume movement which would justify a continuous shuttle service by rail in either unit trains or multiple car lots, 10 cars of 100 tons each would fill one barge. Applying the best new rail technology, the railroad might then greatly improve the utilization of its equipment, loading his freight car twice a week instead of the industry average of 16.2 times a year. Even if the rate were at a fairly generous level of 8/10ths or 9/10ths of a cent for a 200 or 300 mile haul the railroad might be looking at annual revenues of $18,000 to $27,000 per car instead of the industry average of $4,900.

That's just on a one-way movement. Suppose further, a "willing partner" relationship had developed to the point at which the barge lines would be actively seeking a backhaul to fit into the original movement. Now we have a two-way shuttle movement. The *savings* to the public might be even greater, although the *earnings* from the rate to the railroad and the barge line might be higher.

Whether it is in transportation or in the manufacture of chewing gum a high volume means a low unit cost. Railroads and water carriers are natural partners for high volume movements.

The Water Transport Association is now getting down to brass tacks on its "willing partner" campaign. We need a lot of help from shippers, carriers and engineers to apply "the art of directing the great sources of power in nature for the use and convenience of man, as the means of production and traffic in states, both for external and internal trade."

ADDRESS BY VICE PRESIDENT HUMPHREY BEFORE THE CITY CLUB IN CLEVELAND, OHIO, PROPOSING A MARSHALL PLAN FOR AMERICAN CITIES

Mr. SPARKMAN. Mr. President, on July 2, in a speech at Cleveland, Vice President HUMPHREY proposed a Marshall plan for American cities. Briefly, the Vice President proposes a National Urban Development Bank which would get started with an appropriation of Federal funds, but which would ultimately be financed through federally guaranteed bonds sold by the bank to private investors. The national bank would charter regional banks for specific metropolitan areas. These regional banks would make available credit to both public and private borrowers for programs which are found to be essential to urban development, but which cannot be financed through any other means.

Mr. President, the proposal made by Vice President HUMPHREY is an interesting one, and one that I know will receive the attention and consideration of those of us who are concerned about the problems of our cities.

I ask unanimous consent that the speech by the Vice President be printed in the RECORD.

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

A MARSHALL PLAN FOR AMERICA'S CITIES

(Remarks by Vice President HUBERT H. HUMPHREY before the City Club in Cleveland, Ohio, July 2, 1968)

What happens in America's cities happens to America.

It is by the quality of life in our cities that the character of our civilization will be judged.

It is in our cities that American democracy will either succeed or fail.

It is there that the American dream—the dream of a free and equal people, living together in harmony—will or will not be achieved.

The urgent problems of our cities today are evident to anyone who tries to walk in them . . . or drive . . . or breathe . . . or find a quiet park, or a home, or a hospital, or a school a child could be proud of.

The harsh tragic facts of the slum and ghetto have become so familiar that detailing them is a filibuster . . . to put off action.

The truth, at least here in Cleveland—yes, and in Washington—is that a great deal is being done. There have been substantial gains.

But we are far short of the mark. As a nation, we haven't given this job the priority it must have.

We haven't yet made up our minds to pay what it costs—both in resources and in commitment.

We are still on the defensive. We know—or think we know—what we are against.

We are less clear about what we are for.

We have declared a war on poverty. But we still need a crusade for opportunity.

We are against slums. But should we wipe them out or rebuild them or both?

We realize increasingly that the city itself is not the problem. The city is only the place where a score of different problems converge. And we have not yet developed that central, unifying idea which will be a rallying point for action.

That is why I have called for a Marshall Plan for America's cities.

The Marshall Plan was effective in Western Europe, above all, because of its concentration on a clear and feasible purpose.

It depended on a moral commitment . . . on planning . . . and on money to back both up.

It also depended on the use of American funds only as a catalyst to activate Western Europe's own human and material resources.

The American people put nearly 14 billion dollars into Western Europe over a five-year period. This sum was less by far than the cost to us—or to Europe—of economic chaos . . . or utter despair . . . or violence or another war.

Our money did not buy a new Europe. Nor could ten times as much have done so.

It helped Western Europeans build their own new Europe.

It generated a far greater amount of European capital.

It put jobless people on the job of rebuilding.

And it was used with enormous efficiency because of carefully coordinated planning by the European nations themselves.

Local initiative, careful planning, coordinated policy, strict priorities, and massive commitment—these techniques brought a new Europe from the ashes of World War II.

These are also the requirements for perfecting the American city.

The Marshall Plan produced a quick and visible impact—not only in bricks and mortar but in people's lives.

The initial investment was large enough, and the vision grand enough, to inspire hope . . . to show that the job could be done . . . to generate the will for self-help which brought Europe to self-sufficiency and prosperity.

This is the necessary element in a nationwide attack on the urban problem in America today.

There has in recent years been an unprecedented direction of federal funds and efforts to the problems of the cities.

A new Department of Housing and Urban Development has been set up—and a Department of Transportation, with responsibilities that bear directly on the urban problem.

A Model Cities Program is now funding comprehensive planning efforts in slum neighborhoods of 75 cities—150 next year.

Planning under Model Cities is done where it should be done—in the community. The plans must be total plans—to take account of housing, jobs, education, transportation, health, recreation and open spaces, and their interrelationship.

The Housing and Urban Development Act of 1968, now before the Congress, will initiate an unprecedented ten-year housing campaign to produce 26 million homes, 6 million of them federally assisted.

I hope that the events of the next year, especially in Vietnam, will let us advance that schedule.

The Economic Opportunity Act . . . the Manpower Development and Training Act . . . the Education Acts . . . the Health Acts . . . improvements in the Social Security Act and many more, have had a substantial impact on the problems of the cities.

But these all still appear as scattered efforts.

Now we must concentrate and coordinate our efforts.

How many houses? How many schools? How many health care centers?

When? What is the timetable?

How much will it cost?

It will cost money—a great deal of it.

To help solve the central problems of financing, I propose the creation of a National Urban Development Bank, financed through subscription of private funds.

I propose federal underwriting of the unusual "risk" elements which are inevitably going to be involved in meeting the hardest and most critical urban problems.

Such a bank would have enough borrowing and lending authority to do the job. And we

are talking here about billions of dollars each year.

An appropriation of federal funds would get the bank started. The balance of the funds would come from federally-guaranteed bonds, to be sold by the bank to private investors.

It would provide for private equity participation in the bank's operations.

Affiliated regional banks would be chartered by the National Bank for specific metropolitan areas.

Regional bank funds would be available to both public and private borrowers for programs which cannot be financed through any other means, but which are found essential to urban development.

They would be available, at varying interest rates depending on the circumstances of the need, to finance or help finance publicly-sponsored projects—especially, but not exclusively, in the inner cities.

These regional banks would aid in the financing of public facilities of all types and would include:

Funding of nonprofit neighborhood development corporations;

Guaranteed loans, made through conventional private lenders, for inner city and metropolitan-wide development;

Loans to inner city small businessmen whose contribution to the economy of their communities is now limited by lack of financing;

Funding of quasi-public housing development corporations.

Regional banks would provide technical management assistance in urban planning and development.

The establishment of a National Urban Development Bank with an assured source of funds would facilitate and encourage long-range planning for metropolitan area development—planning now inhibited by the uncertainties of the annual appropriation process.

Congressional surveillance would be maintained in appropriations, covering the differential between market and subsidized rates, technical assistance and other special grants for community and metropolitan developments.

Regional Bank Boards would include representation of local governments, as well as the broad spectrum of the population—white and black, rich and poor. Further community participation would be encouraged through direct equity investment in the Regional Bank by the people themselves.

This is essentially a program for federal underwriting of loans.

This is even more essentially a proposal to commit ourselves, as a country, to paying whatever is the cost not just saving, but of perfecting, our cities.

I shall ask Congress and the people of America to make this commitment.

I will urge that meeting the needs of America's cities be made in effect a prior lien on the additional several billions which we will realize each year in increased revenues from present taxes on our vastly-expanded national income.

I will urge, too, that we use, on these problems, a fair share of the "peace dividend" which can be ours—if we are steadfast in our determination to achieve an honorable settlement in Paris—and if we can achieve mutual deescalation in the costly and futile arms race between our nation and the Soviet Union.

Now let me make this equally clear: Any single proposal must not diminish to any degree whatsoever the other efforts which are essential to meet the urban crisis.

Social progress in our free enterprise economy has never been—nor should it be—primarily a responsibility of the public sector.

Private business, labor, banks, industry, and our universities must assume their full share of the urban development burden.

And we must create new mechanisms to stimulate private investment to meet our social priorities.

If we are to perfect our cities within the traditions of American free enterprise, much of the money—and much of the initiative—must come from the private sector.

Six out of seven jobs in our economy are in the private sector.

Housing is almost entirely a private industry in America.

Most of the new buildings are designed by private architects, built by private contractors, and paid for by private concerns.

I am for keeping it that way. I think we can.

The life insurance companies of America have made an important start, not only with their billion-dollar commitment to build inner-city housing and create jobs, but also with the television documentary we saw last week on the dimensions of our urban challenge.

The National Alliance of Businessmen is ahead of schedule with pledges to hire and train the hard-core unemployed.

Business leaders in many of our cities have joined together in urban coalitions to begin improving their total communities.

This is only a beginning.

We can never build the cities we need without the full commitment of private enterprise.

We must, therefore, be prepared to offer financial and tax incentives to engage the enormous power of the private sector.

We must also offer these incentives, in addition to schools and first-class public services, as magnets to draw new industry and populations to the smaller city and new town—which can become the well-planned metropolis of tomorrow.

We are dependent on the vigorous exercise of private ingenuity, modern business methods, free enterprise to do most of the job in our cities.

There must clearly be a reordering and simplification of the local, state, and federal structures for administering the programs that are needed for urban and human redevelopment.

To begin to control the forces of urbanization, we must develop planning on an area-wide scale. We must avoid the irrational patchworks that have marked our urban growth patterns.

No matter what the federal government does, however, the consequences of urban disorganization cannot be avoided until localities recognize and accept their common destiny.

Constitutional reform and modernization of county and municipal government are no longer subjects for academic debate and editorial discussion. They are imperatives if our democracy is to survive.

Councils of governments—regional associations whose members are the governmental units of the metropolitan area—can provide an effective forum for attacking those problems whose solutions demand inter-governmental cooperation and coordination—law enforcement, transportation, air pollution, sanitation and garbage disposal, and employment.

As difficult as it will be, the next president must undertake a fundamental reorganization of all federal urban activities.

We must provide a structure which rewards innovation and a desire to act—not one which slowly drains and destroys the enthusiasm, effectiveness, and vision of urban leaders.

Then there is the problem of construction standards and technology—one of many places where we need uniform codes and state laws.

We shall never meet our national housing goals so long as 5,000 local jurisdictions apply different building-code standards.

Federal housing assistance, whether in the form of direct grants, loans, or mortgage insurance, should be contingent on the modernization of local land-use laws and building codes.

I urge, too, the adoption of the plain principle of public administrative responsibility: that the worst problems get the first attention.

In most cities today, public services are poorest where needs are greatest.

Schools are weakest where learning is hardest. This is wrong.

Garbage collection is slowest where the rats are.

Building codes are not enforced where the conditions they were designed to prevent are most prevalent.

Where health problems are most severe, medical facilities and personnel are least adequate—and often the most expensive.

Mr. Mayor, City Councilmen, Taxpayers: It is time to change that pattern. I don't suggest we impair city services in the better neighborhoods. I only say: We must make these services available to all our citizens.

But these courses of action—essential to progress—only make feasible the truly critical element: The motivation and capacity for effective action in the community itself.

The last several years have demonstrated the striking ability of citizens to assume major responsibility for shaping their own destinies—on their block, in their neighborhood, and throughout their city.

Persons supposedly lacking sophisticated training and preparation for community leadership have mounted some of our most successful and broadly-supported urban programs.

Cleveland: Now! Is a foremost example of the creative role which people can assume in saving a city. Under Mayor Carl Stokes' leadership, this is a community team in action—and achieving results.

But in many places this popular initiative has been thwarted—by lack of operating funds—by an unresponsive or even hostile bureaucracy in city hall, the state capitol or Washington—by unrealistic sets of rules, guidelines, regulations and procedures.

Whether the vehicle is a community corporation, neighborhood council, or city-wide planning body, we must prove our faith in democracy by getting people into the act.

New forms of neighborhood government must be considered by state legislatures and city councils.

I call particularly on those who are young to bring their capacities for invention, for faith, for commitment, and for human compassion, to the task of recreating cities that have gotten old before their time.

Let today's young people prove themselves as the generation of city builders.

I propose no miracles.

I make no promises that cannot be kept.

I have no promises that cannot be kept.

I have been the mayor of a great city. I know the weakness as well as the virtue of civic pride . . . how easy it is to start something—and how hard to finish it.

I know that stopping what is going on in our cities today is like stopping cancer.

But I know, too, that the American city is not going to die.

I know every mistake we have made in building our cities is a human mistake—which means it is within human capacity to correct.

We have everything it takes to recreate our cities . . . not in "Gleaming Alabaster" but surely "Undimmed by Human Tears."

There is no need—and it will compound our previous error—to settle for minimum housing, minimum health, minimum wages and employment, minimum schools, minimum neighborhoods.

We don't believe in a minimum American—and we won't fight hard enough if that is all we are after.

We believe—and we will fight for that belief—in creating an urban environment that calls forth the best quality in every person . . . that liberates the human spirit.

What is at stake today is not the urban—but the human condition.

We propose not to improve—but to perfect—that condition.

I say we can.

I say we will.

I say we can build an America that may be seen throughout the world, and by us, as Carl Sandburg saw her:

"I see America, not in the setting sun of a black night of despair ahead of us. I see America in the crimson light of a rising sun fresh from the burning, creative hand of god. I see great days ahead, great days possible to men and women of will and vision."

Mr. YOUNG of Ohio. Mr. President, will the Senator yield to me briefly?

Mr. SPARKMAN. I yield to the Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, I wish to associate myself with the statements of the distinguished Senator from Alabama. It was a matter of rejoicing and great happiness to me that the Vice President came into my home city of Cleveland and delivered his magnificent address, and pointed to the path and the way that should be followed for the welfare and advancement of our Nation and its people. His proposals for a Marshall plan for the cities of America should be considered by Congress at the earliest opportunity. In his speech in Cleveland the Vice President again clearly showed his thorough understanding of the problems afflicting our cities and his profound concern for the millions of Americans who live in metropolitan areas. I commend him for his leadership in urging a nationwide attack on the urban problem in America today.

A HUMPHREY FOREIGN POLICY

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "A Humphrey Foreign Policy," published in the Evening Star of yesterday. The proposal of the distinguished Vice President deals with matters we have been discussing in the Senate for years and concerns our relationship with the rest of the world.

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

A HUMPHREY FOREIGN POLICY

The presidential campaign oratory so far, to the extent that it touched foreign affairs, has focused mainly on the Vietnam War. This is natural. But it hardly aids the public in the selection of a leader at this critical hour in the nation's history.

Into this void, Vice President Humphrey, seeking to establish himself as his own man, has just issued what his campaign headquarters describes as a "major, far-reaching foreign policy statement." It is all of that, and meticulously drafted too. In the Star's view, moreover, it is a first rate statement—both for what it says, and what it doesn't say.

The Vice President could have assuaged vocal elements within the Democratic Party by calling for a return to fortress America. That he did not is a credit both to the man himself and his firm grasp of political realities. No one would believe that this proven internationalist would have the United States opt out of world affairs—whatever that might mean.

Now for what he did say. Humphrey has done no less than set forth suggested guideposts for "the next era in American foreign policy." They include (1) a shift in our approach to the Communist World from "confrontation and containment to . . . reconciliation and peaceful engagement," (2) a top priority focus on improving relations with Western Europe, Eastern Europe, and the Soviet Union, and (3) positive encouragement to Communist China to become a "responsible, participating member of the community of nations." In the developing world, Humphrey would fulfill existing security commitments, but with the firm insistence that "any threatened country" have "the support of the people." At the same time, he would build for the future, calling for "a steady increase rather than a decrease in the amount of aid we make available." Finally, the Vice President would have Congress and the people play a greater role in shaping this country's foreign policy.

All these proposals make eminent sense, insofar as Humphrey spells them out. The Vice President would do well to provide additional detail as the campaign progresses.

For now, it is enough to note the fact that the Vice President has succeeded in staking out his own foreign policy position. We hope that his future statements so aptly combine independence with sense.

LT. COMDR. WILLIAM W. GENTRY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1389, H.R. 5815.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 5815) for the relief of Lt. Comdr. William W. Gentry.

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

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1411), 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 is to relieve William W. Gentry, a retired Navy lieutenant commander of Springfield, Va., of liability in the amount of $4,643.10, representing payments of retired pay in the period from November 24, 1965, to October 23, 1966, while he was employed by a corporation which performed contract work for the United States. The bill would authorize the payment of any amounts paid or withheld by reason of the circumstances of Lieutenant Commander Gentry's employment by the firm and the limitation on retired pay.

STATEMENT

The facts of the case are set forth in the House report on this legislation and are as follows:

"The Department of the Navy in its report to the committee on the bill indicated that it supports the bill with the amendments recommended in the Navy report. The Comptroller General in his report to the committee stated that relief is a matter for the Congress to determine and made no recommendation concerning the bill.

"The bill H.R. 5815, was the subject of a subcommittee hearing on March 8, 1968. The testimony at that hearing established that Lieutenant Commander Gentry retired from the Navy in 1965 and became associated with a construction firm in Springfield, Va. As is indicated in the Navy Department report, Lieutenant Commander Gentry, as a nominal vice president of ConstrucTech Corp., signed certain bids and other contract documents relating to contracts between the corporation and the Navy. It appears that the contracts in question were advertised for open competitive bidding and were awarded to the corporation as low bidder. Lieutenant Commander Gentry, in signing the documents, did not identify himself as a naval officer. At the hearing, Mr. Gentry described the nature of the contract procedures followed by the company for which he worked. The contracts were competitive bid contracts. These were sealed bids which were submitted to the Government and opened publicly. The Navy report observes that Mr. Gentry apparently made no personal contact with any official of the Navy concerning the awarding of the contracts and was not identified by the Navy as a retired officer until after the contracts had been awarded.

"At the subcommittee hearing, the members of the subcommittee ascertained that Mr. Gentry had attempted to familiarize himself with applicable law and regulations concerning his employment following retirement. The services provide officers who retire with a pamphlet outlining the laws which apply to retired individuals and, in particular, laws which may limit or bar certain types of employment. This latter category includes the laws concerning dual compensation or dual employment by the Federal Government. Mr. Gentry was aware of the dual compensation restriction but did not understand that engaging in contracting in the manner he ultimately did as an employee of the Virginia corporation would be subject to restrictions and result in the loss of retired pay. At the hearing it was pointed out that the circumstances which resulted in his being denied retired pay for the period of the contracts was that he had been authorized by the corporation to sign the bids which were sealed and submitted to the Government and upon acceptance had signed the contract involved. This is referred to in the departmental report which also observes that statements made by him indicate that he accepted in good faith and that he was unaware that his signing of the documents might be subject to question.

"Lieutenant Commander Gentry's retired pay was administratively stopped by the Department of the Navy on August 8, 1966, pursuant to 37 U.S.C. 801(c), and the precedent provided in the Comptroller General's decision of November 9, 1959 (39 Comp. Gen. 366 (Cotter)). Subsequently, the Gentry case was considered by the Comptroller General in decision B-160236 of December 2, 1966. In that decision, it was held that Lieutenant Commander Gentry was not entitled to retired pay during any part of the period between November 30, 1965, and October 30, 1966, which was the period when one or more of the contracts signed by Lieutenant Commander Gentry were in effect and ConstrucTech Corp. was engaged in performance of the contracts.

"The Navy report observes that it appears that Lieutenant Commander Gentry's case is analogous to the cases of Rear Adm. Carl H. Cotter, CEC, U.S. Navy (ret.) (discussed in 30 Comp. Gen. 336 (1959) and of Rear Adm. Walter B. Davidson, U.S. Navy (ret.) (discussed in 42 Comp. Gen. 32 (1962)). In each of these cases, the 'selling' activity of the retired officer concerned consisted of signing bids, contracts, or other contractual documents with the Navy without actual contact with personnel of the Navy, the purchasing uniformed service. In each case retired pay was withheld pursuant to the then effective civil 'selling' statute. In the Cotter and Davidson cases, however, the pay withheld was restored by Congress through private relief legislation (Cotter, Private Law 87-196 and 87-677; Davidson, Private Law 88-131). The committee feels that the previous two cases establish a basis for relief in this instance. It can also be noted that Mr. Gentry was employed in relatively small contract operations by a new corporation

which had just begun operations and there is no indication of any improper activity or allegation of improper conduct on the part of Mr. Gentry. The situation is merely that the law provides for a bar to persons in Mr. Gentry's retired status from engaging in 'selling,' a term which has been applied to contract activity of this type."

The committee, after a review of all of the foregoing, concurs in the action of the House of Representatives and recommends that the bill, H.R. 5815, be considered favorably.

The VICE PRESIDENT. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 5815) was ordered to a third reading, read the third time, and passed.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of portions of the calendar, beginning with Calendar No. 1397, up to and including Calendar No. 1408.

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

ARGOS NATIONAL FISH HATCHERY, INDIANA

The bill (H.R. 10923) to authorize the Secretary of the Interior to convey the Argos National Fish Hatchery in Indiana to the Izaak Walton League was considered, ordered to a third reading, 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. 1418), 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

The Argos National Fish Hatchery was donated to the U.S. Government in 1935 by the Izaak Walton League of America. In 1954, for reasons of economy, the Bureau of Sport Fisheries and Wildlife ceased to operate this facility. Under a cooperative agreement, the league has operated the facility since that date.

This legislation would authorize the Secretary of the Interior to reconvey the title to the league.

NEED FOR THE LEGISLATION

The Argos Hatchery—located in Marshall County, Ind., and containing 13.5 acres—was originally owned by Chapter No. 68 of the Izaak Walton League of America. The 13.5 acres was part of a 17-acre tract owned by the Argos chapter. About 4 acres were retained by the chapter for its use as a headquarters and recreation area.

In 1935 the league donated the hatchery to the United States. It was operated by the Bureau of Sport Fisheries and Wildlife of the Department of the Interior and its predecessor agencies from 1935 to 1954, when it became economically infeasible to operate. During this period the Bureau constructed five ponds for fish-rearing purposes—at a cost of approximately $23,000—and operated these ponds in conjunction with activities at the nearby national fish hatchery at Rochester, Ind.

Under a cooperative agreement the league assumed the responsibility for operation of the Argos Hatchery and ponds in 1954, since these five ponds were no longer needed to supplement production of the Rochester hatchery. The area is being operated by the league at the present time as a warm water fish hatchery for propagation of blue gill and bass primarily.

Since it is no longer practicable for the Bureau to operate this facility, the Department of the Interior desires to be relieved of administrative accountability. To accomplish this purpose—under existing law—the hatchery would have to be disposed of under the Federal Property and Administrative Services Act of 1949, once a determination is made that it is not needed by any other Bureau of this Department or any other Federal agency. If it were found to be surplus to all Federal needs, the property would normally be disposed of by the General Services Administration by public sale. If this should occur, there would be no assurance that the league could acquire the property, thus the need for this legislation to assure that the title is returned to the league, its original owner.

GENERAL DISCUSSION OF WHAT THE BILL DOES AND THE AMENDMENT

The bill would authorize the Secretary of the Interior to convey to the Izaak Walton League of America, without compensation, the title to the Argos National Fish Hatchery in Marshall County, Ind. However, before conveying title, the Secretary must find that the league is capable of assuming the full responsibility for operating and maintaining the hatchery for the purposes for which it was established.

In view of the fact that the Argos Hatchery was owned by the league when donated to the U.S. Government, and in view of the fact that the league has been operating the hatchery since 1954—when it became economically infeasible for the Department of the Interior to continue its operation—your committee deems it only equitable that the title should be returned to the original owner.

Whenever the Secretary determines, after conveyance, that the hatchery is not being operated and maintained for the purposes for which it was established, title thereto shall automatically revert to the United States.

COST OF THE LEGISLATION

It is estimated by the Department of the Interior that there would be no additional cost to the Federal Government in the event this legislation is enacted. In fact, a saving to the Federal Government should occur for the amount of maintaining the property involved, estimated to be $5,000 per year.

NATION'S ESTUARIES STUDY

The Senate proceeded to consider the bill (H.R. 25) to authorize the Secretary of the Interior in cooperation with the States, to conduct an inventory and study of the Nation's estuaries and their natural resources, and for other purposes which had been reported from the Committee on Commerce with an amendment on page 4, at the beginning of line 18, strike out "$750,000" and insert "$250,000."

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. 1419), 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

The purpose of this bill is to provide a means for considering the need to protect, conserve, and restore these estuaries in a manner that adequately and reasonably maintains a balance between the national need for such protection in the interest of conserving the natural resources and natural beauty of the Nation and the need to develop these estuaries to further the growth and development of the Nation. In connection with the exercise of jurisdiction over the estuaries of the Nation and in consequence of the benefits resulting to the public, it is declared to be the policy of Congress to recognize, preserve, and protect the responsibilities of the States in protecting, conserving, and restoring the estuaries of the United States.

The bill would authorize and direct the Secretary of the Interior—in consultation with the States, the Secretary of the Army, and other Federal agencies—to conduct a study and inventory of the Nation's estuaries and the waters of the Great Lakes. As a result of such study, the Secretary would be required to submit, not later than January 30, 1970, to the Congress through the President, a report of the study together with legislative recommendations on the desirability of establishing a nationwide system of estuarine areas, the terms, conditions, and authorities to govern such system, and the designation and acquisition of any specific areas which he believes should be acquired by the United States. However, no lands could be acquired unless authorized by subsequent act of Congress.

Recommendations made by the Secretary for the acquisition of any estuarine area shall be developed in consultation with the States, municipalities, and other interested Federal agencies. Each such recommendation shall be accompanied by (1) expressions of any views which the interested States, municipalities, and other Federal and river basin commissions may submit, (2) a statement setting forth the probable effect of the recommended action on any comprehensive river basin plan that may have been adopted by Congress or that is serving as a guide for coordinating Federal programs in the basin where such area is located, (3) in the absence of such a plan, a statement indicating the probable effect of the recommended action on alternative beneficial uses of the resources of the estuarine area, and (4) a discussion of the major economic, social, and ecological trends occurring in such area.

LEGISLATIVE BACKGROUND

Three bills on estuaries have been introduced during the 90th Congress—S. 695 by Senators Kennedy and Magnuson, S. 2365 by Senator Ribicoff, and H.R. 25 by Congressman John Dingell.

S. 695 and H.R. 25 were identical bills. The House Subcommittee on Fisheries and Wildlife of the Committee on Merchant Marine and Fisheries held 3 days of hearings on H.R. 25. They heard 60 witnesses and compiled a 486-page hearing record. The subcommittee recommendation to the full committee, after several days of consideration, was that the bill be amended. This amended bill was reported by the House and was passed February 8, 1968.

The Committee on Commerce held hearings June 3, 1968, on the three bills and recommended that H.R. 25 be reported. At the hearing, there was a question on section 6 of the bill and the chairman asked the Deputy Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, to submit a statement of clarification to be placed in this report. The statement is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 8, 1968.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: During the recent hearings on H.R. 25, there was some concern raised that section 6 of the bill would in

effect negate the purposes of the legislation. While we are in sympathy with this concern, we do not interpret the language of section 6 as a green light to any Federal agency to disrupt the orderly development of any estuarine plan developed under this act.

Section 6 of the bill is as follows:

"SEC. 6. Nothing in this Act shall be construed to affect the authority of any Federal agency to carry out any Federal project heretofore or hereafter authorized within an estuary."

The object of this disclaimer is to make it clear that this bill will not affect projects authorized by the Congress. This is particularly important in the case of projects authorized prior to enactment of H.R. 25. In the case of future projects for which congressional authorization is sought, section 4 of the bill adequately protects the estuarine plan. Secton 4 requires that all water resource project plans and reports submitted to Congress for authorization "shall contain a discussion by the Secretary of the Interior of such estuaries and such resources and the effects of the project on them and his recommendations thereon." This provision would give this Department, working with the affected States, ample opportunity to point out and protect the estuarine resource interests. Accordingly, we strongly urge that H.R. 25 be enacted without amendment.

Sincerely yours,

CLARENCE F. PAUTZKE,
Deputy Assistant Secretary of the Interior.

ESTUARIES

Webster's New International Dictionary, third edition, defines an estuary:

"1a: a water passage (as the mouth of a river) where the tide meets the current of a stream: tidal river b: an arm of the sea at the lower end of a river 2: a drowned river mouth caused by the sinking of the land near the coast."

In "A Symposium on Estuarine Fisheries" by the American Fisheries Society, special publication No. 3 of 1966, Roland F. Smith said that he considered the following definition by W. M. Cameron and D. W. Pritchard, in "The Sea" as being generally satisfactory—

"An estuary is a semienclosed coastal body of water having a free connection with the open sea and within which the sea water is measurably diluted with fresh water deriving from land drainage."

Continuing, Mr. Smith said:

"Closely associated with an estuary, as defined above, are transition zones—salt meadows, coastal marshes, intertidal areas, sounds and other coastal water areas, plus the vital fresh water habitats above the upper limit of salt water intrusion, so important as spawning and nursery areas for many anadromous fish."

NEED FOR THE LEGISLATION

In recent years, great strides have been made in the United States in setting aside, preserving and developing many areas of the country as wildlife refuges, parks, seashores and recreation areas. In trying to attain these goals, there has been a tendency to ignore some of our most valuable areas—the many, but fast dwindling estuaries and wet lands found along our ocean and Great Lakes coastlines.

A meandering river flows to the sea and terminates in an estuary. At this point, the river waters, the ocean tides, the coastal currents, and the contours of our shores interact resulting in the depositing of river sediments and sediments washed up by the sea. It is a holding place for nutrients. These sediments slowly settle and form sand or mudflats which are covered with algae and other plants that can survive in salt and brackish water. Thus, the coastal marsh is formed with its myriad channels and creeks and small potholes. This marginal sea and land area is the environment for many natural resources.

Your committee was impressed with a recent report of the Environmental Pollution Panel of the President's Science Advisory Committee, which sets forth in graphic terms the many values of the estuarine-wetland areas;

"Large populations of birds, including such game species as ducks, geese, swans, rails, and snipe, concentrate in the waterlogged lowlands—"wetlands"—associated with estuaries, bays, sounds, and keys. Waterfowl come there chiefly during the winter to feed on the fish on the lush vegetation or on the brackish water invertebrate animals that abound in the zone.

"Many of our most valued commercial and game species such as prawns, menhaden, bluefish, weakfish, croaker, mullet, and channel bass, spend their juvenile stages in the protected inside waters of the estuarine zone. Oysters, soft clams, blue crabs, and diamond back terrapins are all residents of estuaries. Fishes that divide their lives between fresh water and salt such as salmon, striped bass, shad, river herring, and eels, pause for a sojourn between coastal waters and their upstream or oceanic spawning grounds.

"Several qualities combine to give peculiar biological value to the estuarine zone. To begin with, the salt marshes are extraordinarily fertile. The Sapelo Marshes of Georgia * * * produce nearly seven times as much organic matter per unit area as the water of the Continental Shelf, 20 times as much as that of the deep sea, six times as much as average wheat-producing land * * *. For this reason alone the estuarine waters are excellent nursery grounds for coastal fishes. Another reason is that the estuarine systems are capacious; for the meandering marsh creeks add enormously to the area of the shallow water nurseries.

"Over 90 percent of the total harvest of seafoods from waters off the United States are taken on the Continental Shelf. Nearly two-thirds of that fraction are composed of species whose existence depends on the estuarine zone; or which must pass through the zone en route to spawning grounds. To cite a few examples: the menhaden is the most abundant of all our commercial fishes, the cheapest source of animal protein, and the object of the largest fishery in North America. Southern shrimps, oysters, blue crabs, and Pacific salmons are among our most valuable fishery resources. Striped bass, sea trouts, bluefish, tarpon, and bonefish rank among the most celebrated of marine food and game fishes.

In 1960, estuarine-dependent seafood resources supported about 90,000 commercial fishermen to whom they yielded 2.8 billion pounds. This quantity was worth $59 million on the wholesale market. The resources yielded an additional 900,000 pounds to about 1,600,000 anglers. It is hard to evaluate recreational fishing, but if the amount spent specifically for fishing expeditions over and above normal living costs be accepted as an index, the value of the sportsmen's catch of estuarine-dependent fishes was about $163 million.

"North America is endowed with a remarkable variety and abundance of waterbirds; that is to say, birds which must obtain food largely in or about water. These include all the waterfowl (ducks, geese, brant, and swan); and all those that live in marshes such as herons, egrets, ibises, rails, galinules, and cranes; and shore birds, such as sandpipers, plovers, and numerous other species that run along the beaches in search of food * * *. For most of these bird species, no economic value can be assigned. They are simply items in our Nation's treasury of natural beauty, essential parts of what makes "country"; but even so unevaluable. Waterfowl, on the other hand, do have measurable dollars-and-cents value; for they are among our leading recreational assets. In 1960, nearly 2 million people hunted waterfowl and spent over $89 million for this form of recreation."

The destruction of estuarine areas throughout the United States has progressed more rapidly in recent years because of population pressures for housing space, industrial developments, and works of improvement for hurricane protection and control of beach erosion and salt water intrusion. In addition, many estuarine areas are being altered ecologically to the detriment of desirable organisms by pollution and water flow control. Nearly every past action by man along the coastline has damaged, to some degree, the physical existence or biological quality of the estuarine areas.

The following table submitted by the Department of the Interior provides precise information in the 20-year record of loss of important fish and wildlife estuarine habitat along the Atlantic gulf, and Pacific coasts and the Great Lakes shoreline where shoal areas less than 6 feet deep are arbitrarily considered as estuaries.

NATIONAL SUMMARY—LOSS OF IMPORTANT FISH AND WILDLIFE ESTUARINE HABITAT

State	Acres of estuaries			
	Total area	Basic area of important habitat	Area of basic habitat lost by dredging and filling	Percent loss of habitat
Alabama	530,000	132,800	2,000	1.5
Alaska	11,022,800	573,800	1,100	.2
California	552,100	381,900	255,800	67.0
Connecticut	31,600	20,300	2,100	10.3
Delaware	395,500	152,400	8,500	5.6
Florida	1,051,200	796,200	59,700	7.5
Georgia	170,800	125,000	800	.6
Louisiana	3,545,100	2,076,900	65,400	3.1
Maine	39,400	15,300	1,000	6.5
Maryland	1,406,100	376,300	1,000	.3
Massachusetts	207,000	31,000	2,000	6.5
Michigan [1]	151,700	151,700	3,500	2.3
Mississippi	251,200	76,300	1,700	2.2
New Hampshire	12,400	10,000	1,000	10.0
New Jersey	778,400	411,300	53,900	13.1
New York	376,600	132,500	19,800	15.2
New York (Great Lakes)	48,900	48,900	600	1.0
North Carolina	2,206,600	793,700	8,000	1.0
Ohio [1]	37,200	37,200	100	.3
Oregon	57,600	20,200	700	3.5
Pennsylvania [1]	5,000	5,000	100	2.0
Rhode Island	94,700	14,700	900	6.1
South Carolina	427,900	269,400	4,300	1.6
Texas	1,344,000	828,100	18,100	8.2
Virginia	1,670,000	428,100	2,400	.6
Washington	193,800	95,500	4,300	4.5
Wisconsin [1]	10,600	10,600	0	.0
Total	26,618,200	7,988,100	568,800	7.1

[1] In Great Lakes only shoals (areas less than 6 feet deep) were considered as estuaries.

Your committee is of the opinion that the study as provided in H.R. 25 will provide the means for protecting and conserving our Nation's estuarine areas and the waters of the Great Lakes.

FEDERAL CORRUPT PRACTICES AND POLITICAL ACTIVITIES

The resolution (S. Res. 375) authorizing the printing of a revised edition of the compilation "Federal Corrupt Practices and Political Activities" as a Senate document was considered, agreed to, as follows:

Resolved, That a revised edition of Senate Document Numbered 68 of the Eighty-eighth Congress, entitled "Federal Corrupt Practices and Political Activities" be printed as a Senate document; and that there be printed four thousand additional copies of such document for the use of the Committee on Rules and Administration.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1420), explaining the purposes of the resolution.

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

Senate Resolution 375 would authorize the printing as a Senate document of a revised edition of Senate Document 68 of the 87th Congress, entitled "Federal Corrupt Practices and Political Activities", and further would authorize the printing of 4,000 additional copies of such document for the use of the Committee on Rules and Administration.

The printing-cost estimate, supplied by the Public Printer, is as follows:

To print as a document (1,500 copies)	$1,812.10
4,000 additional copies at $63.15 per thousand	252.60
Total estimated cost, S. Res. 375	2,064.70

COMMITTEE ON THE DISTRICT OF COLUMBIA

The resolution (S. Res. 308) to provide for additional funds for the Committee on the District of Columbia was considered, and agreed to, as follows:

S. RES. 308

Resolved, That the Committee on the District of Columbia is hereby authorized to expend from the contingent fund of the Senate, during the Ninetieth Congress, 5,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

REVISION AND CODIFICATION

The resolution (S. Res. 317) to increase the amount of funds available for the investigation of matters pertaining to revision and codification was considered, and agreed to, as follows:

S. RES. 317

Resolved, That S. Res. 244, Ninetieth Congress, agreed to March 15, 1968 (authorizing a complete study of any and all matters pertaining to revision and codification of the statutes of the United States), is hereby amended by striking out "46,500" and inserting in lieu thereof "47,500".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1421), explaining the purposes of the resolution.

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

Senate Resolution 317 would increase by $1,000, from $46,500 to $47,500, the limitation on expenditures by the Committee on the Judiciary for the study of matters pertaining to revision and codification of the statutes of the United States which it is currently engaged in pursuant to Senate Resolution 244, of the present Congress.

Senate Resolution 244 as agreed to by the Senate on March 15, 1968, authorized the expenditure of not to exceed $46,500 by the Committee on the Judiciary, acting through its Subcommittee on Revision and Codification, from February 1, 1968, through January 31, 1969—"to examine, investigate, and make a complete study of any and all matters pertaining to revision and codification of the statutes of the United States."

CONSTITUTIONAL RIGHTS

The resolution (S. Res. 318) to increase the amount of funds available for the investigation of matters pertaining to constitutional rights was considered, and agreed to, as follows:

S. RES. 318

Resolved, That S. Res. 236, Ninetieth Congress, agreed to March 15, 1968 (authorizing a complete study of any and all matters pertaining to constitutional rights), is hereby amended by striking out "$210,000" and inserting in lieu thereof "$220,000."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1422), explaining the purposes of the resolution.

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

Senate Resolution 318 would increase by $10,000, from $210,000 to $220,000, the limitation on expenditures by the Committee on the Judiciary for the study of constitutional rights which it is currently engaged in pursuant to Senate Resolution 236 of the present Congress.

Senate Resolution 236 as agreed to by the Senate on March 15, 1968, authorized the expenditure of not to exceed $210,000 by the Committee on the Judiciary, acting through its Subcommittee on Constitutional Rights from February 1, 1968, through January 31, 1969—to examine, investigate, and make a complete study of any and all matters pertaining to constitutional rights.

SEPARATION OF POWERS

The resolution (S. Res. 319) to increase the amount of funds available for the investigation of matters pertaining to the separation of powers between the executive, judicial, and legislative branches of Government was considered, and agreed to, as follows:

S. RES. 319

Resolved, That S. Res. 245, Ninetieth Congress, agreed to March 15, 1968 (authorizing a complete study of the separation of powers between the executive, judicial, and legislative branches of Government provided by the Constitution) is hereby amended by striking out "$90,000" and inserting in lieu thereof "$95,000".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1423), explaining the purposes of the resolution.

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

Senate Resolution 319 would increase by $5,000, from $90,000 to $95,000 the limitation on expenditures by the Committee on the Judiciary for the study of constitutional separation of powers which it is currently engaged in pursuant to Senate Resolution 245 of the present Congress.

Senate Resolution 245 as agreed to by the Senate on March 15, 1968, authorized the expenditure of not to exceed $90,000 by the Committee on the Judiciary, acting through its Subcommittee on Separation of Powers from February 1, 1968, through January 31, 1969—"to make a full and complete study of the separation of powers between the executive, judicial, and legislative branches of Government provided by the Constitution, the manner in which power has been exercised by each branch and the extent, if any, to which any branch or branches of the Government may have encroached upon the powers, functions, and duties vested in any other branch by the Constitution of the United States."

IMMIGRATION AND NATURALIZATION

The resolution (S. Res. 320) to increase the amount of funds available for the investigation of matters pertaining to immigration and naturalization was considered, and agreed to, as follows:

S. RES. 320

Resolved, That S. Res. 238, Ninetieth Congress, agreed to March 15, 1968 (to investigate matters pertaining to immigration and naturalization), is hereby amended on page 2, line 16, by striking out "$170,000" and inserting in lieu thereof, "$185,000".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1424), explaining the purposes of the resolution.

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

Senate Resolution 320 would increase by $15,000, from $170,000 to $185,000, the limitation on expenditures by the Committee on the Judiciary for the study of matters pertaining to immigration and naturalization which it is currently engaged in pursuant to Senate Resolution 238 of the present Congress.

Senate Resolution 238 as agreed to by the Senate on March 15, 1968, authorized the expenditure of not to exceed $170,000 by the Committee on the Judiciary, acting through its Subcommittee on Immigration and Naturalization, from February 1, 1968, through January 31, 1969, for the purpose of handling the heavy workload in the committee attributed to the large number of private immigration bills and adjustment-of-status cases which are referred to it and to the innumerable routine items relating to immigration problems which the committee handles from day to day.

ADMINISTRATIVE PRACTICE AND PROCEDURE

The resolution (S. Res. 323) to increase the amount of funds available for the investigation of matters pertaining to administrative practice and procedure between the executive, judicial, and legislative branches of government

was considered, and agreed to, as follows:

S. RES. 323

Resolved, That S. Res. 232, Ninetieth Congress, agreed to March 15, 1968 (authorizing a study and investigation of administrative practices and procedures within the departments and agencies of the United States), is hereby amended on page 2, line 22, by striking out "$200,000" and inserting in lieu thereof "$210,000".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1425), explaining the purposes of the resolution.

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

Senate Resolution 323 would increase by $10,000, from $200,000 to $210,000, the limitation on expenditures by the Committee on the Judiciary for the study of administrative practice and procedure which it is currently engaged in pursuant to Senate Resolution 232 of the present Congress.

Senate Resolution 232 as agreed to by the Senate on March 15, 1968, authorized the expenditure of not to exceed $200,000 by the Committee on the Judiciary, acting through its Subcommittee on Administrative Practice and Procedure, from February 1, 1968, through January 31, 1969—"to make a full and complete study and investigation of administrative practices and procedures within the departments and agencies of the United States in the exercise of their rulemaking, licensing, investigatory, law enforcement, and adjudicatory functions, including a study of the effectiveness of the Administrative Procedure Act, with a view to determining whether additional legislation is required to provide for the fair, impartial, and effective performance of such functions."

HISTORY OF SENATE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES

The resolution (S. Res. 324) to authorize the printing with illustrations, as a Senate document, a compilation of materials relating to the history of the Senate Committee on Aeronautical and Space Sciences in connection with its 10th anniversary was considered, and agreed to, as follows:

S. RES. 324

Resolved, That there be printed with illustrations as a Senate document a compilation of materials relating to the history of the Senate Committee on Aeronautical and Space Sciences in connection with its tenth anniversary (1958–1968); and that there be printed for the use of that committee five thousand additional copies of such document.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1426), explaining the purposes of the resolution.

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

Senate Resolution 324 would provide that there be printed with illustrations as a Senate document a compilation of materials relating to the history of the Senate Committee on Aeronautical and Space Sciences in connection with its 10th anniversary (1958–68), and that there be printed 5,000 additional copies of such document for the use of that committee.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies	$2,689.21
5,000 additional copies, at $178.97 per thousand	894.21
Total estimated cost, S. Res 324	3,584.06

ACCEPTANCE OF FOREIGN DECORATIONS

The resolution (S. Res. 314) authorizing approval by the Committee on Rules and Administration of the acceptance of foreign decorations by Members and employees of the Senate was considered, and agreed to, as follows:

S. RES. 314

Resolved, That the Committee on Rules and Administration is hereby authorized to grant approval, for the purposes of section 7342 of title 5, United States Code, and regulations prescribed thereunder, of the acceptance, retention, and wearing by a Member, officer, or employee of the Senate of a decoration tendered by a foreign government in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious service.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1427), explaining the purposes of the resolution.

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

Senate Resolution 314 would provide that the Committee on Rules and Administration be authorized to grant approval, for the purposes of section 7342 of title 5, United States Code, and regulations prescribed thereunder, of the acceptance, retention, and wearing by a Member, officer, or employee of the Senate of a decoration tendered by a foreign government for other outstanding or unusually meritorious service.

ADA S. ANDERSON

The resolution (S. Res. 376) to pay a gratuity to Ada S. Anderson was considered, and agreed to, as follows:

S. RES. 376

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Ada S. Anderson, widow of William H. Anderson, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 1412 and 1414.

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

SECURITY INTEREST IN REAL PROPERTY

The Senate proceeded to consider the bill (S. 2592) to amend section 521 of the act approved March 3, 1901, so as to prohibit the enforcement of a security interest in real property in the District of Columbia except pursuant to court order which had been reported from the Committee on the District of Columbia with an amendment strike out all after the enacting clause and insert:

That section 539 of the Act approved March 3, 1901 (31 Stat. 1274), as amended (D.C. Code, sec 45–615), is amended by inserting the words "And Notice To Be Given" immediately after the words "Terms of Sale" in the title of said section, inserting the subsection designation "(a)" immediately before the first word of such section, and by adding the following:

"(b) No foreclosure sale under a power of sale provision contained in any deed of trust, mortgage or other security instrument, may take place unless the holder of the note secured by such deed of trust, mortgage, or security instrument, or its agent, gives written notice, by certified mail return receipt requested, of said sale to the owner of the real property encumbered by said deed of trust, mortgage or security instrument at his last known address, with a copy of said notice being sent to the Commissioner of the District of Columbia, or his designated agent, at least 30 days in advance of the date of said sale. Said notice shall be in such format and contain such information as the District of Columbia Council shall by regulation prescribe. The 30-day period shall commence to run on the date of receipt of such notice by the Commissioner. The Commissioner or his agent shall give written acknowledgment to the holder of said note, or its agent, on the day that he receives such notice, that such notice has been received, indicating therein the date of receipt of such notice. The notice required by this subsection (b) in regard to said mortgages and deeds of trust shall be in addition to the notice described by subsection (a) of this section."

Mr. TYDINGS. Mr. President, the bill now pending before the Senate, S. 2592, is designed to remedy shocking abuses of the rights of homeowners which were revealed in hearings before the Subcommittee on Business and Commerce, of which I am chairman, of the Senate District of Columbia Committee. We found that a small number of unscrupulous merchants in the District were entering contracts with homeowners—sometimes for consumer items, sometimes for home improvement services—and obtaining home mortgages, often second or third trusts, as security for the debts. In too many instances, we found that low-income homeowners in particular were tricked into entering these mortgages. The documents they signed were falsely represented or signatures were even forged. In many other instances, the underlying contract was not performed by the seller, but he had sold the mortgage note to a finance company who enforced it against the homeowner and ignored the homeowner's contract rights.

But often before these hapless victims were sufficiently alerted to their plight, we found that homes were being literally sold from beneath them in foreclosure proceedings. Under present District of Columbia law, there is no protection to guarantee a homeowner that he will have full notice before his home is sold through foreclosure, so that he can take legal action to protect himself. This bill remedies this situation by requiring 30 days' advance notice to a homeowner before foreclosure proceedings may commence.

It is, however, not enough to rely on the homeowner—particularly of low in-

come and perhaps little education—to know his rights and to protect them. A public agency—a consumers' advocate—is needed to insure that all rights are protected. For this reason, the bill provides that a copy of the 30-day foreclosure notice must be sent to the D.C. Commissioner before the mortgage holder can foreclose. We expect that, forewarned by this notice, the Commissioner will guarantee that homeowners are alerted to their rights and, where illegitimate conduct appears likely, that they are assisted through administrative action and in the courts to protect themselves.

In order to protect the homeowners of the District of Columbia from fraudulent conduct in mortgage transactions, I urge the Senate to approve this bill which has the support of consumer groups, and all of the reputable business and financial community in the District of Columbia.

The amendment was agreed to.

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

The title was amended, so as to read: "A bill to amend section 539 of the act approved March 3, 1901, so as to provide notice of the enforcement of a security interest in real property in the District of Columbia to the owner of such real property and the Commissioner of the District of Columbia."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1431), 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

The purpose of S. 2592, as reported, is to provide that security interests in real property in the District of Columbia, such as deeds of trust or mortgages, can be foreclosed pursuant to power of sale provisions contained in the instruments only after the holder of the note secured by such deed of trust or other securtiy instrument has mailed a written notice of such foreclosure to the owner of the encumbered real property. A copy of this notice is to be sent to the Commissioner of the District of Columbia or his designated agent at least 30 days in advance of the date of the sale of said real property.

NEED FOR LEGISLATION

The need for this legislation arises from certain deceptive practices of some firms doing business in the District of Columbia, particularly in the field of home improvement contracting. Although the committee believes the vast majority of home improvers are reliable and fair businessmen, a few operators have engaged in certain unfair sharp practices that must be stopped.

It has been brought to the attention of the committee that some unwary homeowners have been induced to enter into contracts for credit purchases of goods and services, such as improvements to their homes. They sign several papers described by the salesman as being merely necessary formalities, only to discover too late that they have signed notes and deeds of trust on their homes, and even a statement that the work has been satisfactorily completed. The fraudulent home improver then negotiates the note and deed of trust to a finance company, and makes inadequate repairs to the house or no repairs at all. The finance company then is in a position to foreclose on the deed of trust if the owner defaults on the note, free from complaints by the homeowner that he had not received satisfactory performance. Because the deeds of trust often contain clauses permitting the trustee to sell on default without giving the homeowner notice of foreclosure, some Washingtonians have had their houses literally sold out from under them.

The committee was informed about a particularly flagrant case in which a homeowner contracted for $3,500 in home improvements, and signed a note for that amount. What she did not realize was that she had signed a second note, secured by a deed of trust on her house. The construction company could sell one note at a substantial discount in order to get its money immediately, and still retain the secured note. In this case, the homeowner paid $3,500 on the note she had known about, only to be confronted with a threatened foreclosure on a deed of trust that she did not know she had signed that secured a note of which she also had no actual knowledge.

Another case involved a fly-by-night construction company specializing in home improvements. The operation was run by one man who spent a single month in the District of Columbia before skipping town. He hired several workmen who had had little or no experience on a day-to-day basis to shingle the front of a home and install some windows and doors. The homeowner was given a 1-year warranty guaranteeing that the work would last or it would be repaired. The charge for this work was $3,000. After spending a month around the District the operator sold the notes he had obtained through misrepresentation to a finance company and left town. Soon the shingles began to fall off and the homeowner looked up his warranty. He tried to contact the construction company, but the telephone had been disconnected and there was no trace of the company. Since the company had disappeared, the homeowner felt that he was no longer bound by the contract. At the end of the month the homeowner received a coupon book and a letter directing him to make monthly payments to a finance company. The homeowner did not fully understand what had happened but refused to pay because the work was faulty and he wanted it redone. However, the finance company held the contract as well as the lien on the man's home. The homeowner had absolutely no idea that he had signed a deed of trust. The homeowner had no realization of what was taking place and before he had an opportunity to do anything to stop it, he found that his home had been sold from under him.

The cruel fact is that many foreclosures in the District involve the homes of the relatively poor and illiterate, and are brought by holders of second, third, or even fourth mortgages or deeds of trust.

Significantly, very few foreclosures are commenced by legitimate savings and loan associations, banks, insurance companies and other institutional lenders on the security of first mortgages or deeds of trust. It is the intent of the committee to deal only with the shameful practices of the relatively few unconscionable business operators and financial organizations that prey on the unwary homeowners in the District of Columbia.

The committee believes that a homeowner should have a right to be heard in defense of his property. This bill, as reported, would eliminate automatic foreclosure under deeds of trust and would require proper notification before any such foreclosure could be perfected. In this way, the homeowner would be given an opportunity to attempt to save his property.

This notification provision will provide an important safeguard in the protection of District residents. It is an amendment of existing law that will not be burdensome. The protection that it will afford the community in guarding the equity of owners of real property would be highly beneficial to the society as a whole. The bitterness and despair that result from losing one's home through fraudulent procedures, that have no place in fair dealing, often lead to the breaking up of families and even to unrest in the community. S. 2592 will insure the homeowner that he will be given the opportunity to defend himself against these unfair practices before it is too late, should he discover that he has been victimized.

PROVISIONS OF THE BILL

The committee has approved an amendment which would require proper notification rather than a court order before a foreclosure could be made.

The bill as introduced would prohibit foreclosures except pursuant to court order. It did not prescribe any procedure for obtaining the court order and was silent as to whether or not the court would retain jurisdiction after the sale was authorized. The committee believes that under S. 2592, as introduced, the court could treat a foreclosure proceeding as an ordinary civil action, requiring service of process, time for an answer, a hearing, and other procedural steps, resulting in delays of several months if there is no objection, and quite possibly as much as several years if contested.

This delay would unduly restrict the legitimate financial institution in transacting its normal business. The committee believes that there is no reason to penalize the reputable lender. The purpose of this legislation is to correct the flagrant abuses of a few dishonest firms preying on District homeowners. Although the committee is in complete agreement with the intent of the bill as introduced, it feels that a notification requirement would be more appropriate and would adequately protect the property owner.

In addition to being time consuming, a court foreclosure would be a costly process for all parties involved. The property owner would have additional costs in the way of legal fees and court costs, and the delay involved would increase the amount of interest owing by the time the property actually goes to sale, all of which costs would reduce the owner's equity in the property. The lender must face the prospect of property deterioration and a decrease in value as well as being required to advance money toward protection of its security which may never be recovered. The additional costs imposed on the lending institution by requiring that they obtain a court order for each foreclosure would ultimately be borne by the borrowers.

In making a mortgage loan the lender considers not only the credit of the borrower but the security offered for the loan as well. If the security is less available because of a more restricted foreclosure procedure, the lender takes this into account in determining if the loan is to be made and the loan terms to be offered. Thus, a court foreclosure procedure may restrict the flow of mortgage money in the District of Columbia. By discouraging mortgage money from investing in Washington, the original bill could work a hardship on all parties involved.

The committee amendment would require proper notification of the owner of the encumbered property well in advance of the proposed date of sale. This would allow the property owner ample time to seek remedies under the existing law. The obligor now has adequate remedy by seeking injunctive relief in the U.S. district court if he has grounds on which to defend himself against the threatened foreclosure. Any homeowner who feels he is being aggrieved may seek legal advice. This may be obtained through the legal aid agencies if such person is indigent.

The bill as reported would also require that a copy of the notification of the impending foreclosure be sent to the Commissioner or his designated agent at least 30 days in advance of the sale. This notice will give the Commissioner or his agent an opportunity to consult with the borrower and counsel him as to the impending foreclosure sale. The borrower could be advised to seek

legal aid should it become apparent that the foreclosure results from a transaction in which the borrower has been victimized. The committee expects that the Commissioner will insure that each notice, a copy of which he receives, will be sufficiently investigated to protect District of Columbia residents against the abuses documented in subcommittee hearings.

The other amendment is technical and amends the title so as to conform to the text of the amended bill.

SUPPORT FOR THE BILL

Public hearings were held by the Subcommittee on Business and Commerce of the Committee on the District of Columbia on December 5, 12, 13, 1967; January 30, 31, and February 1, 1968. There was no opposition to the intent of the bill. The committee believes that the bill as reported meets the valid objections raised by the banking, insurance, and mortgage institutions.

CONCLUSION

S. 2592, as reported, will protect the residents of the District of Columbia by assuring them of an opportunity to defend themselves against foreclosures resulting from unscrupulous business practices. By requiring proper notification rather than a court order before a forecloure is pefected, the bill guarantees the aggrieved owner of the encumbered property sufficient time to seek a remedy under existing law, while the legitimate lending institutions will not be subjected to undue restrictions.

The committee recommends that the bill as amended be enacted.

PREVENTION AND TREATMENT OF ALCOHOLISM IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H.R. 14330) to provide a comprehensive program for the control of drunkenness and the prevention and treatment of alcoholism in the District of Columbia, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1435), 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

The purpose of H.R. 14330 is to revise the District of Columbia laws governing public intoxication and rehabilitation of alcoholics. The bill eliminates simple public intoxication as a criminal offense, and substitutes for the criminal process detoxification and appropriate emergency medical care for citizens found drunk in public. It also provides for the treatment and rehabilitation of chronic alcoholics.

PROVISIONS OF THE BILL

The Alcoholic Rehabilitation Act of 1947 (61 Stat. 744, sec. 24–501 et seq. of the District of Columbia Code) authorized the establishment of a program for the rehabilitation of alcoholics in the District of Columbia. That statute was considered quite forward looking at the time, and it served as a model for similar laws enacted in the States. Unfortunately, it was not adequately implemented in the District of Columbia. The District of Columbia Commissioners were unable to certify, as the statute required, that adequate facilities were available for treatment purposes. The plight of the derelict alcoholic therefore worsened. He was repeatedly picked up by the police, charged with intoxication, quickly processed through the court, sent to jail for up to 90 days, returned to the street without treatment or resources with which to handle his alcoholism, and picked up by the police once again. This routine protected neither the alcoholic nor the public interest.

The immensity of the public problem is shown by statistics on intoxication and alcoholism in the District of Columbia. In 1965 there were 44,218 arrests for simple public intoxication, and in 1966 there were 47,140 arrests for this offense. More than 80 percent of the inmates of the District of Columbia Workhouse were drunkenness offenders. It has been estimated that some 90 to 95 percent of the drunkenness offenders who did not forfeit collateral at the police station, and who therefore appeared in the court of general sessions on the charge, were suffering from alcoholism. In the past 2 years some 5,322 individuals have been adjudicated chronic alcoholics in the court of general sessions. This represented a tragic waste of valuable law enforcement resources in a futile attempt to handle a social and public health problem by inappropriate means.

Use of the criminal law to handle drunken alcoholics was unanimously rejected in March 1966 by the U.S. Court of Appeals for the District of Columbia Circuit in the case of *Easter* v. *District of Columbia*, 361 F. 2d 50 (en banc). The Court held that Easter, a homeless skid row derelict with a long history of alcoholism, could not be convicted of public intoxication. The eight judges rested their decisions on the ground that an alcoholic has lost the power of self-control with respect to the use of alcoholic beverages and therefore under long-established common law principles could not be convicted for his involuntary intoxication. Four judges added that to convict an alcoholic for public intoxication, a symptom of the disease of chronic alcoholism, would violate the eighth amendment to the U.S. Constitution.

Two months earlier the U.S. Court of Appeals for the Fourth Circuit, in the case of *Driver* v. *Hinnant*, 356 F. 2d 761, had ruled on the same question. It similarly noted that chronic alcoholism is now almost universally accepted as a disease by the medical profession and that an alcoholic's drunkenness is involuntary. That court unanimously held that the eighth amendment precluded the conviction of Driver, also a derelick alcoholic, for his public intoxication.

The President's Commission on Crime in the District of Columbia made an exhaustive and well-documented study of the drunkenness offender following the *Easter* decision. The conclusions and recommendations of the District of Columbia Crime Commission are readily apparent from the following passages selected from its 1967 report:

Failure to institute * * * procedures in Washington has cost lives, delayed the initiation of treatment for the alcoholic, and required the police to undertake a medical responsibility for which they were not equipped. * * *

Like other institutions of its kind across the country, the Workhouse was the "end stage in America's revolving door policy toward the chronic drunkenness offender."

Strikingly high recidivism rates attested to the basic inadequacy of the Workhouse's correctional program.

* * * * *

The practice of dealing with destitute public inebriates as criminals has proved to be expensive, burdensome, and futile. * * * In view of the dimensions of serious crime in the District of Columbia, this expenditure of law enforcement resources on the public inebriate was clearly excessive.

* * * * *

The resort to criminal sanctions has completely failed. Periodic commitments to a penal institution were a misguided solution, failing to meet either the alcoholic's immediate health needs or the more basic problem underlying his illness. Reliance on short-term criminal remedies allowed health authorities in the District of Columbia to neglect their responsibilities to deal effectively with the problem of chronic alcoholism. To this extent, therefore, the use of the criminal law to punish alcoholics was responsible for helping to perpetuate the chronic drunkenness offender problem in the District.

* * * * *

The bankruptcy of the law enforcement approach to public intoxication is clear. * * *

* * * * *

Inpatient care is a suitable approach only when community-oriented residential treatment is available upon release. * * *

* * * Confining them in a rural institution and then suddenly depositing them back in the city without extensive aftercare support is likely to cripple the rehabilitative process. Incarceration at Occoquan will be little more helpful when a health facility is used rather than penal institution unless substantial aftercare facilities are provided in the District. The indigent, homeless derelict requires room and board in an outpatient residential facility if there is to be any real chance for his rehabilitation. * * *

* * * * *

The Commission believes that public intoxication alone should not be a crime in the District of Columbia. Criminal sanctions should be restricted to individuals who in addition to being intoxicated, behave in a disorderly manner so that they substantially disturb other citizens. Persons who are so drunk that they cannot care for themselves should be taken into protective custody by the police and taken immediately to an appropriate health facility.

* * * * *

A substantial interference with other citizens should be required. Persons who are simply noisy, unable to walk properly, or unconscious should not fall within the reach of such an amended intoxication statute or the existing disorderly conduct statute. * * * The Commission believes that the handling of persons who appear to be intoxicated should be governed by the provisions of the proposed intoxication statute and not left to police interpretation of the broad disorderly conduct statute.

Amendment of the public intoxication statute * * * should be accompanied by legislation giving the police and public health personnel authority to take into "protective custody" and detain until sober any person who is so intoxicated he cannot care for himself. Such a statute would enable police or other public officers to remove incapacitated persons from the street without invoking criminal sanctions inappropriately.

* * * * *

Consideration should be given to using public health personnel to take incapacitated inebriates into protective custody * * *

* * * All public inebriates whether, arrested because of disorderly conduct or taken into protective custody, should receive emergency medical care.

* * * * *

Under the procedures proposed by the Commission, the incapacitated inebriate would be detained only until he attains sobriety. * * *

* * * * *

Experts say that the vast majority of chronic alcoholics, typically passive and dependent personalities, would voluntarily join in an effective, comprehensive treatment program. However, it may eventually prove necessary to provide authority for the compulsory treatment of severely debilitated alcoholics who refuse treatment.

The Commission recognizes that the constitutionality of a civil commitment law for alcoholics, in the absence of a criminal charge, is far from clear. * * * Nevertheless, a narrowly drawn statute, providing for short-term commitment of severely debilitated chronic alcoholics who pose a direct threat of immediate injury to themselves,

might be a useful adjunct to a treatment program.

* * * * *

The Commission's recommendations will not provide the final solution to the problem of the derelect alcoholic. Many of these men have poor prognoses and may never become self-sufficient. For these unfortunate people, simple humanity demands that we stop treating them as criminals and provide voluntary supportive services and residential facilities so that they can survive in a decent manner.

* * * The public crisis caused by the *Easter* case has once more brought to the community's attention the quiet despair of thousands of Washington's derelict alcoholics. The community's answer to the *Easter* crisis must not again be expedient, punitive remedies aimed only at removing the problem from public concern; it must reflect a determination for the first time to grapple with the deep-seated disabilities of the city's derelics.

The Committee agrees with these conclusions and recommendations, and adopts them in reporting this bill.

The President's Commission on Law Enforcement and Administration of Justice also reviewed the problem of drunkenness offenses, and concluded:

The criminal justice system appears ineffective to deter drunkenness or to meet the problem of the chronic alcoholic offender. * * *

* * * * *

The detoxification center would replace the police station as an initial detention unit for inebriates. Under the authority of civil legislation, the inebriate would be brought to this public health facility by the police and detained there until sober. Thereafter, the decision to continue treatment should be left to the individual. * * *

* * * * *

There is little reason to believe that the chronic offender will change a life pattern of drinking after a few days of sobriety and care at a public health unit. * * * It is well recognized among authorities that homeless alcoholics cannot be treated without supportive residential housing, which can be used as a base from which to reintegrate them into society.

* * * * *

The success of aftercare facilities will depend upon the ability of the detoxification unit to diagnose problems adequately and to make appropriate referrals. A diagnostic unit attached to, or used by, the detoxification unit could formulate treatment plans by conducting a thorough medical and social evaluation of every patient.

The U.S. Crime Commission made three recommendations in its 1967 report:

Drunkenness should not in itself be a criminal offense. Disorderly and other criminal conduct accompanied by drunkenness should remain punishable as separate crimes. The implementation of this recommendation requires the development of adequate civil detoxification procedures.

Communities should establish detoxification units as part of comprehensive treatment programs.

Communities should coordinate and extend aftercare resources, including supportive residential housing.

This committee also adopts these U.S. Crime Commission conclusions and recommendations.

In 1967, after 6 years of intensive study under a grant from the National Institutes of Mental Health, the Cooperative Commission on the Study of Alcoholism issued its Report to the Nation. This report concluded that "public drunkenness should be approached as a medical-social rather than as a legal-criminal problem." It endorsed the findings and conclusions of the Crime Commissions.

The problem of the chronic-alcoholic and the criminal law was also the subject of a judgment announced by the Supreme Court of the United States on June 17, 1968 in the case of *Powell* v. *Texas*, 36 L.W. 4619 (June 18, 1968). There, a closely divided Court, in a 5–4 decision, affirmed the judgment of a county court in Texas convicting the appellant of public intoxication. Counsel for Powell urged that the appellant was "afflicted with the disease of chronic alcoholism," "that his appearance in public [while drunk was] * * * not of his own volition," and therefore that to punish him criminally for that conduct would be cruel and unusual, in violation of the Eighth and 14th amendments to the Constitution of the United States. The majority of Justices found the record in the case before the Court inadequate to support such a ruling. The four dissenting Justices strongly favored reversal of the case on the constitutional point urged by the appellant.

In the committee's view, it is noteworthy that while the Court affirmed Powell's conviction and avoided a constitutional ruling, the Court was unable to present a unified majority opinion. Four members of the Court joined in the principal opinion. The fifth member, Mr. Justice White, concurred in a separate opinion. He agreed that the record before the Court failed to support the requested Constitutional adjudication, and, by way of dicta, stated the following:

The fact remains that some chronic alcoholics must drink and hence must drink somewhere. Although many chronics have homes, many others do not. For all practical purposes the public streets may be home for these unfortunates, not because their disease compels them to be there but because, drunk or sober, they have no place else to go and no place else to be when they are drinking. This is more a function of economic station than of disease, although the disease may lead to destitution and perpetuate that condition. For some of these alcoholics I would think a showing could be made that resisting drunkenness is impossible and that avoiding public places when intoxicated is also impossible. As applied to them this statute is in effect a law which bans a single act for which they may not be convicted under the 8th amendment—the act of getting drunk.

It is also possible that the chronic alcoholic who begins drinking in private at some point becomes so drunk that he loses the power to control his movements and for that reason appears in public. The 8th amendment might also forbid conviction in such circumstances, but only on a record satisfactorily showing that it was not feasible for him to have made arrangements to prevent his being in public when drunk and that his extreme drunkenness sufficiently deprived him of his faculties on the occasion in issue.

Powell v. *Texas* suggests that given another such case on a more substantial record, the Court may well conclude that the Constitution protects chronic alcoholics against criminal action for public drunkenness throughout the Nation.

More important for purposes of the present legislation is the Court's recognition that "the legislative response to this enormous problem (alcoholism in the United States) has in general been inadequate," that "facilities for the attempted treatment of indigent alcoholics are woefully lacking throughout the country," of the "absence of a coherent approach to the problem of treatment" and an "almost complete absence of facilities and manpower for the implementation of a rehabilitation program."

The Court in *Powell* states that, "The picture of the penniless drunk propelled aimlessly and endlessly through the law's 'revolving door' of arrest, incarceration, release, and rearrest is not a pretty one," and recognizes that what is needed is "some clear promise of a better world for these unfortunate people."

Thus, recent court decisions and reports of special commissions reflect widespread dissatisfaction with the handling of public intoxication and alcoholism under antiquated criminal law and civil commitment procedures. A changeover to modern treatment techniques is required. It is a changeover that is long overdue, and one that should begin immediately. The Nation's Capital must set an example of just, humane, and effective handling of this problem for the entire country.

PROVISIONS OF THE BILL

The short title of the bill is the "District of Columbia Alcoholic Rehabilitation Act of 1967."

Your committee has concluded, as have the courts and the Crime Commission, that public intoxication should be handled on a public health rather than on a criminal basis. Not only is the criminal law inappropriate and ineffective to handle intoxication, but the present criminal provisions severely undermine the ability of the police to concentrate on protecting citizens, apprehending law violators, and maintaining safe and orderly streets.

Conduct that threatens physical harm to any member of the public or to property cannot be tolerated. The bill provides that persons who are intoxicated shall be subject to arrest when they are conducting themselves in a manner that clearly and immediately endangers the safety of persons or of property.

Nor are alcoholics to be incarcerated under antiquated punitive civil commitment procedures as a replacement for criminal incarceration. The public must and shall be protected against dangerous chronic alcoholics. But in the vast majority of cases an alcoholic is no more dangerous to himself than other persons afflicted with serious illnesses. This bill provides that a chronic alcoholic shall be treated with the same respect, and shall retain the same rights, as any citizen suffering from illness. It reflects the modern medical understanding that alcoholism can successfully be treated only utilizing community-based outpatient programs.

THE CRIMINAL LAW

The bill amends the present statutory provisions that make public intoxication a criminal offense in the District of Columbia (sec. 25–128 of the D.C. Code). It provides that intoxication is a criminal offense only when it results in a substantial danger to persons or property.

The bill makes it clear that simple intoxication is not to be handled under disorderly conduct, loitering, vagrancy, or other related misdemeanor provisions. It provides that persons intoxicated in public who are not endangering the public safety shall be dealt with under the treatment provisions of the bill, rather than under the criminal provisions.

H.R. 14330 makes no changes with respect to the present offense of drinking in public. However, and consistent with the overall objective of the legislation, the bill makes it clear that an intoxicated person found drinking in public is to be dealt with under the treatment provisions of the bill and not charged with the separate offense of public drinking. Amendments were suggested that would make drinking in the public streets a criminal offense only if it caused a public disturbance and if the person involved refused to stop his drinking. It was suggested that it makes no sense to do away with public intoxication as a crime but to retain public drinking—which is a prerequisite for any homeless derelict who becomes inebriated—as a crime. The committee agrees that it would be a waste of the valuable time of policemen, who can more profitably devote their time, energy, and ability to serious crime, if the public drinking law were to be the subject

of an extensive enforcement campaign. Nevertheless, the committee concluded that changes in the bill were not necessary at this time. Only a very few arrests are made under the public drinking law and it therefore does not appear to be a serious matter. The committee anticipates that many, if not most, of those found drinking in public in the future can and should be handled under the detoxification provisions of the bill.

The bill provides that disorderly intoxication is a criminal offense only when there is a real danger to safety, not just an imagined, or theoretical, or possible danger. As the District of Columbia Crime Commission recognized, the normal manifestations of intoxication—staggering, falling down, sleeping on a park bench, lying unconscious in the gutter, begging, singing, and so forth—although perhaps disagreeable and disturbing to the senses, do not constitute a substantial and immediate danger and it is the committee's intent that these cases will be handled under the detoxification and treatment provisions of the bill rather than under the criminal provisions.

The bill provides that it is a criminal offense to be intoxicated and endanger the safety of oneself. As the House report makes clear, this is an extremely narrow provision, and is intended to be used only rarely. As already noted, the danger contemplated by the provision is an immediate and substantial danger, and does not comprehend a theoretical, or potential, or longrun hazard to one's health or well-being. The committee views the provision as intended to give the police added authority to protect an intoxicated person, in his own best interest, from jumping out of a window or from a bridge, or from running out in front of passing automobiles, where the detoxification and treatment provisions may be inadequate to accomplish this purpose. Amendments were suggested by several persons to eliminate danger to oneself as a criminal offense. In view of the extremely narrow scope of the provision, the committee believes that this is unnecessary. The committee desires to make clear its intent that this provision is not to be abused by applying it to the normal manifestations of intoxication already mentioned above. In the committee's view, there is value in giving the police this added authority to protect intoxicated citizens against suicidal tendencies or deliberate attempts to harm themselves while drunk.

There have been relatively few arrests for "drunk and disorderly" in the past. Extremely few destitute alcoholics constitute a danger to themselves or to others within the meaning of this bill. It is the intent of this bill that virtually the entire problem of public intoxication will be transferred from the criminal system to the public health system, and it is the committee's expectation that in the future the criminal provisions of the bill will seldom be employed.

The bill authorizes the police to take an intoxicated person to his home or to a private or public health facility in lieu of arresting him for a criminal offense. Previously section 4-143 of the District of Columbia Code was interpreted to require the police to arrest any person observed in an intoxicated condition. The bill amends the law to give the police discretion to handle intoxicated citizens under the detoxification provisions of the bill rather than under the criminal provisions, even though they may technically be violating the new criminal provisions. There will undoubtedly be times where it is wise public policy not to make an arrest under the new criminal provisions, but instead to take the person home or to a private or public health facility. The committee is confident that the police are capable of making this type of judgment, and it would be unwise to require an arrest where other procedures are adequate to protect the public interest.

There are over 100,000 alcoholics in the Metropolitan Washington area. Over 5,000 are public charges, and the remainder have private resources on which they can rely. Even with the passage of this bill, the District will not have sufficient programs and facilities for all of the inebriates found on the street. Absent this provision, the police might feel required to arrest every person found violating the new disorderly intoxication statute, or to take them to a public detoxification center, rather than sending some of them to their homes or to an appropriate private health facility.

The committee intends that the public health facilities provided for in this bill will be used primarily by indigent inebriates and those in serious medical difficulties. Inebriates not arrested who can be sent or taken to their homes with assurance that they will be taken care of there, or who can be sent or taken to private health facilities, should not be handled as public charges. Nor would it make any sense to require that these people first be taken to a public facility, and the bill does not so require.

THE TREATMENT PROVISIONS

The bill requires the District of Columbia to establish a modern comprehensive program for the treatment of intoxicated persons and alcoholics. The treatment program revolves around a continuum of detoxification, inpatient, and outpatient services.

The bill repeals existing law (sec. 24-501 et seq. of the District of Columbia Code) and substitutes a wholly new alcoholism program for the District of Columbia. It was suggested that the bill should move the Code provisions relating to treatment of alcoholism from the section of the Code relating to "prisoners and their treatment" to the section of the Code relating to "health and safety." The committee believes that it is unnecessary to make this technical change in view of the absolutely clear intent of the bill that it does not relate to prisoners.

There are many reasons why the old provisions, enacted in 1947, should now be replaced with modern ones. The new provisions emphasize the public health aspect of the program, and voluntary treatment, whereas the old provisions emphasized the criminal aspects of the problem, and involuntary treatment. Many of the old provisions, although progressive when enacted, are now obsolete in light of modern medical knowledge as reflected in the two recent Crime Commission Reports. In view of the failure to implement the 1947 act, a new congressional mandate is even more important.

Section 1 of the revision set out, in general terms, the purpose of the act. It requires that, in order to alleviate intoxication and chronic alcoholism, all public officials in the District of Columbia—including the police, the Alcoholic Beverage Control Board, the Departments of Insurance and Licenses and Inspections, the Federal and District of Columbia judiciary, probation and parole officers, correctional, welfare, and civil service personnel, and prosecuting attorneys, as well as all forms of public health personnel—shall take cognizance of the fact that public intoxication shall be handled as a public health problem rather than a criminal offense, and that a chronic alcoholic shall be * * *

Section 2 defines the term "chronic alcoholic" in two alternative ways. The first alternative uses the World Health Organization broad approach, that any injurious drinking amounts to alcoholism. The second alternative uses the more restrictive definition that has been the basis for the court decisions, that an alcoholic has "lost the power of self-control" over alcoholic beverages. Use of the broad World Health Organization definition is justified as one of the alternatives in view of the fact that the bill relies upon voluntary rather than involuntary treatment for alcoholics. If civil commitment were not intended to be the very rare exception, an entirely different definition would be appropriate. A broad definition is useful to persuade as many persons with drinking problems as possible to seek treatment.

Section 3 of the bill requires the Commissioner to establish and maintain an effective public health program consisting of a continuum of appropriate services to intoxicated persons and chronic alcoholics. The U.S. Public Health Service ranks alcoholism as the country's fourth most serious public health problem, behind heart disease, cancer, and mental illness. At present, the problem of alcoholism is handled as a very minor aspect of the work of the Bureau of Mental Health in the District of Columbia Department of Public Health. The bill will substantially upgrade the importance of alcoholism within the Department of Public Health and will require that it be handled in a way commensurate with the seriousness of the illness.

The bill requires establishment of at least three components: detoxification or emergency care centers, an inpatient facility, and outpatient aftercare facilities. It has been suggested that the bill's limitation on the number of beds in these three facilities should be deleted. The committee has concluded that they should be retained until an actual need to change them is shown. The District of Columbia does not presently have facilities even approaching the limitations imposed by the bill, and it is therefore premature to be concerned about the limitations. The bill does not, moreover, unduly hinder the District of Columbia in its discretion to provide a wide variety of services with an adequate capacity of beds. The detoxification centers can be supplemented with the use of other emergency care facilities. The inpatient facility, which may consist of one or more buildings at different locations, can be supplemented with a diagnostic facility. A number of outpatient facilities may be provided to supplement the residental facilities. Thus the committee believes that the reported bill is entirely reasonable in this respect.

A number of clarifying amendments were suggested which the committee has determined to be unnecessary. The committee sees no need to include a specific requirement that the continuum of services shall include health, welfare, job counseling, vocational rehabilitation, job finding, social centers, and other similar components, since they are obvious. It is also unnecessary to state that the program shall be staffed with an adequate number of personnel who shall possess the highest professional qualifications and competence. These are implicit in the other provisions of the bill, and neither the program nor the treatment would be adequate and effective without them.

It has also been suggested that the bill should require that the alcoholism program, wherever possible, utilize the facilities of, and be coordinated with, the programs of the community mental health centers. The committee believes it unnecessary to spell this out in the bill because the present plans of the District of Columbia Department of Public Health do utilize mental health centers in treating alcoholics. The Department of Health, Education, and Welfare is particularly interested that this continue, and the committee concurs.

The bill does not specifically require that each detoxification center be affiliated with, and constitute an integral part of, the general medical services of a general hospital. The Department of Health, Education, and Welfare expressed concern, with which the committee concurs, that detoxification centers not be cut off from medical services so that they become merely another form of "drunk tank." This specific requirement was not included in the bill because of concern that it could be interpreted to require that

detoxification centers be a physical part of a general hospital. This is not the intent. It is intended only to require that detoxification be handled as a medical service, utilizing physicians and nurses. It has been suggested, for example, that interns and residents might be rotated to detoxification centers from District of Columbia General Hospital. These details are properly left to the Commissioner. As long as the detoxification centers are affiliated with a general hospital in a meaningful way, and adequate and appropriate medical services are in fact provided, the intent of the bill will be satisfied. The committee therefore believes that there is no need to include a specific requirement in the statute itself.

A requirement that outpatient aftercare facilities be located within the District of Columbia was not included in the bill. The committee agrees that such a requirement is unwise. Most such facilities could not reasonably be located far from the District of Columbia, but it is possible that some outpatient treatment, such as vocational rehabilitation, may be accomplished at the Occoquan facility, and that people * * * the District of Columbia was not included in the bill. The committee might be bused out and back on a daily basis. All outpatient residential facilities, such as hostels and halfway houses, will, of course, be located in the District of Columbia since, as the Crime Commission stated, only community-based treatment will have any significant possibility of success.

The committee considered a provision prohibiting an inpatient extended care facility from being part of or at the same location as a correctional institution. However, concern was expressed that such a restriction would preclude the District of Columbia from taking over an unused correctional facility, refurbishing it as a public health facility, and using it for inpatient treatment. Such a restriction is not intended. The provision was considered in connection with barring use of, for example, dormitories in a prison complex for inpatient treatment. Because such use would not be adequate or appropriate treatment, and because it is settled law in the District of Columbia that a jail cannot properly be used as a public health institution (*Benton* v. *Reid*, 231 F. 2d 780 (D.C. Cir. 1956)), the committee concluded that a specific prohibition of this kind is unnecessary.

Section 4 provides for detoxification and emergency medical care. As already noted, this would be accomplished by taking an intoxicated person into protective custody and sending or taking him to his home, to a private health facility, or to a public detoxification center. This would be accomplished under civil law, not the criminal law, and would not constitute an arrest.

The bill wisely provides that the police may make certain that any public transportation used for sending an intoxicated person home or to a private health facility is paid for in advance. This include persons found intoxicated in vehicles or in any place to which the public is invited. Taxi drivers have often refused to take an intoxicated person home unless they are paid in advance, and the police are frequently required as a practical matter to go through the man's pockets, find the right change, and give it to the driver. The bill does not authorize the police to conduct a general search of an intoxicated individual. It is designed only to make certain that sick people are not left on the streets to suffer the consequences of their illness.

The bill authorizes detoxification of intoxicated persons who are not incapacitated and whose health is not in immediate danger. In view of the fact that the medical officer in charge of the detoxification center has the authority to determine who shall be admitted, the committee concurs with this approach. Any person who is incapacitated or is in immediate medical danger will clearly be given priority. Those who are not admitted cannot, of course, simply be dumped in the street. If they have no means of transportation, the Commissioner must return them to the place where they were picked up, or take them home, or attempt to find some other facility where they may obtain shelter.

The committee believes that the police should be encouraged to send or take intoxicated persons home, to a private health facility, or to a public detoxification center, rather than to leave them on the streets to an uncertain fate. One of the primary purposes of the new detoxification procedure is to detect potential or incipient alcoholics before they become skid row derelicts. This can be accomplished only with the full cooperation of the police. In the committee's view, the fact that a policeman has incorrectly concluded that a person is intoxicated, and therefore has taken him to a health facility only to have him not admitted as a patient, would not in itself be sufficient ground for a successful suit for false arrest against the officer. A good faith judgment on the part of the police will protect them from liability. Only malice or wilful abuse of the statute will be sufficient to raise liability on their part.

The bill has separate provisions for detoxification of persons taken into custody for violation of the disorderly intoxication provisions of the new legislation. It permits the individual to be held "as long as is reasonably necessary" for a diagnosis for alcoholism after he is sober. It was suggested that a 24-hour limit be placed on this additional diagnostic period. The committee concluded that the bill should not be changed, because a 24-hour period might not be sufficient for an adequate diagnosis. This additional diagnostic period is not intended to permit extended holding beyond the minimum period necessary to conduct the diagnosis. The court of general sessions has previously imposed a 7-day limit for an initial diagnosis for alcoholism (*District of Columbia* v. *Walters*, D.C. Ct. Gen. Sess. Crim. No. DC–1850–66 (Aug. 16, 1966), reprinted in 112 Congressional Record 22716 (Sept. 22, 1966) (daily ed.)), and the committee believes this is sufficient protection against abuse. Moreover, once an individual has been diagnosed there will be no excuse for later holding him again for another diagnosis unless a substantial lapse of time justifies bringing the prior information up to date.

It has been suggested that the provision which permits the police to leave a violation notice at the detoxification center will place the medical personnel in jeopardy should the patient leave without receiving the notice. The committee believes that it is unnecessary to put in the statute a specific provision absolving the medical officers as long as they act in good faith. Nor is there any reason why the police or other law-enforcement personnel should be required to stay at the detoxification center in order to hand out violation notices. One purpose of the bill is to cut down drastically on the amount of police time wasted in handling drunkenness offenders, including those who have violated the disorderly intoxication provisions of the new legislation.

The bill contains no specific requirement that the functions of the police in handling inebriates shall be reduced to a minimum in the shortest time possible. The committee believes that this is unnecessary, in view of the fact that this intent is implicit in subsection (d) and obvious throughout the new legislation. The committee feels that responsibility for handling inebriates should be taken over by qualified public health personnel just as soon as possible, thus releasing the police to concentrate on their important duties in preventing serious crime. The police will always retain some responsibility with respect to this problem, but the amount of time they spend on it should be substantially reduced.

To protect alcoholics and others treated at a detoxification center, the bill provides that the registration and other records of such centers shall remain confidential, and may be disclosed only to medical personnel for purposes of diagnosis, treatment, and court testimony, to police personnel for purposes of criminal investigations and complaints concerning police action, and for purposes of presentence reports.

Section 5 provides for inpatient treatment. Chronic alcoholics will be encouraged to consent to diagnosis and treatment at the outpatient facility. Preventive techniques will be used for patients who are not diagnosed a chronic alcoholic, and intensive treatment will be provided for those who are diagnosed as chronic alcoholics. It is anticipated that patients will be moved very quickly from inpatient to outpatient status. The committee believes that inpatient treatment should be limied to the minimum time considered essential, to prevent it from becoming mere custodial care and to encourage reintegration of the alcoholic back into society as a productive citizen as soon as possible. Impatient treatment will be provided on a voluntary basis except for the few dangerous alcoholics who will be civilly committed under Section 6 of the bill.

Section 6 provides for outpatient and aftercare treatment. Again, voluntary treatment is to be encouraged. It is anticipated that the great bulk of care and treatment of alcoholics will be concentrated in outpatient facilities and services in the heart of the District of Columbia. As the Crime Commissions found, residential outpatient facilities such as halfway houses are a prerequisite to rehabilitation of indigent alcoholics. A program that failed to provide such facilities would be neither effective nor adequate. Because of the nature and seriousness of the disease, moreover, an alcoholic must be expected to relapse into intoxication one or more times after the onset of therapy, and indeed many may never fully recover even though they can be helped.

As the D.C. Crime Commission recommended, the bill provides that for chronic alcoholics for whom recovery is unlikely, supportive services and residential facilities shall be provided. They shall be treated with the same respect as other ill citizens who do not endanger society, and may not be locked up, sent away, or punished by any other civil or criminal procedures. The committee believes that society must begin restoring a sense of dignity to the lives of these unfortunate people.

Section 7 provides for limited civil commitment under narrowly defined conditions. The commitment authorized in the bill is divided into two different kinds.

First, the chronic alcoholic who is in immediate danger of substantial physical harm may be committed for a short period of time in order to get him back on his feet. This provision permits emergency medical care and treatment. It does not permit commitment for rehabilitative treatment of chronic alcoholism. Thus, it is a very narrow provision, and will be applied only seldom rather than routinely. Civil commitment under these circumstances is justified where the individual is so debilitated that he is not competent to make a rational decision about treatment. The court of general sessions, in its role of parens patriae, may then properly step into this situation and make the decision until the individual is once again in a position where he can make a rational choice. When the emergency medical care is no longer required, the patient will be free to leave. He will then be encouraged to consent to further treatment and rehabilitation for his alcoholism.

The committee believes this provision to be entirely humane and reasonable. The periods for commitment set out in the bill are the maximum, not the minimum. It is the committee's emphatic intent that no

patient be held under this provision for a period longer than is necessary to relieve the debilitating effects of chronic or acute intoxication. The longer maximum period provided for the third commitment within 24 months may well be necessary to bring the individual through the severe medical effects of repeated drinking bouts. Adequate protection is available through the courts to make certain no one is held longer than necessary for this treatment.

The committee was initially concerned that a patient might be held longer than is necessary for emergency medical care, and that the treatment provided is not explicitly required to be adequate and appropriate. The committee believes that the bill and its legislative history are clear on both points. Commitment under subsection (a) is to be only for the period necessary to provide medical (rather than rehabilitative) treatment, and such treatment must be adequate and appropriate. The courts are available to enforce these requirements if necessary.

The second form of civil commitment is for rehabilitative treatment for alcoholism for persons charged with a misdemeanor who request treatment in lieu of criminal prosecution of dangerous alcoholics. The court must find that adequate and appropriate treatment exists for the specific individual involved.

A specific treatment plan, adapted to each individual patient, together with a factual record of all treatment actually provided, is required under the bill. The committee believes this to be an absolutely essential element of adequate and appropriate treatment. Without such plans and records a court would be unable to determine whether the Commissioner is living up to the requirements of the statute with respect to an individual patient. The medical profession also believes this to be crucial to successful rehabilitation.

All too often in the past civil commitment has been used to mask inadequate and inappropriate treatment. Large numbers of patients have been committed to institutions without a specific treatment plan being formulated and adopted for the individual needs of the patient, and without adequate judicial supervision. Civil punishment has often replaced criminal punishment. The provisions of the bill are designed to prevent this from happening. Before committing a person the court must review the specific treatment plan for the individual patient and find that adequate and appropriate treatment is available. There will be no more overcrowding and understaffing of institutions, mass civil commitments, or disregard of basic human rights, resulting in inadequate or inappropriate treatment.

The bill does not require the Commissioner to find that civil commitment is for treatment that has a substantial possibility for success for the person and is not for custodial care. The committee concluded that no such explicit provision is required because it is subsumed under the required finding that adequate and appropriate treatment is available for each individual committed patient. Treatment that has no substantial possibility for success, or that is only for custodial care, is neither adequate nor appropriate, and the person cannot be committed or will be entitled to release.

The committee intends that civil commitment is only to be used in unusual circumstances, where there is an immediate and continuing danger in that the alcoholic is likely to injure persons if allowed to remain at liberty. It is not to be used simply as a method for forcing treatment upon persons who do not wish treatment or who have a very poor prognosis for success using voluntary treatment methods.

The U.S. Court of Appeals for the District of Columbia Circuit recently ruled that a person acquitted of a criminal charge on the ground of insanity must be given a separate civil hearing on the question whether he should be civilly committed because of his insanity (*Bolton* v. *Harris*, No. 21,032 (Feb. 16, 1968)). It was suggested that the bill be amended to require a separate finding of danger to safety for persons acquitted on a criminal charge on the ground of alcoholism. The committee believes this unnecessary. A separate hearing is now required under subsection (b)(2) of the bill. If the defendant voluntarily pleads the defense of chronic alcoholism, no separate finding of danger should be required. If the court raises the defense sua sponte the applicable case law will require a separate finding of danger.

The finding that a person constitutes a continuing danger to the safety of other persons must, of course, be based upon sound factual evidence, and not upon imagined, theoretical, or speculative future possibilities. A pattern of past activity constituting a direct and substantial threat to the safety of other persons will ordinarily be required. Isolated instances of minor disturbances, together with conjecture about what could later happen, will ordinarily be insufficient for such a finding. The clear intention of the bill is to restrict the use of civil commitment to situations where a chronic alcoholic constitutes a serious danger. Civil commitment will therefore be a rare occurrence, since present evidence indicates that very few chronic alcoholics pose such a danger.

The bill provides, as one basis for civil commitment, danger to the safety of the alcoholic himself. The same standard of danger to oneself applies here as in the criminal provisions of the bill already discussed above and need not be reiterated at length. Danger to self must be construed very narrowly, and should not apply, for example, to individuals who are over the long run simply ruining their health as the result of their alcoholism. Alcoholics may not be civilly committed simply because they pursue an ill-advised course of action that will potentially shorten their life span. Commitment under this act may be helpful for suicidal alcoholics. The committee therefore concluded that danger to oneself should be included as a ground for commitment.

The Department of Justice has advised that the limitation upon the use of the writ of habeas corpus contained in subsection (c) is improper. The committee concluded that this question is properly left to the courts.

It was suggested that this act should utilize the same review procedures as the Hospitalization of the Mentally Ill Act. The committee concluded that the substantial safeguards written into the bill are sufficient at this time, until some specific need or abuse is shown. Under the bill the courts may, by habeas corpus, determine whether the required findings are still pertinent. If the Commissioner is unable to show that the findings still apply, the patient will be entitled to release.

The bill provides that the court shall appoint an attorney to represent any indigent person subject to a commitment proceeding. The committee intends that such attorneys shall be compensated for their services under the Criminal Justice Act of 1964 or under other pertinent provisions of law. Effective legal counsel cannot be obtained for the indigent unless society is willing to pay for it. Members of the bar performing such service should be compensated.

Section 8 states that the act applies to chronic alcoholics who have not been determined to be mentally ill. Chronic alcoholism is a separate and distinct illness, and is not necessarily associated with mental illness. It may well be appropriate, on the other hand, to handle alcoholics who are recovering from mental illness under the provisions of the act, and nothing in the bill precludes that.

Section 9 permits the Commissioner to contract with other organizations to carry out the purposes of the new legislation.

Section 10 provides that the Commissioner shall develop alcoholism rehabilitation programs among District of Columbia employees, and shall also encourage such programs in private industry. Some Government employees have previously been fired for alcoholism. This bill contemplates that employees afflicted with alcoholism shall be handled in the same way as employees afflicted with any other serious chronic illness, while undergoing rehabilitative treatment.

Section 11 provides that the Commissioner shall establish an alcoholism program in correctional institutions in the District of Columbia. Alcoholics charged with serious crime will not always have available to them the defense of chronic alcoholism. Alcoholic inmates of correctional institutions should therefore be treated for their illness, in order to head off a further problem when they are released.

Section 12 requires the Commissioner to establish an alcoholism program among juveniles and young adults. This is perhaps one of the more important aspects of the bill because of the rising problem of alcoholism among young people.

Section 13 requires the Commissioner to evaluate the programs, improve them, submit reports, gather data, and develop educational information.

Subsection (c) requires development of a comprehensive plan to implement the bill, which the committee believes to be particularly important. Title IV of S. 1740 spelled out what this plan must include in order to be comprehensive. The committee concluded that it is not necessary that the bill spell out all the details that the plan should cover. It wishes to emphasize its view, however, that no plan for attacking intoxication and alcoholism could possibly be considered comprehensive, or satisfying subsection (c), if it failed to cover the role of all pertinent public and private agencies, and the extent to which all pertinent Federal legislation may be utilized. Particular attention must be paid to coordinating alcoholism planning with the planning of the District of Columbia under the Comprehensive Health Planning and Public Health Services Amendments of 1966 and the Mental Retardation Facilities and Community Mental Health Center Construction Act of 1963. The Commissioner should draw upon the expertise of the Secretary of Health, Education, and Welfare, who has established a National Center for Prevention and Control of Alcoholism in the National Institute of Mental Health. The committee believes that, without effective planning, there is no possibility of making the District of Columbia a model for the rest of the Nation for the treatment of alcoholism.

Section 14 of the bill provides that the Commissioner may require an alcoholic's immediate relatives to contribute to the cost of providing services to the alcoholics. The committee does not intend that relatives be required to support alcoholism treatment in all situations, since it would probably drive persons who need treatment away from obtaining it. The committee's approach places full discretion in the Commissioner to determine when an alcoholic or his relatives should be required to pay for treatment services. The committee is confident that the Commissioner will not use this in a way that will penalize the alcoholic or his family, or will dissuade alcoholics or their families from seeking needed treatment.

Section 15 permits the Commissioner to accept donations of services or gifts.

ALCOHOLISM AND MOTOR VEHICLES

It was suggested that a provision be added to the bill requiring the Commissioner to establish a program for testing the blood alcohol level of persons involved in traffic accidents in order to provide for early screening and diagnosis for alcoholism, and to establish appropriate treatment programs for alcoholics convicted of driving while intoxicated.

Recent evidence shows that about 50 percent of traffic accidents involve intoxicated persons, and that the vast majority of those intoxicated persons involved in accidents are problem drinkers. The committee reviewed the recent report of the Secretary's Advisory Committee on Traffic Safety (HEW 1968) which concluded:

Research findings increasingly demonstrate that alcohol is involved in a large percentage of automobile crashes. While a number of the drivers involved are young persons and social drinkers, a very substantial proportion are, in fact, alcoholics. Traditional punitive measures can be expected to have little effect on behavior that arises from illness. The problem requires a massive Federal program concentrating on the disease of alcoholism.

These alarming facts undoubtedly require action. The committee believes it unnecessary to spell out exactly how the Commissioner should approach the problem. The bill presently authorizes, and indeed requires, that he take whatever action is appropriate, and no new provisions are required. He may, for example, set up an alcoholism program within the traffic court and request the court that convicted drunken drivers be ordered to submit to a diagnosis for and treatment of alcoholism, or take other steps under the bill.

PRIVATE HOSPITALS AND HEALTH INSURANCE PLANS

The committee considered a suggestion that a provision be added to the bill directing the Commissioner to do whatever is reasonably possible to end the discrimination against alcoholics in private hospitals and under health and disability insurance plans. The American Medical Association, the American Hospital Association, and other professional groups have long supported measures to provide treatment to alcoholics on the same basis as it is provided to other persons suffering from chronic illnesses. The committee concluded that the Commissioner already has the power necessary to do this, and that no further provision is necessary in the bill. It is hoped that private hospitals and disability insurance plans will take voluntary action to comply with the intent of the bill rather than wait to be forced into such action.

COST ESTIMATES

The District of Columbia now has available for treatment of alcoholics the following facilities: (1) one 50-bed detoxification center, which is operated out of a grant of funds to the Department and for the continuation of which funds have been requested; (2) an inpatient extended care facility having a capacity of 425 beds, which is operated out of District funds, and a holding facility with a capacity of 200 beds which is available now on a temporary basis to meet the present patient demand; and (3) outpatient aftercare facilities and supportive residential facilities now available only to the extent of 10 beds in a supportive residential facility, which is operated from a grant.

The District government estimates that the capital outlay required for the additional facilities are now available would be approximately as follows:

Capital outlay

	Millions
Detoxification, 100 additional beds	$2
Inpatient, 375 additional beds	3
Outpatient and supportive residential facilities, 590 additional beds	4
Total	9

It is anticipated that the extra annual operating costs will be approximately as follows:

	Millions
Detoxification, 100 additional beds	$0.6
Inpatient, 375 additional beds	2.0
Outpatient and supportive residential facilities, 590 additional beds	1.0
Total	3.6

HEARING

A public hearing was held March 26, 1968, before the Judiciary Subcommittee on H.R. 14330 and related bills S. 1515 and S. 1740. There was unanimous support for the objectives of the legislation. Legislation providing a comprehensive program for the prevention and treatment of alcoholism was strongly endorsed by the District of Columbia government, the Board of Education of the District of Columbia, the Bar Association of the District of Columbia, the Federation of Citizens Associations of the District of Columbia, the Washington, D.C., Area Council on Alcoholism, the North American Association of Alcoholism Programs, the American Association of University Women, and a number of individual citizens.

Mr. TYDINGS. Mr. President, the bill now before the Senate, H.R. 14330, is, I believe, a great step forward in our Nation's progress toward a humane and enlightened treatment of the disease of alcoholism. When the Senate enacts this measure, as I am confident it will, and sends it to the President, the Nation's Capital will stand as a model for the entire country in the public provision for care and treatment of alcoholism.

This bill, first of all, removes alcoholism from the domain of the criminal law and treats it instead as a medical problem, thereby fully implementing the recommendations of the National Crime Commission and the District of Columbia Crime Commission reports. A prime beneficiary of this new approach will be the institutions of the criminal law itself. Across the country, arrests for public drunkenness amount to about one-third of all arrests. What an enormous waste this is in police man-hours, in making arrests, processing the arrestees at the stationhouse, and then appearing as a witness in court at trial. Add to this the courtroom time taken up by drunkenness cases, and the fruitless time spent by correctional institution personnel in custody over these hapless alcoholics on the latest round of their revolving door trips from the streets to the prisons and back to the streets. The wasted hours, which produce absolutely no results in deterring public drunkenness or curing alcoholism—hours which should be spent dealing with important, really serious criminal conduct—is staggering.

But under this bill, a person who is publicly drunk will no longer be automatically imprisoned. In some instances, particularly where there is no imminent danger to the person's health and he has a home, the apprehending police or public health officer will simply find a taxi and dispatch the person home. In other cases, the drunken person will be taken to a medical facility established under this act, where he will receive immediate medical diagnosis and treatment. This will protect the drunk against the possibility of severe withdrawal symptoms—"delirium tremens"—and will permit an informed diagnosis of whether the person is an alcoholic. If he is, extensive treatment will then be available under the bill—both inpatient facilities and community-based outpatient facilities, so-called halfway houses, to ease the treated alcoholic's return to normal social life.

This bill, through its extensive medical treatment facilities, restores hope to the now hopeless alcoholic trapped in the pattern of street to prison to street. And it removes this grave medical problem from the province of the criminal law which has proven wholly inadequate to help.

It should be noted, however, that this bill does not diminish the protection of the public from dangerous drunken conduct. Drunken persons who endanger safety or who disturb the peace still commit a criminal offense under this law. Medical treatment for such persons who are alcoholics would be available under the bill. But police could act swiftly to restrain their unlawful conduct and the deterrent sanctions of the criminal law could be invoked by the courts.

I am proud to have been the Senate sponsor of this bill. I urge the Senate to adopt it and send it to the President for his approval.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1415.

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

DEBT ADJUSTMENT IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (S. 1739) to prohibit the business of debt adjusting in the District of Columbia except as an incident to the lawful practice of law or as an activity engaged in by a nonprofit corporation or association.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1434), 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

The purpose of S. 1739 is to prohibit the business of "debt adjusting" in the District of Columbia.

The business of debt adjusting, also known by several other names, involves an agreement by a debtor to pay money periodically to the adjuster who agrees in return for a fee paid by the debtor to apportion the money among the creditors of his client. The adjuster does not advance or lend money to the debtor.

HEARING

A public hearing on S. 1739 was held by the Subcommittee on Business and Commerce on August 25, 1967.

NEED FOR THE LEGISLATION

A series of articles appearing in the Washington Star in 1967 called attention to the deceptive commercial practices of many so-called debt consolidators in the Washington area.

Debt adjusters persuade debtors to refrain from making direct payments to their creditors and instead to make payments to the adjuster. They, in turn, pay the creditors but only after taking a substantial premium from the debtor's payments. The debtor receives no real benefit from this arrangement. Instead he adds a new creditor—the adjuster—to an overwhelming list of his creditors.

Debt consolidation has nothing in common with moneylending institutions or credit-counseling services. A debt adjuster lends no money; he only takes it. In the process, he may mislead the harried debtor into believing that his creditors will all be repaid at once.

As a result of its hearings on S. 1739, the committee has concluded that the business of debt adjusting should be prohibited in the District of Columbia. Several facts have influenced the committee to reach this result:

1. The fee charged by the adjuster for his services, which may be 10 or 12 percent of each payment in addition to an initial conference fee, adds to the financial burden of the debtor and thereby postpones the day when the client will be debt-free.

2. The benefits to the debtor from using a debt adjuster are questionable. Debt adjusters do not lend money, nor do they stop the imposition of finance charges by paying off the creditors immediately. Most debt consolidators do not make any attempt to counsel their clients or set up budgets for them. It is sometimes the case that the adjusters do not assure that the debt payment plan they devise will meet the demands of the creditors or leave the debtors enough money on which to live.

3. By promising quick results that cannot be attained, debt adjusters deter debtors from seeking the financial counseling they need. The committee was informed that in many situations debtors need counseling and assistance in setting up a budget more than they need prorating of outstanding debts. The adjuster charges a fee based on his prorating activity, so it follows that many adjusters concern themselves only with this aspect of the task of helping the clients climb out of debt.

4. Deceptive advertising is often used to obtain clients. Copies of newspaper advertisements presented to the committee imply incorrectly that the consolidator would pay off the debtor's bills immediately and collect from the debtor in small installments. Significantly, these advertisements often fail to specify the total number of installments, the amount of the service charge, or the portion of each installment that would be applied to the outstanding debts. The potential client sees only a quick and easy way out of debt through payment of one weekly installment.

Witnesses representing the debt adjusting business testified that they favored regulation of the industry to eliminate some objectionable features and to control other practices. They testified that in the 10 States where the debt adjusting business is regulated, adjusters perform a useful public service free from sharp dealing and corrupt practices.

The committee believes that simple regulation of debt adjusting cannot adequately protect the public. To be effective, regulation would require detailed and constant auditing of accounts of the numerous small debtors doing business with the adjusters. Moreover, the committee does not believe that debt consolidators offer any useful service that should be fostered by the official approval implied by regulation.

The practices of the debt adjusting business have proved to be of sufficient concern in other parts of the country that it has been prohibited in 21 States and the city of Baltimore, and regulated in 10 other States.

PROVISION OF THE BILL

The first section of S. 1739 defines the term "debt adjusting" and other terms sometimes used for this activity. This section excludes attorneys and law partnerships from the definition in accordance with the provisions of section 3.

Section 2 prohibits the business of debt adjusting in the District of Columbia, except as provided in section 3.

Section 3 excludes from the prohibition those situations involving debt adjusting incurred incidentally in the lawful practice of law in the District.

The committee believes that debtors finding themselves in situations approaching insolvency often need legal assistance to marshal assets and to advise them on the legality of various claims, legal remedies governing the debtor-creditor relationship, and the applicability of the Bankruptcy Act.

Section 3 also provides that the act shall not apply to debt adjusting services performed by nonprofit or charitable organizations, even though the organization may charge nominal amounts as reimbursement for expenses.

In many States where the debt adjusting business is prohibited, private or public nonprofit agencies provide needed counseling to debtors who encounter difficulty in meeting their obligations. The committee was impressed by testimony concerning the successful operation of the Consumer Credit Counseling Service of Greater Baltimore, Inc., which is a nonprofit counseling service in that city. The Baltimore service is supported by contributions from finance companies, banks, credit unions, merchants, savings and loan companies, and other community-minded companies and individuals. Its policies are established and directed by a board of trustees representing broad community interests and diversified business and professional backgrounds.

The committee believes that counseling, as performed by the Baltimore organization, and to some extent in Washington by the Community Services Committee of the Central Labor Council and other nonprofit groups, can be a valuable service that could aid consumers who have gotten into trouble. The committee believes that such nonprofit service is useful to debtors seeking advice on how to manage their debts, without increasing them further.

Section 4 make a violation of the act a misdemeanor punishable by a fine of not more than $1,000, imprisonment for not more than 6 months, or both.

CONSTITUTIONALITY

The Supreme Court of the United States, in the case of *Ferguson* v. *Skrupa*, 372 U.S. 726 (1963) upheld the constitutionality of a similar statute enacted in Kansas. The Court decision upheld specifically the prohibition and the exception for lawyers contained in this bill.

CONCLUSION

The committee believes that the business of debt adjusting is of such a nature as to lend itself to grave abuses against distressed debtors. The committee did not find economic justification for the so-called service provided by professional debt adjusters.

Accordingly, the committee urges that S. 1739 be enacted.

Mr. TYDINGS. Mr. President, the bill now before the Senate, S. 1739, would outlaw the deceptive commercial practices of so-called debt consolidators in the Washington area. Debt consolidators persuade debtors to refrain from making direct payments to their creditors and instead to make payments to them. They, in turn, pay the creditors, but only after taking a healthy premium from the debtors' payments. No benefit results to the debtor from this arrangement. He merely adds a new creditor—the debt consolidator—to the already burdensome list of his creditors.

Debt consolidation has nothing in common with reputable enterprises which lend money to debtors so that they can pay off all creditors and then repay the single lender. A debt consolidator lends no money. He only takes it, though often misleading the harried debtor into believing that his creditors will all be repaid at once.

Twenty-two States, including my own State of Maryland and the neighboring State of Virginia, have enacted legislation to outlaw the practice of debt consolidation. I believe the practice must also be stopped in the District of Columbia. That is the purpose of the bill which is being considered today. The District of Columbia Government, the Metropolitan Washington Board of Trade, and other elements of the reputable business community, spokesmen for consumer groups and labor unions, have endorsed this bill.

Simple regulation of these practices cannot adequately protect the public, since—to be effective—regulation would require impossibly detailed and constant auditing of accounts of the numerous small debtors upon whom the debt consolidators prey. Moreover, the debt consolidators offer no useful service which should be fostered. In States where the practice is outlawed, private or public nonprofit agencies have provided needed counseling to debtors having difficulty in managing their debts. This desirable service is in no way prohibited by this bill. And where the debtor is so burdened with debts that bankruptcy is impending, public legal aid agencies is necessary. There is no legitimate role for debt consolidators to play.

I urge the Senate to enact this measure.

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

S. 1739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act the term—

(1) "Debt adjusting" means an activity, whether referred to by the term "budget counseling", "budget planning", "budget service", "credit advising", "debt adjusting", "debt counseling", "debt help", "financial adjusting", "financial arranging", "prorating", or some other term of like import, which involves a particular debtor's entering into an express or implied contract whereby the debtor agrees to pay an amount or amounts of money periodically or otherwise to a person who agrees, for a consideration, to distribute such money among specified creditors in accordance with a plan agreed upon between the debtor and the person to whom the debtor makes or agrees to make such payments.

(2) "Person" does not include an individual admitted to the bar of the United States District Court for the District of Columbia.

(3) "Partnership" does not include a partnership all the members of which are admitted to the bar of the United States District Court for the District of Columbia.

SEC. 2. Except as provided in section 3, no person, partnership, association, or corporation shall engage in the business of debt adjusting in the District of Columbia.

SEC. 3. The provisions of this Act shall not apply to those situations involving debt adjusting incurred incidentally in the lawful practice of law in the District of Columbia nor shall anything in this Act be construed to apply to any nonprofit or charitable corporation or association which engages in debt adjusting even though the nonprofit corporation or association may charge and collect nominal sums as reimbursement for expenses in connection with such services.

SEC. 4. (a) Whoever violates section 2 of this Act shall be subject to a fine of not more than $1,000 and to imprisonment for not more than six months, or to both.

(b) Prosecutions for violations of this Act shall be conducted in the name of the District of Columbia by the Corporation Counsel or any of his assistants.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider executive business.

SMALL BUSINESS ADMINISTRATION

The bill clerk read the nomination of Howard J. Samuels, of New York, to be Administrator of the Small Business Administration.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

POST OFFICE DEPARTMENT

The bill clerk read the nomination of Victor Frenkil, of Maryland, to be a member of the Advisory Board for the Post Office Department.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

POSTMASTERS

The bill clerk proceeded to read sundry nominations of postmasters.

Mr. MANSFIELD. Mr. President, I ask that the nominations of postmasters be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations of postmasters are considered and confirmed en bloc.

DEPARTMENT OF DEFENSE

The bill clerk read the nomination of Robert C. Moot, of Virginia, to be an Assistant Secretary of Defense.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

U.S. ARMY

The bill clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The bill clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The bill clerk proceeded to read sundry nominations in the military services which had been placed on the Secretary's desk.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified immediately of the confirmation of these nominations.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, after the Senator from Ohio [Mr. YOUNG] and the Senator from New Hampshire [Mr. MCINTYRE] have addressed the Senate, the distinguished Senator from North Dakota [Mr. YOUNG] be recognized for not to exceed 15 minutes.

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

VIOLENCE ABROAD BEGETS VIOLENCE AT HOME

Mr. YOUNG of Ohio. Mr. President, regarding this talk of violence in our streets and recurring acts of violence, we Americans should know and realize that the repeated acts of violence perpetrated in Vietnam and shown on television screens day after day have doubtlessly contributed to acts of violence and brutality in our country.

In war reports from Vietnam, Pentagon officials announce some onslaught by the VC, and then issue casualty statements quite repetitious of each other although the numbers are changed from one report to the next. They refer to VC losses by the term "body count," supposedly the actual count of dead VC by individual American GI's and marines. Our generals and Defense Department officials should be ashamed of this body count, so called. An actual body count in most instances would be impossible. The bland statements made on body count are dubious and represent possible dangerous measurements for determining losses encountered by an enemy in combat.

It is noteworthy that invariably the statement of body count is always some odd figure given as the "body count of Communist dead." Just recently Pentagon public relations officials reported "our forces defeated the Communists who left 201 dead by body counting." Our losses were light according to the same statement, five dead and 21 wounded. Some slick major or captain figured it would sound more accurate to announce "201," and again in another recent report 133 VC by body count. If Pentagon officials would state battlefield estimates instead of claiming an alleged body count, some credibility would be given to such reports.

The trouble is that our generals in their optimistic reports from 1964 to the present time have fallen victim to their own inflated statistics of VC casualties.

Mr. President, in the most recent example of "body count" statistics, the U.S. command in Saigon reported that during the past 2 weeks 386 Americans were killed in combat; 370 South Vietnamese were killed in combat; and during the same period 2,436 Communist soldiers were killed. This according to "body count." Also, during the same period 2,585 Americans were wounded. Unfortunately, of that number we know from past experience that approximately 75 will die of their wounds. These so-called statistics strain the credulity of even the most hawkish American.

It may be that this claimed body count based on highly exaggerated and inflated VC casualties has had a disastrous effect and was helpful to the enemy during the period of VC Tet offensive, which was a complete victory for the VC whose leaders out-generaled General Westmoreland. VC forces overran 38 provincial capitals. Westmoreland had confidently predicted that the VC intended to attack Khesanh three or four nights before the Tet lunar holiday and have that victory to celebrate during the holiday, but that he had encircled the encirclers by withdrawing some 40,000 of our Armed Forces from the more southerly areas of South Vietnam. Of course, we now conclude the VC and North Vietnamese forces never intended to overrun Khesanh. Instead, they struck almost everywhere else, and they overwhelmed South Vietnamese "friendly forces" in other areas. In seizing Saigon they released 7,000 political prisoners. They held Hue, the ancient imperial capital, releasing 700 political prisoners from jail and held the citadel there for a month before being driven out. Our marines suffered huge losses in retaking the citadel by frontal assaults and destroying much of a historic city by intensive bombing and artillery fire. The VC even breached and invaded the U.S. Embassy in Saigon. Incidentally, the VC in their successful Tet lunar offensive obtained huge quantities of recently harvested rice, and more than 8,000 young men were enrolled in their armed forces by recruitment or conscription.

Then, the bewildered General Westmoreland addressing news reporters claimed this was a psychological victory for Americans and our friendly forces, and at the same time he denounced the VC for unethical action in making sneak attacks in the darkness of the night in that holy and sacred period of the Tet lunar holiday.

It may be that General Westmoreland's education has been neglected. It appears that he is not familiar with American history. On Christmas night 1776 Gen. George Washington, with 9,000 ragged Continentals, some of them without shoes but with rags tied around their feet, made what he and Secretary Dean Rusk would term a sneak attack in the darkness of the night and in a blinding snow storm.

General Washington's small force of

soldiers crossed the Delaware River in rowboats with muffled oars and then marched 9 miles to Trenton in the darkness just before dawn and attacked the drunken and bewildered Hessians celebrating the sacred Christmas holiday. Their commanding officer, Colonel Rahl, was killed, and 2,000 well-equipped soldiers were captured along with artillery, muskets, ammunition, and supplies of food and clothing. This, American historians have always proudly hailed as a great victory and the turning point of our War for Independence. Evidently, General Westmoreland and Secretary Rusk by their statements would rewrite American history and term General Washington's maneuver as a "despicable sneak attack."

SCHEDULING OF FLIGHTS AT HIGH-DENSITY AIRPORTS

Mr. McINTYRE. Mr. President, the air traffic controllers of the FAA are now insisting on maintaining minimum standards of separation between aircraft arriving at and departing from the high-density airports of the country. While this action has resulted in massive and inconvenient delays at the airports, it also spotlights the hoax the airlines have been perpetrating on the flying public. It is a condition prevalent at John F. Kennedy Airport in New York, at O'Hare Airport in Chicago, at National Airport in Washington, and many others. It is high time the situation was brought to public attention.

It is only natural that the passenger demand for space on commercial flights is greatest during certain periods of the day—from 7 to 9 in the morning and from 4 to 8 in the evening. Each airline, to assure itself the maximum amount of business, schedules its flights during these peak hours. As just one of many similar cases in point, between 8:59 and 9:01 a.m. there are some 20 airline flights scheduled to depart from one of the major eastern airports. Obviously, it is physically impossible to have that many planes take off during that period of time on a single runway that must also accommodate incoming flights.

Inevitably, there must be delays. The airlines know this. The Civil Aeronautics Board knows it. The Federal Aviation Administration knows it. Everybody knows it but the unsuspecting airline passenger. All he knows is that he has bought a ticket for a flight scheduled to leave at 9 o'clock. He is not aware that passengers on 18 other planes are suffering from the same delusion.

This situation has been allowed to go on because of the unwillingness or inability of the Federal agencies to put an end to it. The FAA claims that scheduling comes under the jurisdiction of the CAB. The CAB says that to impose stricter scheduling practices would be to discriminate between airlines. The airlines have not imposed restrictions upon themselves, each of them fearful of giving some commercial advantage to another.

The air traffic controllers are as responsible for the safety of passengers in planes as the pilots who fly them. Just as the pilot is the final judge as to whether to take his plane into the air, so must the controller be the sole judge of all aspects of the en route and air terminal flow of traffic. His insistence on maintaining the prescribed legal safety measures has brought into sharp focus the total inadequacy of the present airways system in the country—the lack of foresight and planning on the part of the agencies responsible for keeping the system up to date.

Mr. President, the present scheduling of commercial flights from major cities tends to overcrowd the airspace toward the danger point. In addition, the advertising of flight times impossible to keep is as false as the mislabeling of a package of food in a grocery store. In the sense that the airline passenger is a consumer, he, too, needs to be protected against misrepresentation. The Nation's air traffic controllers should be complimented for doing their part. However, the agencies concerned and the appropriate committees of the Congress must also take immediate steps to assure the flying public that their safety and convenience will be protected not only today but also in aviation's rapidly expanding future.

ORDER OF BUSINESS

Mr. YOUNG of North Dakota. Mr. President, I ask unanimous consent that I may be recognized for not more than 17 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AGRICULTURAL ACT OF 1968

Mr. YOUNG of North Dakota. Mr. President, for more than a year the American farmer has had one question uppermost in his mind: "What is the future of our farm programs?"

The answer to this question is basic to his planning. Farming is not the year-to-year business many think it to be. It involves investments in land, equipment, livestock, and other factors of production that can only be recovered over a period of years. Commitments must be made for the financing of these purchases, for the lease of land, and for other purposes.

The proposal embodied in S. 3590, which is before us today, would help answer many of these questions for agriculture. Briefly stated, this bill would extend, with some minor changes, the Food and Agriculture Act of 1965 for 4 more years or through the 1973 crop-year.

Many have asked about the need for action to extend the programs at this time. It has been pointed out that the 1965 act does not expire until the end of the 1969 crop year. Right now, wheat producers in the southern Great Plains are preparing to plant that 1969 crop. Other winter wheat areas will follow shortly. New plans are being made by producers. These involve land transactions, equipment purchases, and other decisions. In order to plan on an orderly basis, it is essential that producers be able to look beyond 1969. If action is not taken to extend these programs at this time, farmers will face a very serious problem. By the time new legislation can be written next year, winter wheat producers will either be seeding the 1970 crop or well along with plans for it.

Farmers must, in fact, be able to plan several years in the future. This requirement applies equally to the other commodities included in S. 3590. The 4-year extension contained in this bill would provide some of the assurance the producer needs for his planning.

I personally feel that the 1965 act was landmark farm legislation and deserves to be made permanent, just as the Agricultural Adjustment Act of 1938 was permanent legislation and provided a framework for farm programs for many years. The 1965 act made important changes and marked new directions for farm programs for a number of commodities.

The Food and Agriculture Act of 1965 provided the first long-term voluntary programs for crops such as wheat and cotton. Prior to this, producers were faced with rigid controls and marketing quotas. In the case of wheat, no one could even market his production free of penalty unless he had a quota and had kept his production within his allotment.

Extending the present program for a period of years, and preferably making it permanent, would give the farm operators of this Nation the assurance of a continuing program which would greatly facilitate their planning. It would not, as many fear, deny Congress or the executive branch the opportunity for review and revision of programs as it became necessary. The act of 1938 has been amended many times, but until recent years always provided a basic structure for our farm programs.

Farmers today are in serious economic difficulty. They are caught in one of the most savage cost-price squeezes ever to confront an American industry. They have made use of the best available technology to improve production and to lower costs, but because of the nature of demand for most farm commodities all too often this has only led to expanded production and price depressing surpluses.

As one example of the plight of agriculture, I would like to point out that farm debt in the last 8 years has more than doubled. In 1960, it stood at $24.9 billion. Today, it is more than $50 billion. Too many farmers are financing their operations today on the basis of increased land values. They are drawing on equity established in prior years and looking to the future for better times. The many farmers I have talked with have said that a most necessary part of that future is a continuation of our Federal farm programs.

I have mentioned the increase in farm debt and the need for future planning by farmers. Few, if any, farmers today operate on a cash basis. Credit is an indispensable tool in agriculture. Unfortunately, the current tight money situation in this country is forcing interest rates for the farmer higher, thus sharply increasing his costs of operation. In too many instances, he is finding that money is not available at all or can be had only

in very limited amounts. This restriction is not solely due to the tight money.

Lending institutions and others, such as businessmen selling equipment, fertilizer, seed, or other farm supplies on credit, now invariably use as a major yardstick the benefits, including payments, available to farmers under our farm programs when determining their ability to extend credit. Banks in our rural areas and many other agricultural lenders are concerned that farm programs may be discontinued or drastically curtailed.

Mr. President, the North Dakota Bankers Association, during their convention 2 months ago, expressed this concern in clear, unmistakable terms in a resolution calling for the prompt extension of the Food and Agriculture Act of 1965. In private conversations with these same bankers, they express a deep concern for the future of the farmer and of rural America in general. These people, more than most others, are in a position to feel the economic pulse of our rural areas. I ask unanimous consent that the resolution adopted by the North Dakota Bankers Association be included in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. YOUNG of North Dakota. Farmers today represent only about 5.5 percent of the total population. When I came to the Senate in 1945 they accounted for 18 percent of our people. All too often it is assumed that because of this decline, agriculture is no longer a strong force in the American economy. Nothing could be further from the truth. As a consumer the American farmer is a top customer for vast amounts of steel, rubber, petroleum products, chemicals, and a great array of other products of American industry. For the most part, his spending is done in his home community, so the well-being of rural American business is tied directly to his economic health.

As a producer, the American farmer is the envy of the world. This, Mr. President, is the great untold story of our day. He is providing the American public with the highest quality food the world has ever known, and it is costing the consumer a smaller percentage of his income than ever before. The American consumer is now spending only 17.5 percent of his disposable income for food. This, in itself, represents a decline of 2.5 percent since 1960. No other nation in the world can match this record, and few can even come close to it.

It can safely be said, that this bill is not merely an agricultural bill. Its aim of assuring a continuing stable supply of quality farm commodities at reasonable prices is of vast benefit to the consumer. The surest way to protect the American consumer from food shortages and accompanying high prices is to insure a stable farm economy. This legislation will help accomplish that purpose.

S. 3590 extends, with few changes, the programs now in effect for wheat, cotton, feed grains, rice, and wool. It also contains important provisions relating to dairy. It continues the voluntary nature of the programs which is a highly important feature of the present programs.

I am not entirely satisfied with the programs authorized with this legislation. Present farm programs can and should be improved. In the case of wheat, I think provision should be made for a higher minimum, mandatory blended price support. There are other provisions which could and should be added to make the programs more workable and of more help to the producer. The only reason I am not offering amendments to make these much needed improvements is that I believe it would be impossible to get this legislation through Congress with such amendments added.

However, the basic need at this time is for us to assure the farmers and consumers of this country and all of the industries associated with agriculture that it is our clear intent to continue these programs. This is a must in order to allow the orderly progress and development of agriculture and to assure stable food prices. The 4-year extension of the programs contained in S. 3590 would go a long way toward accomplishing this goal.

Wheat prices today are at the lowest levels in 20 years, but they would be still lower if it were not for the voluntary acreage reduction which farmers make under the wheat certificate program. Indeed, wheat farmers would be in even more desperate financial shape if it were not for the wheat certificate payments which are added to the meager price the farmers are receiving today.

Unless action is taken to extend them, the present programs expire with the 1969 crop year. If no action is taken by Congress, we would revert to the compulsory wheat certificate program still on the statute books. That program would require approval of marketing quotas and rigid controls in a producer referendum. With the surpluses we have now, the old law would make it mandatory to impose very rigid controls accompanied by severe penalties for overplanting.

The feed grain producer would be faced with a program that offered lower price support protection and no production or acreage diversion payments if the present law is not extended.

Under the present feed grain program, about 25 million acres have been diverted from corn production this year. Even with this large acreage reduction, current estimates indicate we will harvest a corn crop of 4.5 billion bushels, the second largest in history. Had this additional 25 million acres been planted, the corn production this year would easily have exceeded last year's record crop of 4.7 billion bushels. Production of this scale would cause a real catastrophe throughout American agriculture. It is not difficult to conceive that corn prices would be something less than 75 cents a bushel with this uncontrolled production.

Almost everyone knowledgeable about the conditions in American agriculture will agree that low feed grain prices mean low cattle, hog, and other meat prices. Expanded feed grain production such as we would have in the absence of the present feed grain program would unquestionably result in expanded meat production. The resultant low prices would be a body blow to American farm income.

One feature of this legislation we often tend to overlook is the wool program. This program has been developed over the years in an effort to stabilize domestic prices and insure the survival of a domestic wool industry. S. 3590 would extend the provisions of the wool program for an additional 4 years.

Mr. PEARSON. Mr. President, will the Senator yield for a question?

Mr. YOUNG of North Dakota. I yield.

The PRESIDING OFFICER The Senator's time has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from North Dakota may have 5 additional minutes.

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

Mr. PEARSON. Would the Senator prefer to yield for a question at this time, or would he rather finish his prepared statement?

Mr. YOUNG of North Dakota. Perhaps it would be better to finish my statement.

Critics have argued that those programs have failed the farmer and the Nation and should be discontinued. I will not deny that farmers are not well off today. I will not accept, however, the argument that this is all the fault of our farm programs. The inflationary spiral that has hit our economy in the last few years is at the heart of much of the problem. The price of everything the farmer must buy has risen—his prices have not. The prices for most farm commodities today are lower than they were 20 years ago.

When the voluntary wheat certificate program in the 1965 act was written, we included a provision which I offered requiring that the minimum blended price support—the price support loan plus wheat certificate payments—be no less than $1.84½ per bushel, this provision to apply only whenever the national acreage allotment was less than 50 million acres.

For the 1966 crop year, $1.84½ per bushel was the blend price support level. Because of greatly expanded acreage, the 1967 level fell to about $1.73 per bushel. The blended price support for the 1968 crop which is now being harvested will be about $1.77. Because the national wheat acreage allotment for 1969 has again been reduced to below the 50 million acre level, the mandatory provisions I had inserted in the 1965 act will again be in effect. This means there will be a mandatory minimum blended price support of $1.84½ per bushel in effect.

Unwise administrative actions taken under these programs have hurt the producer badly. I would hope that these errors would be avoided in the future and I call on the present and future Secretaries of Agriculture to weigh carefully the impact any decision they make might have on farm income.

I think the best example of unwise administrative action can be found in the 32-percent expansion of the wheat acreage allotments for the 1967 crop-year which just ended. Allotments for that year were increased twice or a total of 32 percent over the 1966 level. This

action was taken in response to panic stories that we were about to run out of wheat. People were led to believe that we would not have enough wheat to meet domestic needs plus exports. Nothing could have been further from the truth and I cautioned the Secretary of Agriculture on this before he announced the last acreage increase.

The wheat producer is still paying the price for that action. Wheat prices today are at depression levels. If it had not been for the wheat certificate payments they receive for their participation in the wheat program, many more farmers would be out of business today.

Mr. President, I do feel that improvements can and must be made in our farm programs. At the same time, however, I strongly feel that the extension of our existing programs as proposed in S. 3590 will provide farmers with the necessary basis for planning their future operations with some assurance of the prices and income they will receive for their products.

We will not, by enacting this legislation, close the door on future congressional review and improvement of the program. We must assure the producer of the most basic commodities—food and fiber—that we intend to continue meaningful and helpful programs for his benefit and for the benefit of the American consumer.

Mr. President, most of the farm organizations and commodity groups in this country are in support of this legislation. The list of those who support it includes the Farmers Union, the National Farmers Organization, the Grange, the National Association of Wheat Growers, the Midcontinent Farmers Association, the National Corn Growers Association, the National Wool Growers Association, the National Milk Producers Federation, the National Cotton Council, the National Livestock Feeders Association, and the Grain Sorghum Producers Association.

Therefore, Mr. President, I urge as strongly as possible that S. 3590 be passed without delay.

EXHIBIT 1

RESOLUTION 1

(By the North Dakota Bankers Association, 83d annual convention, May 15–17, 1968)

Whereas, the prices of most farm commodities are lower today than they were 20 years ago; and

Whereas, inflation has steadily and sharply increased the costs of all farm and ranch operations; and

Whereas, excessive and rising imports of key agriculture commodities have caused and are causing severe economic damage to American agriculture; and

Whereas, federal interest rates are the highest in 50 years and the nation's 3.5 million farmers are now indebted for more than 50 billion dollars; and

Whereas, agriculture is a larger purchaser of industrial goods than any other segment of our economy, it cannot be ignored that this most important of all North Dakota industries is facing critical economic problems;

Now, therefore, be it resolved that the North Dakota Bankers Association does now urge the Federal Government to take all possible action to alleviate the depressed condition of agriculture. Prompt extension of the price support programs contained in the Food and Agriculture Act of 1965 would remove a major element of uncertainty facing farmers today. We would also urge Congress to take the necessary steps to reduce Federal spending—the primary cause of the current inflation and high interest rates. We further call for immediate Federal action to curb excessive imports of those agricultural commodities which we already produce in great abundance in instances where these imports are economically damaging to the American agriculture economy.

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

Mr. YOUNG of North Dakota. I yield.

Mr. PEARSON. Mr. President, the Senator makes the excellent point that farming is a year-to-year basis and must be planned on the same terms. The Senator also expresses general approval of the Agricultural Act of 1965. With reference to the fact that the House passed this act for a single year—expressing therein, I suppose, a general dissatisfaction with the plan and a recognition that although it expires next year, some extension must be made and feeling, I also assume, that a new administration, whether Democratic or Republican, should have an opportunity to take a new look at this plan—although the Senator has made the point well about extending this for 4 years or perhaps making it permanent with amendment, I wonder how the Senator would feel if an amendment were offered today to extend it for 2 years or perhaps even go along with the House proposal of 1 year.

Mr. YOUNG of North Dakota. Mr. President, I realize that Members of the House who are friends of the farmers have a problem in getting a 1-year extension or more. However, I hope that the Senate will extend it for 4 years or 3 years, and perhaps in conference we can get 2 years or might have it extended for only 1 year.

One year is a very short period for the farmers to plan. Farmers do not know what the makeup of the new Congress will be and whether they would extend programs at all.

All of the uncertainty involved is the reason why farmers need and deserve more than a 1-year extension.

Mr. PEARSON. Mr. President, if the Senator will yield further, I appreciate the point that even though this were to be extended for 4 years, amendments can be offered to improve the program, although certainty is required. Even though we extend it for 4 years, we realize that there is no guarantee that a new Congress with a different disposition might very well come back and change the whole program in a radical way.

Mr. YOUNG of North Dakota. The Senator is right. The next Congress could repeal it.

Mr. PEARSON. The Senator thinks that 2 years would be too short a period, given the very practical consideration of having to bargain with the House.

Mr. YOUNG of North Dakota. I think the next administration would want more than 1 year to look into the problem and to come up with new legislation.

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

Mr. CARLSON. Mr. President, I ask unanimous consent that I be permitted to continue for 1 minute.

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

Mr. CARLSON. Mr. President, I commend the distinguished Senator from North Dakota for the very excellent statement he has made in behalf of the farmers of our Nation. The farmers of our Nation are very fortunate in having this great champion of agriculture as a Member of the Senate. The wheat growers particularly appreciate his great efforts in their behalf during the past years. It has been my privilege to be associated with the Senator in many of these programs. It should be stated that the wheat prices today would not be what they are had it not been for the amendments offered by the distinguished Senator from North Dakota in the legislation we have enacted during the past years.

When one realizes that wheat parity is $2.63 a bushel and the loan rate is $1.25 a bushel and that for 40 percent of the domestically consumed wheat we get a certificate, which this year is valued at $1.38, we should realize that the distinguished Senator from North Dakota is largely responsible for this.

I commend the Senator for his continued and dedicated service in behalf of agriculture.

Mr. YOUNG of North Dakota. Mr. President, I thank my friend, the Senator from Kansas. The Senator gives me far more credit than I deserve.

In all the years that the Senator from Kansas has been here, he has been a champion of all farmers and especially of the wheat farmers. The State of Kansas is the major wheat-producing State. Kansas farmers and all the farmers of this Nation will sorely miss him when he retires at the end of this session.

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

Mr. YOUNG of North Dakota. I yield.

Mr. MANSFIELD. Mr. President, I join in the remarks made by the Senator from Kansas about our distinguished colleague, the Senator from North Dakota. I do not think that the Senator from Kansas said enough. If he were not a modest man he would have said a great deal more.

Mr. CARLSON. The Senator is correct.

Mr. MANSFIELD. Regardless of which side of the aisle we are on, when it comes to the plight of the farmers and their need for legislation, we always look to the distinguished Senator from North Dakota [Mr. YOUNG], who has been in the forefront throughout this battle and leading the fight in the 24 or 25 years that he has been a Member of Congress. He has been furnishing sound advice for his colleagues to follow. The Senator from North Dakota has been working night and day with might and main to help not only the farmers of North Dakota but also the farmers throughout the Great Plains region and throughout the Nation.

I commend the Senator for being such a distinguished Senator and the finest friend the farmers could have.

Mr. YOUNG of North Dakota. I thank the distinguished and highly respected majority leader for his kind words. No one in this Senate is a better friend of agriculture than he.

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

Mr. YOUNG of North Dakota. I yield.

Mr. COOPER. Mr. President, I have listened, as always, with profit to the speech of the Senator from North Dakota.

I had the opportunity to serve on the committee with him for 7 years. The members of the committee on both sides of the aisle, Republicans and Democrats, always looked to the Senator from North Dakota [Mr. YOUNG] and the Senator from Vermont [Mr. AIKEN] for guidance, and we have valued the advice of the Senator from Kansas [Mr. CARLSON].

My State is one of the few remaining States which is primarily an agricultural State. While we do not have the large production of the basic crops, wheat, corn, cotton, and rice that other States have, yet, we do, with the exception of rice, produce all of these crops, even a very superior cotton. Tobacco, livestock, dairying, feed grains, contribute to our agricultural economy.

It is a varied agricultural economy of which we are proud, produced by a progressive and fine farm population. The Senator from North Dakota [Mr. YOUNG] has been a leader in the entire field of agriculture. He has contributed to the development of all the farm programs and particularly he has been concerned with the wheat program, so important to his State, and always he has had understanding of the smaller States and their agricultural problems such as those of my State, Kentucky.

I voice my appreciation for his helpfulness to Kentucky and to the other farming areas of our country.

As the Senator said so well—service here—great changes have taken place in agriculture.

When I served in the Senate for 2 years, in 1947–48, debate upon the agricultural bills was participated in by almost all Members represented larger farm populations. Today there are fewer farmers and there is greater emphasis on urban problems, which is all to the good. But we must not forget the importance—the basic importance of agriculture.

It is more difficult today to present to the Congress and to the country the problems of the farmer. The Senator from North Dakota nevertheless has been able to present the problems of agriculture successfully and fairly throughout all the years of his service.

I know there is controversy over the extension of the pending bill. I agree with the Senator from North Dakota that if we do not extend these programs our farm population will be left in such doubt about their future that it will be unsettling for agriculture.

There is always a conflict about prices. Some want lower prices for farm commodities. But our farmers are getting a pretty low price, below parity in many cases, and paying higher prices. If these programs were turned loose, overproduction would follow, and we could fall back into the situation we experienced after World War I, with its disastrous impact upon business in our communities, upon banking, and upon our whole economy.

I believe it is correct—and I think the Senator said so—that while some people believe agriculture is diminishing in importance, it is still the largest enterprise in our country.

Mr. YOUNG of North Dakota. The Senator is correct. It has the greatest purchasing power of any segment of our economy.

Mr. COOPER. Mr. President, the relationship of the export of agricultural products to our balance of payments is of vast importance to our country. I do not believe many realize that it is agricultural export of our country which is the largest factor for our favorable balance of trade. If agricultural exports are not sustained, our unfavorable balance of payments would be worsened.

Mr. YOUNG of North Dakota. The Senator is correct. The dollar exports are around $6 billion a year.

Mr. COOPER. Mr. President, I note on page 3 of the report, the next to the last paragraph, provides a very short but excellent statement upon the relationship of agricultural exports to our balance-of-payments problem.

With the Senator's consent, I ask unanimous consent that that paragraph be printed at this point in the RECORD.

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

Since fiscal year 1960, total agricultural exports have risen from $4.5 to $6.8 billion in fiscal year 1967. Within this total, commercial exports (that is dollar sales) increased 62 percent—from $3.2 billion to $5.2 billion. Preliminary estimates for fiscal year 1968—a year marked by very strong competition in world markets—indicate U.S. agricultural exports will total $6.4 billion of which nearly $5 billion are commercial sales. American farmers now have an export outlet for over one-half of their wheat production; two-thirds of the annual milled rice production; a third or more of their grain sorghums, soybeans, cotton and tobacco; over a fourth of their flaxseed and nearly a fourth of their corn crop.

Mr. COOPER. Mr. President, with reference to the question of the extension of time, I have listened to the statement of the distinguished Senator from Kansas who also represents one of the greatest farm States.

I would look upon a time of 2 years with favor, but, as the Senator from North Dakota has said, unless there is flexibility on the part of the Senate conferees, 2 years may not be achieved. I would hope that someone would offer an amendment to make it 3 years or 2 years.

Mr. YOUNG of North Dakota. Mr. President, I appreciate the kind words of the Senator from Kentucky. I have enjoyed working with him in the Committee on Agriculture and Forestry, and his views and mine through all those years have been almost identical. I believe it is true that most farmers, from one end of the country to the other, have much the same views. This is not always true of farm leaders. My friend from Kentucky has always been a powerful voice for the farmers of this Nation.

STUDENT EXCHANGE PROGRAM

Mr. MANSFIELD. Mr. President, Senator FULBRIGHT is in his home State of Arkansas and has asked me to bring to the attention of the Senate certain correspondence concerning appropriations for the implementation of the Fulbright-Hays Act in Latin America. In his behalf, therefore, I ask unanimous consent that a letter dated July 16, addressed to Senator FULBRIGHT by the Committee of Former Fulbright Scholars, and a letter dated July 16, which the committee addressed to Senator HAYDEN, be printed in the RECORD.

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

COMMITTEE OF FORMER FULBRIGHT SCHOLARS TO LATIN AMERICA

Washington, D.C., July 16, 1968.

Hon. J. WILLIAM FULBRIGHT,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: As the individual who inspired and is most responsible for the enactment of the Fulbright-Hays Act, we, the Committee of Former Fulbright Scholars to Latin America, have sent you a copy of our letter to Senator Carl Hayden, Chairman of the Senate Appropriations Committee.

In that letter, we have expressed our real concern for the future of the Fulbright-Hays program for United States grantees in Latin America because of the House Appropriations Committee's tremendous reduction in the proposed appropriation for the Mutual Educational and Cultural Exchange Act of 1961, as amended, through H.R. 17522, which directly finances the Fulbright-Hays program in Latin America.

Since the Senate Appropriation Committee's hearings on this bill finished before we could submit our letter to the Committee's consideration, it is impossible to have this correspondence read into the official record of committee hearings on H.R. 17522. Therefore, we respectfully request you to have this correspondence printed in the Congressional Record.

Thank you very much for your kind attention.

ALFRED WEBRE,
ROBERT GOLDMAN,
ROGER GLASS,
Coordinators of the Committee of Former Fulbright Scholars to Latin America.

COMMITTEE OF FORMER FULBRIGHT SCHOLARS TO LATIN AMERICA,

Washington, D.C. July 16, 1698.

Hon. CARL HAYDEN,
Chairman, Senate Committee on Appropriations, Washington, D.C.

DEAR SENATOR HAYDEN: As the Senate Committee on Appropriations is presently considering H.R. 17522, we, the Committee of Former Fulbright Scholars to Latin America, would like to take this opportunity to express our deep concern over the $14,-862,000. reduction in the proposed appropriation for the Mutual Educational and Cultural Exchange Act of 1961, as amended, which directly finances the operations of Fulbright-Hays Act, Public Law 87–256, in Latin America.

We do not concur with, nor consider prudent, the House Appropriations Committee's stated reasons for so drastically reducing this appropriation, nor do we believe that the present financial situation truly necessitates such a tremendous cut in funds. The consequence of this action, if sustained by your Committee, will threaten the existence of the Fulbright-Hays Study Grant Program in Latin America. We would like to indicate our vigorous support for the Fulbright program in Latin America and strongly urge its continuation for the following reasons:

Over the years, the United States has become increasingly aware of the outstanding problems confronting the Latin Ameri-

can countries in their role as developing nations. This understanding has led the United States to commit its resources and technical assistance programs to further the development of this area. The peaceful and democratic evolution of these neighboring nations is vital to our nation and the hemisphere's security. Today, Latin America is in an era of unprecedented change, and the United States needs, more than ever, a new and growing body of American citizens with expertise in Latin American affairs.

It was precisely in view of the urgency of this situation that a special and completely new educational and cultural exchange program was created for this area under the authority of the Fulbright-Hays Act. The selection process for the grantees introduced novel techniques. For the first time in an educational program actively supported and financed by the Government of the United States, outstanding figures from the academic community became directly involved in this process. Traveling across the country or as members of regional panels, they interviewed the applicants to ascertain and probe their understanding of the complex problems they would surely face in a host nation and to test their fluency in Spanish or Portuguese. As a result of this careful screening, it was felt that the new grantees were among the most qualified and articulate students ever to represent the United States abroad. In 1965, the general Fulbright-Hays Study Grant Program was introduced to the Latin American area.

In the long run, we are confident that the program will continue to produce a core of knowledgeable and concerned Americans attuned and sensitive to the problems of Latin America. Virtually all of us who have returned from our host nations have a keener appreciation and greater insight into the complex nature of these problems and with a firm personal commitment to work toward greater mutual understanding. Furthermore, a great majority of returning grantees have distinguished themselves in various fields of public endeavor or returned to the academic community where their valuable first-hand knowledge of Latin America will assure a continuing contribution to a new and vital body of literature on that area.

In the host country, the Fulbright student enjoys a unique position. Unlike other official United States personnel, the grantee is free of any formal institutional identification and thus is able to integrate more fully into Latin American society on a person-to-person basis. Working and associating freely in the traditionally anti-American universities, he has perhaps a singular opportunity to establish a meaningful dialogue with fellow students and future national leaders concerning problems of mutual interest and misunderstanding. He participates in debates, seminars, lectures, and round-table discussions. He is, in fact, a source of information on every aspect of American life. Such daily contact invariably promotes mutual understanding. The Fulbright Exchange Program in Latin America is the *only* government program structured with this goal in mind. Without being an official part of the Alliance for Progress, we nonetheless serve as an unofficial Alliance for Understanding.

Yet, despite the long-range benefits and recognized success of the program, the continuation of the Fulbright-Hays activities for American exchange scholars in Latin America has been threatened since its inception by a chronic lack of adequate financing. The result of this lack of funds has led to a gradual reduction in the number of grantees over the years. For example, in the first year of the general program in Latin America, 1965-66, 117 United States students were sent to the various republics; in 1966–67, 105; in 1967–68, 72; and in the current academic year, 1968–69, only 60. This represents a reduction of slightly less than *100%* in the number of American grantees over a 4 year period. A more cogent and substantial case in point is the gradual reduction of United States grantees to the Republic of Uruguay. In 1965–66, 10 American scholars were sent to Uruguay; in 1966–67, 8; in 1967–68, 3; and this year, 1968–69, only 2 grantees are in Uruguay. In four years, the number of grantees has been reduced *500%*. In addition, a similar pattern of reduction has occurred in many other participating nations.

While the Latin American Fulbright Exchange Program for American students has been cut regularly, its European counterpart has virtually remained unscathed. Over the same four year period, 1965–68, the number of United States grantees sent to Europe has remained stable, around 600 annually. In the current academic year, *ten times* as many United States students will be going to Europe under the Fulbright program as those to South America with similar grants.

Moreover, this policy of gradual reduction has considerably aggravated the already distorted ratio of Latin American students, who come to the United States with Fulbright aid, to American grantees going to Latin America. While the total number of United States scholars has been cut from 117 to 60, the number of Latin Americans coming to the United States with Fulbright assistance has remained relatively constant over the past three years. Since 1966, an average of *445* Latin American students have received Fulbright aid annually. In the present academic year, there are *seven times* the number of Latin American students receiving scholarship assistance under this program as American students with similar grants in the Latin American republics. This figure becomes more astounding when compared to the mere *25%* differential in the number of European students who receive Fulbright financial support, around 800 for the past four years, to study in America to United States grantees going to Europe. Furthermore, whereas the projected cost of the United States participation in the Fulbright program to Latin America is less than $250,000. This year, the equivalent program for Latin American students will be around $1,250,000.

The simple fact is that there are not enough grantees presently to make the program truly worthwhile. To continue the Fulbright program for American scholars at the current level or to reduce it even further destroys the program's efficacy and directly contradicts the intent of Congress as stated in the Fulbright-Hays Act.

It is our strong belief that if the Fulbright-Hays program is to function properly, as envisioned by the Congress and stated in the Act, the number of American grantees must be increased to an adequate and realistic level, or at least 100 scholars to the Latin American nations annually. This would necessarily require the restoration of funds to be appropriated for the Mutual Educational and Cultural Exchange Act of 1961, as amended, through H.R. 17522. Surely, the relatively small cost of this program, less than $250,000. this academic year, to the Nation in view of its high purpose and real success merits its continuation and the support of the Congress. We therefore urge the Senate Committee on Appropriations to report H.R. 17522 with the additonal $5,000,000, requested by the Department of State for the Mutual Educational and Cultural Exchange Act of 1961, as amended.

Those of us who have returned from Latin America as Fulbright Scholars thank you for your kind consideration.

Alfred Webre, Coordinator. Fla. Uruguay '67.

Robert Goldman, Coordinator. Wash. Uruguay '67.

Roger Glass, Coordinator. N.Y. Argentina '67.

Karen Withka, N.J., Uruguay '66.
Marc Heilweil, N.Y., Colombia '67.
Merle Thompson, Ill., Peru '66.
Susan Brown, N.Y., Mexico '67.
Edward Seaton, Ky., Ecuador '65.
Dotty Hindels, N.Y., Chile '67.
Charles Morgan, Calif., Chile, '66.
Danel Youra, Wis., Argentina '67.
Carolyn Sugg, Mo., Chile '66.
Barbara Derrick, N.Y., Colombia '67.
Lanny Sinkin, Tex., Venezuela '67.
Gene Muller, Neb., Argentina '65.
Gus Valdez, Tex., Argentina '67.
Eliz. Hirschman, Mass., Peru '67.
Anthony Boni, Pa., Argentina '66.

PROFESSOR MORTON: PROGUARANTEED WORK; ANTIGUARANTEED INCOME

Mr. PROXMIRE. Mr. President, Professor Walter Morton, of the University of Wisconsin, is both an eminent economist and a very practical man. Recently he wrote the Capital Times, of Madison, to express his views in opposition to a negative income tax and in favor of guaranteed employment.

His letter concisely and persuasively summarizes a viewpoint now predominant, according to recent Gallup polls in the American public.

This is a view on a subject that will be very much front and center in congressional controversy in the next few years. I ask unanimous consent that Professor Morton's letter be printed in the RECORD.

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

MORTON QUOTES LABOR ON WORK

MADISON, June 21.—Apropos the recent discussion of the Negative Income Tax, some of your readers may be interested in the attitude of the AFL–CIO on the relation between jobs and income.

In the June, 1968, issue of the Federationist, Elisabeth Wickenden writes as follows:

Commenting on the idea that work is superfluous she says: "At the present time, it is consistent neither with technological realities nor most people's wishes. It seems an absurdity to talk about work as obsolescent when we have not enough houses, schools, hospitals, cultural centers, parks and playgrounds; when we lack teachers, nurses, librarians, social workers, youth leaders, day care for children, social centers for the aged, homemakers for the ill and handicapped, doctors, lawyers, merchants, chiefs; when our streams and our air are polluted, our parks neglected, our highways and airways corrupted by commercialism and our choices for enriching our spare time similarly constricted."

"Work still offers for most people the most satisfying sense of identity and achievement, the most acceptable source of current and deferred income."

Commenting upon the negative income tax as an inadequate measure she says: "The family head suddenly confronted by catastrophe" . . . needs a single source of help. He doesn't need an internal revenue agent or an income based on his past year's deficiency but immediate help which is both personal and monetary."

In the same issue President George Meany, AFL–CIO says: "In our work-oriented society the major solution to unemployment, underemployment and most poverty is the opportunity for a regular job at decent wages." He then points out the economic truth that a man who works for a living (in contrast to one who is paid for loafing) produces the product that he consumes and is no burden on society. "Employing the unemployed is

in an important sense, almost costless. The unemployed consume; they do not produce. To provide them meaningful jobs increases not only their income but that of society. Much of the work that needs doing calls only for limited skills and minor amounts of training.

Working people want to work and get paid for it. They do not want subsidized indolence.

WALTER A. MORTON.

HUBERT HUMPHREY'S FOREIGN POLICY POSITION

Mr. McGEE. Mr. President, HUBERT HUMPHREY is succeeding in doing what some of his critics said he could not do. He has staked out his own foreign policy position with a major statement that puts forth guideposts for the next era in American foreign policy.

The statement is, as the Evening Star observed editorially last night, a credit both to the man himself and his firm grasp of political realities.

It makes eminent sense in calling for a shift in our approach to the Communists, including those in China, so as to promote a true community of nations and draw even the mainland Chinese into that community.

The statement of the Vice President calls for continued foreign aid. It calls for meeting our commitments toward the security of other nations, but with the firm insistence that those countries have the support of their people.

Mr. President, the Star does well to laud this statement. Its editorial expresses the hope that Vice President HUMPHREY will, during the campaign ahead, provide additional detail on his proposals. I am sure he will, just as I am sure he will continue to display the independence and good sense the Star finds so appealing in this major foreign policy statement.

Mr. President, I ask unanimous consent that the Star's editorial be printed in the RECORD.

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

A HUMPHREY FOREIGN POLICY

The presidential campaign oratory so far, to the extent that it touched foreign affairs, has focused mainly on the Vietnam War. This is natural. But it hardly aids the public in the selection of a leader at this critical hour in the nation's history.

Into this void, Vice President Humphrey, seeking to establish himself as his own man, has just issued what his campaign headquarters describes as a "major, far-reaching foreign policy statement." It is all of that, and meticulously drafted too. In The Star's view, moreover, it is a first rate statement—both for what it says, and what it doesn't say.

The Vice President could have assuaged vocal elements within the Democratic Party by calling for a return to fortress America. That he did not is a credit both to the man himself and his firm grasp of political realities. No one would believe that this proven internationalist would have the United States opt out of world affairs—whatever that might mean.

Now for what he did say. Humphrey has done no less than set forth suggested guideposts for "the next era in American foreign policy." They include (1) a shift in our approach to the Communist World from "confrontation and containment to . . . reconciliation and peaceful engagement," (2) a top priority focus on improving relations with Western Europe, Eastern Europe, and the Soviet Union, and (3) positive encouragement to Communist China to become a "responsible, participating member of the community of nations." In the developing world, Humphrey would fulfill existing security commitments, but with the firm insistence that "any threatened country" have "the support of the people." At the same time, he would build for the future, calling for "a steady increase rather than a decrease in the amount of aid we make available." Finally, the Vice President would have Congress and the people play a greater role in shaping this country's foreign policy.

All these proposals make eminent sense, insofar as Humphrey spells them out. The Vice President would do well to provide additional detail as the campaign progresses.

For now, it is enough to note the fact that the Vice President has succeeded in staking out his own foreign policy position. We hope that his future statements so aptly combine independence with sense.

NSA PRESIDENT EXPLAINS WHAT STUDENTS WANT

Mr. HARTKE. Mr. President, the generation gap, as we all know, is the most recent addition to an ever-growing list of social and strategic shortcomings which have been singled out for popular attention in recent years. Without suggesting that the distance between generations is a new problem, or one that lends itself to a final solution, I would like to make reference to a statement which goes a long way to clarify the issues which are separating the old and the young today.

Mr. Edward Schwartz, president of the National Student Association, has written a statement entitled "What Students Want," published in the June issue of the Progressive. Mr. Schwartz puts student activism in the context of the social paradox which the younger generation has been forced to face, that of taking responsible action in a mass society which discourages individually and personal experimentation.

Mr. Schwartz explains the goals and the purposes of the student movement with patience and care, and his statement should be required reading for those who are confused or distressed by the drift of that movement in recent months. Accordingly, I ask unanimous consent that this informative article be printed in the RECORD.

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

[From Progressive, June 1968]

WHAT STUDENTS WANT

(By Edward Schwartz)

At almost every gathering of elders to which I am invited to speak there is one disconsolate listener who poses the question, "What do you students want, anyway?" The images which flash before the questioner's mind as he reads of student protest and student power are those of anarchy, promiscuity, and subversion sweeping the land, and the strategic response which seems to excite his allegiance is that involving massive retaliation against uppity kids in defense of parental hegemony over their affairs.

Recent events at Columbia University and elsewhere have added substance for those who raise these images. Yet a fair and far-sighted appraisal of what students are driving at must encompass not only the broad spectrum of the style of student activism—demonstrations, stridency, eccentricity—but also the content of their protest. Such an appraisal must also include such creative activities as the "Keep Clean for Gene" movement which has had a measurably constructive impact on the nation's political direction.

What do students want? Or, more precisely, what does the first postwar, post-depression, post-television, post-technology, post-bomb, post-space generation want? Understanding the context in which we move is critical to understanding our present needs. We have been weaned on two paradoxes: Our affluence enables us to assume less responsibility for our lives than did our parents for theirs in the Depression, but our freedom encourages us to demand more responsibility; the questions which are the most critical to our lives, to the lives of all people, are those over which individual men in a mass society can exercise little control. The attempt to resolve these paradoxes—of obtaining responsibility in a context of freedom; of asserting power in a climate of powerlessness—has been the central thrust of all major student movements.

There is no single student resolution of the paradoxes. The student community includes many factions, not the least of which is the familiar apathetic middle. Yet within the framework of the paradoxes, certain questions emerge; their answers become the fabric of some generational consensus. The questions are not unfamiliar:

FIRST, what is the attitude of the culture toward us?

SECOND, what are the most useful relationships which we can develop between ourselves and our institutions—family, school, peer group?

THIRD, what role can we students play in social and political affairs?

In general, the questions reflect a desire to expand personal and collective power. How this is expressed, however, varies with the question.

To begin, how do our elders relate to us? If there is anything which unites students of all persuasions, it is the college administrator or public official who challenges the sense, the responsibility, the interest, or the ability of the student himself. I have seen college presidents whose political positions were in substantial agreement with those of a student body lose all support from students simply because they talked down to them, or tried to pander to them, or refused to listen to them, or told them to stay in their dormitory rooms and keep quiet. Conversely, I have seen administrators whose public and political positions differed markedly from those of their students win enormous student support by demonstrating a willingness to take students seriously, to listen to their demands, to present clear statements of disagreement, to convey a sense that they were trying to learn from what the students are saying.

In either case, more than a question of style is involved; it is a matter of attitude. A society which worships youth inevitably will produce people who are afraid of the young—afraid of not "making it" with the young. The rest is defense—assertions of legal authority, polemical attacks on irresponsibility, snide references to appearance and dress; or, as often, feeble attempts to ingratiate, to play Boy Scout leader, to use "hip" language which the elder does not really understand. When a student encounters either specimen of elder, he turns himself off. If the elder is a tyrant, he spawns a revolution; if he becomes a boy scout leader, he is ridiculed.

Students, the saying goes, are people, and they want to be treated as such, not as "niggers," or even as that wonderful Negro couple who just moved in down the street. The elders who "make it" with students are those without hang-ups in dealing with

them, those who look upon a student as a potential friend and who are willing to open relationships with students on that basis.

This notion is particularly relevant to the current debate on student-faculty relations within the academic setting. It seems to be assumed by their mentors that students want every professor in the classroom to be a masterful orator, with all the latest rhetorical tools at his disposal, to provide an inspirational polemic at every session. This is not the case. Students are aware of the fact that professors have different skills in lecturing and that not every professor can be a Demosthenes.

What they do expect, however, is that some sense of the scholar's enthusiasm for his subject be transmitted in the particular way in which the individual teacher is capable of presenting it. When professors read verbatim from ancient lecture notes, or when they refuse to discuss material with their students, they reinforce an impression that while the professor may care deeply about his subject, he does not care about his students. Rightfully, students wonder why people who do not enjoy teaching end up as teachers.

The same can be said of student feelings about their administrators. There are certain deans who seem to derive some sort of perverse satisfaction from enforcing rigid social rules completely out of tune with student sentiment. To many students, the deans seem to have taken their jobs precisely to fill this role. There are others in college administrations whose counseling reads like a soliloquy of Polonius. These administrators are accorded the disrespect which they so richly deserve.

The deans who win student respect are those who reflect a willingness to move with the times, who possess a sophisticated understanding of the emotional and psychological needs of students, and whose counseling relationships with students involve trying to figure out the direction which they themselves want to take before offering students advice on appropriate ways to move.

Most students do not view "education" as being simply the time spent memorizing somebody's lectures for an exam. The period between eighteen and twenty-three years is fundamentally a time of clarifying who we are, how we behave, what our relationship is to other people, what kinds of responsibility we can handle, what our functional roles can and will be. Classrooms, at best, are resource banks for this exploration—centers to obtain information; to learn tools of evaluation; to reflect on what others have said about the inherent qualities of nature, man, and society.

Yet the process of integration, of developing selfhood, is the critical process, and we feel that this can proceed only in a climate of personal testing. The university may be a special sort of community, but it is, nonetheless, a community, and we like to feel that we play "adult" roles in shaping its environment and policies. Insofar as forces inhibit our freedom, or prevent our participation, opportunities to test our capacities as citizens are lost.

However, demanding that option to make our own decisions—and our own mistakes—runs counter to the educational theory which holds that young people are not "ready" to do certain things, are not "ready" to play certain roles. Yet even if we are not "ready"—whatever that means—most of us feel that exclusion from responsibilities is a poor way of encouraging us to accept them. University administrators often say, "Wait until you leave here." Yet we know that those who do not demand responsibility at a college level will not demand it later in life, that they will become part of the lumpen proletariat that live out their lives in mass society "in quiet despair."

Consequently, the student power cry is a cry for selfhood. Although the dormitory issues, the curfews, student finances, the independent student press, the boy-girl questions seem trivial issues in their own right, they are important as symbols of areas in our lives which test selfhood and self-expression. If our power to experiment with our own rules, our own policies, in relation to these questions is limited, then our ability to figure out for ourselves what we will or will not do is limited. The stress involved in this environment is considerable.

Another facet of the battle involves a search for community. Students used to say, "Liberalize rules." Now they demand, "Let us make the rules." There is a difference. The former shows no concern for community decision-making—it is a cry for personal freedom; the latter presumes that the right to make the decision is the goal. Both demands involve a quest for greater responsibility, but "student power" is much more an existential plea for self-respect and for respect from the establishment.

On those campuses where educational policy has become an issue, invariably the conflict has been between those who confine education to transmission of knowledge, development of analytical skills, and those who view the process as being necessarily broader. "Relevance," as it is usually interpreted by traditionalist professors, is a red herring. Most students are not demanding a curriculum dealing entirely with current problems or social issues. What "relevance" means, more often than not, in student curricular theories, is personalization: How does the curriculum fit in with my personality development, with my ability to solve problems, with the questions which I am asking about myself and the world around me? Do professors care about these things? These concerns spring from classrooms in which students are not challenged, or engaged in the subject, and in which subjects are not related, even peripherally, to human enterprise.

Students are doers, and we want to learn to act more effectively. We need power in the extra-curriculum; we need involvement in the curriculum. It is useless to tell a young person not to take risks; the essence of our youth, of our sense of defining ourselves, may be the taking of risks, of assuming new roles, of testing ourselves in different environments, of experimenting with new ways of changing others. The institution of the university is our laboratory for these experiments. It either accords the space and resources for them, or it does not. When the university does not, we will attempt to free the space for ourselves, even if this means challenging the institution itself.

The involvement of students in political and social causes must be seen in this framework as well—that of freeing space for learning and action; of defining rules; of asserting selfhood and responsibility.

A basic question is: Should students participate in politics at all? For those who think the answer is an obvious "yes," it may come as a surprise to learn that this has been a hotly contested issue on many campuses. There are still only a handful of student governments which take stands on political issues, for example, on the premise that these questions fall outside of "our role as students." On many campuses—although the number has diminished over the years—the politico remains a figure of scorn, involved in matters of no perceived relevance to the undergraduate. While this climate is shifting, it will still be years before the majority of American colleges and universities call themselves "activist."

When students do make the leap from private concerns to political interest, it generally reflects one of several conditions. For some, it may spring from a successful local drive for student power which "politicizes" its students, which teaches them that authority figures are not sacrosanct, and which shows that they can move to alter their environment. For others, response to a public figure—a Martin Luther King, a McCarthy, a Kennedy—may provide the impetus. For many, a political question which touches their lives—like the draft or tuition fees—might arouse them.

Yet in every case, the question of "roles" is crucial, as it is not in the larger community. The student who does become involved politically has chosen a new identity for himself; he is functioning in an unexplored area in which fresh information, untried skills, and new energy are needed. If he is serious about his new interest, the route to political activity will mean an extensive reading list, a change in his course schedule, and a willingness to expose himself to the risks of argument, debate, attack. Students take politics seriously, and if there are those who remain uninvolved, fear of failing to meet understood prerequisites of political action often is the cause. Our elders often do not ask such questions; their political activity more frequently reflects personal interests than it does any conscious decision to undertake a new position in society.

Despite conflicts over the "role" of students in politics, there are few issues which will unite students. Usually, these are a few directly related to personal interests. Most students support lowering the voting age to eighteen; students have been united around maintenance of free tuition in New Jersey, New York, and California; students oppose state interference in local university affairs and will demonstrate surprising unity when such interference produces loss of university funds, repression of political groups on campus, or bans on speakers. Indeed, on some of these questions, the unwillingness of students to "dirty" themselves in politics contributes to their hostility to political interference in the university. There may be as great an underlying sense that "these dumb politicians shouldn't muck around with our lives" as there is an intuitive loyalty to their institution or to civil liberties.

Once you leave the realm of "student issues," the only area of interest in student politics is the split between student liberals and the New Left. The Young Democrats and Young Republicans are not especially strong on the campus. The Young Americans for Freedom have lost much of their organizational strength since 1964, although they still can muster conservative opposition to NSA and Students for a Democratic Society (SDS). None of these groups differs substantially from political counterparts in the "adult" world. Yet the framework within which student liberal-left politics operates has its own dimensions, again in tune with questions of peculiarly student concern.

If students themselves have sought to define the terms of their own identity and to assert new areas of responsibility, both young liberals and the left have applied the same principle to their response to public affairs. The two central issues of the decade—civil rights and Vietnam—have both involved America's response to cultural deviation, at home and abroad. For the student who himself is engaged in self-definition, the culture's repression of those who do not "toe the middle class line" is seen as directly related to the culture's attitude toward him. One rarely hears students talk of "poverty" with the same fervor as they talk of the "black people," or the "Vietnamese people." Stokely Carmichael to the contrary, students have not tried to organize among whites, rich or poor.

This willingness to defend those who deviate from mass oppression creates its own standard for political leadership. The liberal-

left knows that dissidents are powerless, but the important criterion is the sustenance of the dissident community. A Wayne Morse, who sticks his neck out early, or a Eugene McCarthy, who risks his career, becomes more attractive than a Bobby Kennedy, whose interest in power makes him a tenuous ally on questions of principle. Indeed, even those who defend Kennedy in the student community do so as often by emphasizing the risks he has taken as they do by arguing that Kennedy has a chance of victory. "Victory" for students is as yet dimly perceived—what victories have been won are local, not national, not adequate. The important point is the integrity of the group, the unity of those who challenge mass life.

The battle between the liberals and the left revolves around this question as well. After all the rhetoric, extensive ideological bombast, the fellow on the left will tell you that he is dreadfully afraid of becoming "co-opted," of being sucked up by the suburbs, by IBM, by the machine. He fights this with fervor. Those who "play ball with the system"—who work for candidates, who talk to government officials, who dress up occasionally—are untrustworthy. In the end, the left argues, the liberal will sacrifice his battle for cultural freedom, for himself, the blacks, and the Vietnamese in exchange for a comfortable position in society. Indeed, the left may feel that the liberal cannot understand the people for whom he presumably fights, since the liberal does not deviate from cultural norms himself. As one radical put it, "The liberal fights for other people; the radical fights for himself."

When the debate is applied to specifics, it becomes quite brutal. The left will strive to differentiate itself from the mass; the liberal will try to point out areas within the American tradition which supports his case and builds upon them. The left will use confrontation tactics almost on principle, with the goal of "shocking" the mass; the liberal will try to avoid these tactics, almost on principle, from fear of "antagonizing" the mass. The left talks of "destroying" the system; the liberal talks of rebuilding it. However, neither the left nor the liberal is terribly hardheaded about charting goals and pursuing fluid strategies to achieve them. The ways in which the battle is fought are as important as the battle itself—to both sides.

It is wrong, however, to assume that division between liberal and left revolves simply around questions of identity and tactics. There are differences of goals as well. The liberals are, indeed, products of their own tradition. They are responding to failures of American society to cope with the problems of the cities and with the emerging nations around the world, and hoping for the "right" leadership to influence public policy in the "right" directions. The left sees America's response to the problems of cities and developing nations as being generically related to America itself—to its culture, its values, its attitudes, which may coerce the majority as effectively as its own minorities, and minorities elsewhere.

If electoral politics seems inadequate to the left, it is because the nature of the problem which they perceive cannot be solved simply through new leadership; it will involve a transformation of institutions from the ground up. That the radicals have not found a coherent strategy to effect this transformation reflects as much the nature of the problem as it does their own emotional hang-ups. For some, moreover, outlines of a strategy of long-term organizing in ghettos, universities, suburbs, and corporations are developing, which might pull the liberal community along with it.

These, then, are the concerns—developing relationships with adults based on attitudes of mutual respect; developing communities of learning in which people's ability to act and experience is deemed as important to growth as their ability to absorb information and to decide; and developing a tolerance for cultural pluralism in this country, and abroad. While the issues—as well as the tactics—vary from year to year, the themes have been constant, and probably will remain so as long as our mass institutions remain mass.

At the outset of this commentary, I cited the two paradoxes—of asserting responsibility in a context of freedom; of asserting power in a context of powerlessness—as being central to the student demands of the 1960s. I have not even used the traditional terms of liberalism—jobs, education, housing, welfare—because these are not the problems which students face. The problems are deeper than that, involving the structure and values of mass culture, and if we cry out, it is because the beast is difficult to move. Whether it will be moved depends on our own ability to speak, and the willingness of the society to hear.

THE HUMAN RIGHTS CONVENTIONS COMPLEMENT THE IDEAL OF THE JEFFERSONIAN DEMOCRACY

Mr. PROXMIRE. Mr. President, one of the arguments used to delay Senate ratification of the human rights conventions is that it represents a further invasion of the rights of the States by transferring to the Federal Government, and even to an international forum, the jurisdiction States have over certain criminal offenses. This argument is particularly aimed at the Genocide Convention. It is said that ratification of this convention could remove the crime of murder from the State jurisdiction.

Mr. President, aside from the fact that it is highly unlikely that the United States would ever be charged with such a crime, the argument just does not make sense. What the Genocide Convention is aimed at is providing the protection of international law to the lives of citizens of all nations, particularly in those countries that do not enjoy a high degree of security and stability. Examples of this would be Nigeria and Biafra, where a civil war is being waged that violates the basic rights of innocents on both sides.

It is strange that those who stand up for States' rights and for a laissez-faire doctrine of government do not seem to realize that the basis for both these doctrines is protection of the individual in his constitutional rights. The ideal of the Jeffersonian democracy was that each citizen could live a life of peace with his neighbors and be free from violations of his rights by these same neighbors, but more particularly be free from violations of these same rights by the government.

Thus, instead of fighting against ratification of the human rights conventions, these same individuals should be fighting for ratification. The protection of every man's rights from all would-be violators is the basis for both the Conventions and the doctrines of States' rights and laissez-faire government.

Jefferson, perhaps more than any other man, can be called the "Prophet of the American Dream." But, surely, Mr. President, that American Dream, founded as it is on the belief in the natural and inalienable rights of all men, belongs to all men. It is their dream too, and we should not let the boundaries of the United States be the boundaries of personal freedom.

Mr. President, ratification of the genocide and other conventions represent no diminution of the sovereignty of the States or of the Federal Government. What ratification would mean is that America is willing to share its dream with others and work for the fulfillment of that dream with others.

COMMUNITY SELF-DETERMINATION ACT OF 1968

Mr. NELSON. Mr. President, it is my privilege to be working in association with the distinguished Senator from Illinois [Mr. PERCY] on a bipartisan effort to significantly alter our approach to the poverty stricken areas of the United States. Next Wednesday we shall introduce the Community Self-Determination Act of 1968, a bold new plan to forge a lasting partnership between America's poor, the business community, and the Federal Government.

Our rural areas desperately need new businesses and more jobs to provide decent standards of living and stem the migration of people to our already bursting large cities. Our urban cores require vast new economic development to give every resident a good job in his own community.

The key concept of our proposals is local initiative. Too often in the past, in both rural and urban areas, our antipoverty programs have allowed the poor people to become bewildered spectators to a march of bureaucratic expansion. Too often our free enterprise system has had no inducement to develop in poor areas, in ways that would materially and psychologically benefit the residents themselves. Senator PERCY and I feel that the Community Self-Determination Act is a workable proposal that will give all our Nation's citizens a stake in American society. Our objective is to give everyone a chance to become a participating worker and taxpayer in his local community.

This plan was developed over the past year in a cooperative effort involving the Kennedy Institute, the Congress of Racial Equality, corporate business leaders, and distinguished lawyers. Both Senator PERCY and I have former staff members who have worked closely on this project. Thus it is a special pleasure for both of use to see it come to fruition as a legislative proposal.

CAPTIVE NATIONS WEEK, 1968

Mr. TOWER. Mr. President, the week of July 14 to 20 marks the 10th anniversary of Captive Nations Week. In 1959, both Houses of Congress, by unanimous vote, approved a resoluton that has since become known as Captive Nations Week Resolution. The resolution urged the President to set aside the third week of July each year as Captive Nations Week, and to invite the American people dur-

ing this annual observance to manifest their solidarity with the captive nations of Europe in various and appropriate ways.

While we in this country are approaching the 200th anniversary of our freedom and sovereignty as a Nation, let us not forget that 100 million Europeans are living under Communist regimes—under systems of government which they did not choose and are relatively powerless to alter.

Recent developments in east-central Europe indicate that the Communist system is confronted with the built-in problems and deep-seated strains and tensions of totalitarianism. The record of over two decades of Communist rule brings into sharp focus continued opposition of the east-central European peoples to unpopular self-perpetuation regimes, which have deprived them of their inalienable right to chart their future.

The failure of the Stalinist regime in Czechoslovakia to relax its stiff rule and raise the living standard of the people has brought to power more progressive elements of that country's Communist Party. The new leadership has been compelled to respond to popular pressures and vocal demands by the intellectuals and the students by granting more freedom of expression.

In Poland, the March 1968 student demonstrations were a poignant protest against repressive censorship and the curtailment of the fundamental right to free speech. These legitimate demands were met with retaliatory action by party leadership, including court trials of writers and university professors and mass arrests of students.

The intellectuals and the younger generation in the captive countries must be made aware that their humanist protest is supported by the free world. It is therefore deemed essential that the plight of the intellectuals, who also voice the spirit of the workers and the farmers, be fully understood by our country and our Government.

The Assembly of Captive European Nations, which includes the nine former nations of Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, and Rumania, holds to the belief that a general relaxation of world tension is incumbent upon a universal application of the principle of self-determination. Genuine stability in international relations can be achieved only when all the members of the United Nations are represented by freely elected governments which deal with one another in mutual respect and not from fear.

As Americans confront the 1968 elections and the exercise of a cherished right to a voice in the governmental affairs of the Nation, let them remember those who are less fortunate. As bearers of the torch of freedom, let us never forget the moral obligation we have to the millions of our world brotherhood who have yet to see the light of freedom in their own land and lifes.

THE NATIONAL GUN CRIME PREVENTION ACT IS CONSTITUTIONAL UNDER THE SECOND AMENDMENT AND THE COMMERCE CLAUSE

Mr. TYDINGS. Mr. President, the moment of truth for firearms control legislation is rapidly approaching. Soon the Senate will have before it either a committee-reported or the House-passed version of the President's bill to control mail order sales of rifles and shotguns. At that time, I intend to offer, as an amendment to the President's bill, the firearms licensing and registration bill I have introduced and which is cosponsored by nearly 20 Senators.

The President's mail-order sales bill is important. I support it. But a bill incorporating licensing and registration—the amendment I intend to offer—is the kind of bill the American people are demanding, need, and deserve.

Between now and the time the Senate considers the firearms bill, I intend to present the Senate with relevant background material against which the firearms bills must be judged. For example, I ask unanimous consent that, at the conclusion of my remarks today, two Library of Congress studies affirming the constitutionality of my bill be reprinted for the perusal of Senators.

In addition, I ask unanimous consent that a memorandum prepared by the Department of Justice on this same question be printed in the RECORD as well. Although that memorandum specifically considers the President's registration and licensing bill, which differs in several respects from mine, the constitutional basis for that bill is identical to the constitutional basis for my bill, the National Gun Crime Prevention Act.

The first Library of Congress study examines my bill in light of the second amendment to the Constitution and concludes:

> From what we know of the history and construction of the Second Amendment, it would seem that the major current proposals for gun control registration are not subject to any serious Second Amendment challenges.

The second Library of Congress study considers the constitutionality of Federal legislation requiring firearms registration under the commerce clause of the Constitution. That study is prefaced by a supplementary memorandum considering the contitutionality of Federal legislation to require licensing of all firearms users. These two documents conclusively demonstrate that the U.S. Constitution authorizes Federal legislation, such as I have proposed, to require registration of all firearms and licensing of all firearms users.

Although most authorities, including all Senators, as far as I am aware, hold that Congress is fully capable, as a constitutional matter, of enactng the bill I have proposed, I urge the study of these opinions by any Member who may be concerned about the constitutional issues they discuss.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Maryland?

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

[From the Library of Congress, Legislative Reference Service, Washington, D.C., July 8, 1968]

THE SECOND AMENDMENT AS A LIMITATION ON FEDERAL FIREARMS LEGISLATION [1]

(By Vincent A. Doyle, Legislative Attorney, American Law Division)

In assessing the validity of Federal laws prohibiting persons from purchasing or possessing firearms without a license or without registration, it is necessary to determine the extent to which the Second Amendment limits the exercise by Congress of its taxing power, or commerce power, or any other power on which it might base gun control legislation. The Second Amendment provides that:

"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." [2]

It is clear that the constitutional injunction is against infringing "the right of the people to keep and bear arms." It seems equally clear that, coupled as it is with the thought that a well regulated militia is necessary to the security of a free State, the injunction is not so absolute that it prohibits every congressional effort to regulate the sale, use, or possession of weapons. It is not at all clear, however, precisely what limits the Amendment does place on the power of Congress.

In deciding whether it will adopt or reject a legislative proposal, Congress weighs not just the wisdom of the measure but its constitutionality as well. If there be any constitutional ambiguity, it looks beyond the words of the Constitution to their history, their meaning at the time they were adopted, and the interpretations given to them by the Supreme Court, which does, after all, have the final word in constitutional interpretation. In this effort not to exceed its powers, Congress has been eminently successful. In almost two hundred years, the Court has held less than one hundred Acts of Congress unconstitutional. During this same period the Court has overruled itself well over a hundred times.

When the basis for legislation is a power of Congress which has been limited by a Court construction of a constitutional provision in a case or cases clearly in point, then Congress has an obligation to take this fact into account in framing its legislation. On the other hand, if the cases are not precisely in point, if they do not hold but merely suggest a constitutional limitation on the power of Congress, or if, despite an earlier clear limitation, the more recent cases show a trend which seems likely to result in reversal of the earlier limitation, Congress should make its own assessment of the weight to be given such judicial interpretations in measuring its own powers.

When a constitutional ambiguity is not clearly settled by either the history of the provision or the Court's construction of it, it would seem appropriate for Congress to use the wisdom of a legislative proposal as the principal basis for its decision to adopt or reject it. Neither the history of the Second Amendment nor the cases construing it, remove all doubts about its meaning. Under these circumstances Congress would seem to be relatively free to give the Amendment its

[1] Another LRS report, *Federal Registration of Firearms—A Consideration of Two Constitutional Problems* (A-245; 444/301), by Johnny H. Killian, discusses the commerce power and the privilege against self-incrimination.

[2] U.S. Const., Amendment II as ratified on December 15, 1791.

own gloss. Though it most certainly limits the power of Congress with respect to gun control legislation, the precise nature of the limits is far from certain.

There would seem to be little doubt that a law prohibiting anyone in the United States, except a Federal officer, from owning any type of firearm, is barred by the Second Amendment. On the other hand, we know that a law which prohibits interstate transportation of an unregistered sawed-off shotgun is not barred by the Second Amendment.[3] We can be certain of very little more than that. Since the current proposals would establish controls falling somewhere between these extremes, to assess their validity we must look to the history of the Second Amendment, the one case, *Miller, supra,* in which the Court made any holding with regard to the effect of the Amendment on the power of Congress, and those other statements of the Court on the meaning of the Amendment made in cases unrelated to the power of Congress.

HISTORY OF THE SECOND AMENDMENT

The history of the Second Amendment really begins at the Constitutional Convention of 1787 in Philadelphia. As originally adopted, the Constitution, in Article I, Section 8, gave Congress the power:

"To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

"To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of Training the Militia according to the discipline prescribed by the Congress;"

Stated in general terms, the rationale for this formulation was that since a standing army is undesirable in a free and democratic nation, principal reliance for the defense of the nation and the suppression of insurrection should be placed in the militia of the States. It was thought, however, that the States' militia would be better regulated, better disciplined and more responsive to the needs of the nation, if Congress had the power to regulate their conduct. Perhaps the best description of the considerations that entered into the adoption of this approach and the framing of this language is contained in a statement delivered to the Legislature of Maryland by Luther Martin, the State's Attorney General who was a delegate to the Constitutional Convention.[4]

There were some besides Martin who thought that the original constitutional provisions did not guarantee the States enough control over the militia, and even enabled the Federal Government "to leave the militia totally unorganized, undisciplined, and even to disarm them."[5] This matter was debated extensively at some of the ratifying conventions. After Pennsylvania had agreed to ratification, a dissident minority prepared several proposals to amend the Constitution, one of which would have provided that each State should have the power to arm its militia whenever Congress had failed to do so.[6] New Hampshire coupled its ratification with a request that Congress consider the adoption of a Bill of Rights at its First Session. One of the proposed rights was that "Congress shall never disarm any citizen unless such as are or have been in actual rebellion."[7] Virginia, North Carolina and Rhode Island also recommended amendments with respect to the militia and the right of the people to bear arms.[8]

It was James Madison who introduced the Bill of Rights at the First Session of Congress. In his proposal, the language of what ultimately became the Second Amendment was that:

"The right of the people to keep and bear arms shall not be infringed; a well armed and regulated militia being the best security of a free country; but no person religiously scrupulous of bearing arms shall be compelled to render military service in person."[9]

As reported by a special committee that language became:

"A well regulated militia, composed of the body of the people, being the best security of a free state, the right of the people to keep and bear arms shall not be infringed; but no person religiously scrupulous shall be compelled to bear arms."[10]

The principal objection to this language was made by Rep. Elbridge Gerry of Massachusetts on the ground that the last clause "would give an opportunity to the people in power to destroy the Constitution itself. They can declare who are those religiously scrupulous, and prevent them from bearing arms."[11] He went on to say:

"What, sir, is the use of a militia? It is to prevent the establishment of a standing army, the bane of liberty. Now it must be evident, that, under this provision, together with their other Powers, Congress could take such measures with respect to a militia, as to make a standing army necessary.

"Whenever Governments mean to invade the rights and liberties of the people, they always attempt to destroy the militia, in order to raise an army upon their ruins."[12]

Despite his objections to some of the Committee's language, Mr. Gerry was unquestionably in favor of the proposed amendment's general purpose. The House, however, approved the language reported by the Committee. Senate debates in 1789 were not reported so it is impossible to tell what considerations led to the evolution of the language of the proposal into that of the Second Amendment:

"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 changes made by the Senate, however, do not seem to alter the general intent to prevent the Federal Government from disarming the States' militia.

THE SECOND AMENDMENT IN THE COURT

In the first case in which the Supreme Court considered the Second Amendment, it weighed the validity of an indictment under a provision of the Civil Rights Act of 1870 charging a conspiracy of private individuals to deny Negroes "the right to keep and bear arms for a lawful purpose." The indictment was brought under a statute which punished interference with rights secured by the Constitution and laws of the United States. In holding the indictment defective, the Court said:

"The right there specified is that of "bearing arms for a lawful purpose." This is not a right granted by the Constitution. Neither is it in any manner dependent upon that instrument for its existence. The Second Amendment declares that it shall not be infringed; but this, as has been seen, means no more than that it shall not be infringed by Congress."[13]

Though *Cruikshank* acknowledges that the right guaranteed by the Second Amendment cannot be infringed by Congress, and suggests that there is a right of the people to bear arms which exists independently of the Constitution and is to be protected by the States, it tells us nothing about the nature or extent of that right.

In *Presser* v. *Illinois*,[14] while agreeing that the Second Amendment operated as a prohibition only upon the Federal Government and holding valid a State law prohibiting persons drilling or parading with arms or associating as a military organization without a license, the Court nevertheless suggested that there might be some limitations on the power of the States to deprive their citizens of the right to bear arms which flow from the Federal Constitution. It stated:

"It is unquestionably true that all citizens capable of bearing arms constitute the reserved military force or reserve militia of the United States as well as of the States, and, in view of the prerogative of the general government, as well as of its general powers, the States, cannot, even laying the constitutional provision in question out of view, prohibit the people from keeping and bearing arms, so as to deprive the United States of their rightful resource for maintaining the public security, and disable the people from performing their duty to the general government."[15]

The Supreme Court has mentioned the Second Amendment in some fourteen cases besides *Cruikshank* and *Presser*. In some, as in *Presser*, it has considered the constitutionality of State laws imposing restrictions of one kind or another on the right of its own citizens to keep and bear arms. Consistently it has held that the Second Amendment restricts only the United States and not the States. In other cases, it has simply alluded to the Second Amendment without construing it. For example, in discussing the power of a State to train its able bodied male citizens to serve in the State milita or as members of local constabulary forces to police the State, the Court said in *Hamilton v. University of California:*[16]

"So long as its action is within retained powers and not inconsistent with any exertion of the authority of the national government, and transgresses no right safeguarded to the citizens by the Federal Constitution, the State is the sole judge of the means to be employed and the amount of training to be exacted for the effective accomplishment of these ends. Second Amendment."

In only one case, however, *Miller* v. *United States*,[17] has the Supreme Court handed down an opinion construing the Second Amendment in a controversy involving a Second Amendment challenge to the constitutionality of a Federal law. At issue was the validity of an indictment charging interstate transportation of a sawed-off shotgun which had not been registered in accordance with the requirements of the National Firearms Act.[18] Sawed-off shotguns, those with barrels less than 18 inches in length, and submachine guns were among the favorite weapons of prohibition-spawned racketeers. The National Firearms Act, among other things, required registration of all such weapons and put a repressive tax on their transfer. Although the Court held the Act constitutional, the basis for its holding was a rather narrow one. The Court said:[19]

"In the absence of any evidence tending to show that possession or use of a 'shotgun having a barrel of less than 18 inches in length' at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say

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[3] *United States* v. *Miller*, 307 U.S. 174 (1939).

[4] Reproduced as an Appendix to this report.

[5] See penultimate sentence of excerpts from Luther Martin's statement in Appendix.

[6] *The Second Amendment: A Second Look.* 61 Nw. U.L. Rev. 46, 58 (1966).

[7] *Id.* at 59.

[8] *Id.* at 60.

[9] 1 Annals of Cong. 434 (1789).

[10] *Id.* at 749.

[11] *Ibid.*

[12] *Id.* at 750.

[13] *United States* v. *Cruikshank*, 92 U.S. 542 (1876).

[14] 116 U.S. 252 (1886).

[15] *Id.* at 265.

[16] 293 U.S. 245, 260 (1934).

[17] 307 U.S. 174 (1939).

[18] Act of June 26, 1934. c. 757 68 Stat. 1236, 28 U.S.C. § 4181, 4182, 4224, 5801 et seq.

[19] 307 U.S. 174, 178 (1939).

that the Second Amendment guarantees the right to keep and bear such an instrument. Certainly it is not within judicial notice that this weapon is any part of the ordinary military equipment or that its use could contribute to the common defense."

Having announced this conclusion, the Court recited the original provisions of the Constitution dealing with the militia [20] and stated that:

"With obvious purpose to assure the continuation and render possible the effectiveness of such forces the declaration and guarantee of the Second Amendment were made. *It must be interpreted and applied with that end in view.*" [21]

The Court then went on to consider the background of the constitutional provisions dealing with the militia and the right of the people to bear arms. It observed that the Convention debates and the history and legislation of the colonies made it clear that the "Militia comprised all males physically capable of acting in concert for the common defense" and that "when called for service these men were expected to appear bearing arms supplied by themselves and of the kind in common use at the time." [22]

From this opinion in *Miller*, it might be inferred that a federal law requiring registration of weapons having "some reasonable relationship to the preservation or efficiency of a well regulated militia" would infringe the right guaranteed by the Second Amendment and would therefore be unconstitutional. Such an argument was considered by the United States Court of Appeals for the First Circuit in *Cases* v. *United States*.[23] At issue was the validity of a provision in the Federal Firearms Act [24] making it unlawful for any person who has been convicted of a crime of violence or who is a fugitive from justice to ship, or cause to be shipped, firearms or ammunition in interstate commerce, or to receive such firearms or ammunition. A defendant, convicted of a violation of this provision, argued that it violated the Second Amendment. After reviewing the holding and rationale of *Miller* the Court said:

"Apparently, then, under the Second Amendment, the federal government can limit the keeping and bearing of arms by a single individual as well as by a group of individuals, but it cannot prohibit the possession or use of any weapon which has any reasonable relationship to the preservation or efficiency of a well regulated militia." [25]

It went on to say:

"However, we do not feel that the Supreme Court in this case [*Miller*] was attempting to formulate a general rule applicable to all cases. The rule which it laid down was adequate to dispose of the case before it and that we think was as far as the Supreme Court intended to go. At any rate, the rule of the *Miller* case, if intended to be comprehensive and complete would seem to be already outdated, in spite of the fact that it was formulated only three and a half years ago, because of the well-known fact that in the so-called "Commando Units" some sort of military use seems to have been found for almost any modern lethal weapon. In view of this, if the rule of the *Miller* case is general and complete, the result would follow that, under present day conditions, the federal government would be empowered only to regulate the possession or use of weapons such as a flintlock musket or a matchlock harquebus. But to hold that the Second Amendment limits the federal government to regulations concerning only weapons which can be classed as antiques or curiosities,—almost any other might bear some reasonable relationship to the preservation or efficiency of a well regulated militia unit of the present day,—is in effect to hold that the limitation of the Second Amendment is absolute." [26]

The Court in *Cases* departed, in one sense, from the *Miller* rule because it held valid a statute that regulated the use of weapons which did bear a reasonable relationship to a well regulated militia. It took a leaf from the *Miller* book, however, when it held that the Federal Firearms Act did not conflict with the Second Amendment to the Constitution on the ground that "while the weapon may be capable of military use, or while at least familiarity with it might be regarded as of value in training a person to use a comparable weapon of military type and caliber, still there is no evidence that the appellant was or ever had been a member of any military organization, or that his use of the weapon under the circumstance disclosed was in preparation of a military career." [27] The Supreme Court denied a petition for certiorari *subnom. Velasquez* v. *United States*.[28] As the Court has often said, however, no inference at all may be drawn from a denial of certiorari.

SOME GENERAL PRINCIPLES FOR TESTING VALIDITY OF RECENT GUN CONTROL PROPOSALS

Neither the history of, nor the cases construing, the Second Amendment give any specification notion of the limits placed on the powers of Congress. They do make it possible, however, to state a few general principles.

The right of the people to keep and bear arms, which Congress may not infringe, is so linked with the conduct of a well regulated militia that a federal law prohibiting possession of a specific kind of firearm, for instance, a sawed-off shotgun, by anyone, or possession of any kind of firearm by a specific kind of person, for instance, a felon or a person adjudged insane, would not be prohibited by the Second Amendment in the absence of evidence that not only the firearm but the person as well were somehow necessary to the conduct of a well regulated militia. This conclusion with respect to the kind of firearm constitutes the holding of *United States* v. *Miller, supra*. This conclusion with respect to the kind of person may be inferred from *Miller* even if it may not be inferred from the Supreme Court's refusal to upset the First Circuit's holding in *Cases* v. *United States, supra*, by denying certiorari.

There is some authority to suggest that the right to keep and bear arms is not an individual right but rather a right of the people collectively and that the Second Amendment, therefore, "merely affirms the right of the States to organize and maintain militia." [29] The better view would seem to be that the Second Amendment protects from infringement by Congress the right of the people, individually, to keep and bear arms but only insofar as that right is necessary to the conduct of a well regulated militia.

If the right to bear arms were an individual one unrelated to the conduct of a militia, then Congress would have no more right to disarm a member of the Mafia, the Minutemen, or even the Communist Party, than it does to disarm a member of the Maryland Militia. A member of the Mafia would be equally immune even if one conceded the link between the right to bear arms and the conduct of a militia if one subscribed to the theory that to disarm "any male capable of bearing arms for the common defense" is to disarm a member of the "militia." [30] Despite the dramatic changes in our society and the nature of its needs for a militia which have occurred since the Second Amendment was adopted, the Constitutions of at least twenty States still provide that the militia shall be composed of all able-bodied males between the ages of eighteen and forty-five.[31] And in some other States, without such provisions in their Constitutions, there are statutes establishing both an organized and an unorganized militia, with the unorganized militia composed of all able-bodied males between certain ages who have not joined the organized militia.

The unorganized militia may be ordered to duty by the Governor for the purpose of suppressing riots or insurrections just as the organized militia may.[32] However, if a felon were free from Federal interference with his ownership or possession of firearms simply because he was eligible to be called on for duty in the militia, then there would be reason to doubt the power of any State to disarm a felon or any other person eligible for service in the militia. As the Court suggested in *Presser* v. *Illinois*: "the States cannot * * * prohibit the people from keeping and bearing arms, so as to deprive the United States of their rightful resource for maintaining the public security, and disable the people from performing their duty to the general government." [33] The cases, of course, would seem to make it clear that the States are quite free to disarm felons; obviously, therefore, the Federal Government should be equally free.

Another general principle, derived not so much from the Second Amendment as from well established rules of constitutional construction, is that not every regulation is of necessity an infringement. Consider, for example, the difference between regulation by licensing and regulation by registration. Licensing, since it results in a denial of the right to those denied a license might very well be an infringement of the right, whatever it be. Registration, on the other hand, if there be no discretion in the registrar to refuse registration, deprives no one of the right and is less likely to be considered an infringement of the right, whatever it be. Since registration disarms no one, and since licensing disarms only those denied licenses, e.g., convicted felons and those adjudged insane, in the absence of a showing that denial of licenses to such persons results in an interference with the conduct of a well regulated militia there can be no question of a violation of the Second Amendment.

Even if a law resulted in some slight interference with the conduct of a well regulated militia, it would not necessarily be unconstitutional. Despite the First Amendment prohibition against any law abridging the freedom of speech or the right of the people peaceably to assemble, the Court has upheld the validity of laws punishing speech intended to obstruct recruitment for the

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[20] The Congress shall have Power . . . To provide for calling forth the Militia to execute the laws of the Union, suppress Insurrections and repel Invasions: To provide for organizing, arming and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the authority of training the Militia according to the discipline prescribed by the Congress. U.S. Const., Art. I, Section 8.

[21] 307 U.S. at 178. [emphasis added]

[22] *Id.* at 179.

[23] 131 F. 2d 916 (1942).

[24] 15 U.S.C. § 902 (e, f).

[25] 131 F. 2d at 922.

[26] *Ibid.*

[27] *Id.* at 922–23.

[28] 319 U.S. 770 (1943).

[29] Department of Justice Memorandum on the Second Amendment, Anti-Crime Program—Hearings Before Subcommittee No. 5 of the House Committee on the Judiciary, 90th Congress, 1st Session (1967) p. 247.

[30] Even under this theory, however, it might be possible to disarm a Communist who by disposition, at least, would not seem to be capable of bearing arms for the common defense.

[31] See: Index Digest of State Constitutions (2d Ed. 1959) p. 699; (1964 Supp.) p. 132.

[32] E.g., see Code of Alabama Title 35, sections 3(1), 5(1), 53–55.

[33] 116 U.S. 252, 265 (1886).

armed services[34] as well as laws prohibiting picketing and parading in specified locations in or near a courthouse.[35] There would seem to be no reason to suppose that in assessing Second Amendment challenges to the validity of a federal law which dealt with both weapons and persons necessary to the conduct of a well regulated militia the Court would not use something like the "clear and present danger" test or a "balancing of interests" test just as it has in assessing alleged infringements of the rights protected by the First and other Amendments.

Most of the pending gun control proposals use one or more of three techniques for regulation: prohibition of mail order or other interstate sales; registration; and licensing. All are framed to apply to firearms which may be useful in the conduct of a well regulated militia. All would seem to reach some persons subject to service in the militia (though, as noted below, each has an exemption provision which may be applicable to transactions involving the militia). If the Court applies the general principles just stated, however, it seems unlikely that any of the proposals would be held, on its face, to violate the Second Amendment. On the other hand, there would seem to be some possibility that as applied to a particular person or a particular transaction with respect to which there was evidence that the Federal law interfered with the conduct of a well regulated militia one or another provision of the proposals might be held invalid.

As has been stated, each of the three proposals being given most serious consideration contains an exemption provision which may be applicable to some or all transactions involving the militia.

H.R. 17735, introduced by Chairman Celler on June 10, 1968, and reported by the House Committee on the Judiciary on June 21, 1968 (H.R. Rept. No. 1577), would reenact Section 925(a) of Title 18 U.S.C., Chapter 44, which provides that the chapter "shall not apply with respect to the transportation, shipment, receipt, or importation of any firearm or ammunition imported for, or sold or shipped to, or issued for the use of . . . any State or possession, or any department, agency, or political subdivision thereof."

The President's newest and broadest proposal, H.R. 18110, introduced by Mr. Celler on June 25, 1968, would leave 18 U.S.C. 925 (a) unchanged so that its exemptions would presumably be applicable with respect to the licensing provisions contained in the new section 923 (a). The new Chapter 44A to be added to Title 18 by H.R. 18110 prohibits possession of an unregistered firearm and regulates the acquisition and sale of firearms required to be registered under Sections 932 and 933, but Section 931 defines the term "possess" to mean "asserting ownership or having custody and control not subject to termination by another or after a fixed period of time"; Section 932(a)(3) exempts from the registration requirements "a firearm, previously unregistered, possessed by . . . any State or political subdivision thereof"; and the Section 933 provisions regulating sales are applicable only to firearms registered or required to be registered.

The third bill receiving serious consideration, S. 3634, introduced on June 12, 1968, by Senator Tydings for himself and nine other Senators, has an exemption provision which may be even broader from the point of view of Second Amendment considerations than either of the others. Section 806 states that: "The provisions of this Act shall not apply to the sale, other transfer, ownership, or possession of any firearm or ammunition to or by . . . (B) any State or any department, independent establishment, agency, or any political subdivision thereof, (C) any duly commissioned officer or agent of . . . a State or any political subdivision thereof, in his official capacity . . ."

All of these bills would seem, then, to exempt from their operation all firearms owned by States and assigned for the use of members of their militia. Though we know of no State which, at the present time, requires all eligible members of the militia to report for duty bearing their own arms and ammunition, it is at least arguable that under the Tydings proposal, to the extent that they were required by State law to possess such firearms, members of the unorganized militia would be "agents" of the State and therefore exempt from the requirements of the Act with respect to any firearms the State required them to possess.

From what we know of the history and construction of the Second Amendment, it would seem that the major current proposals for gun control legislation are not subject to any serious Second Amendment challenges.

APPENDIX

Excerpt from *The Genuine Information, delivered to the Legislature of the State of Maryland, relative to the Proceedings of the General Convention, held at Philadelphia, in 1787, by LUTHER MARTIN, Esquire, Attorney-General of Maryland, and one of the Delegates in the said Convention.*

"[51] By the *eighth* section of the first article, the Congress have also the power given them to raise and support *armies*, without *any limitation* as to *numbers*, and without any restriction in *time of peace*. Thus, Sir, this plan of government, instead of *guarding against a standing army*, that *engine* of *arbitrary power*, which has so *often* and so *successfully* been used for *subversion* of freedom, has in *its formation* given it an *express* and *constitutional sanction*, and hath *provided for its introduction;* nor could this be prevented. I took the sense of the convention on a proposition, by which the Congress should not have power, *in time of peace*, to keep embodied more than a certain number of regular troops *that number* to be ascertained by what should be considered a *respectable peace establishment*. This proposition was rejected by a majority; it being their determination, that the *power* of Congress to keep up a *standing army*, even in *peace*, should *only* be restrained by *their will* and *pleasure*.

"[52] This section proceeds further to give a power to the Congress to provide for the calling forth the militia, to execute the laws of the Union, suppress insurrections, and repel invasions. As to *giving such a power*, there was no objection; but it was thought by some, that this power *ought* to be given with certain *restrictions*. It was thought, that not more than a certain part of the militia of any one State ought to be obliged to *march out* of the same, or be *employed out* of the same, at any *one time*, without the consent of the legislature of such State. This *amendment* I endeavored to obtain; but it met with the same fate which attended almost every attempt to *limit* the powers given to the general government and *constitutionally* to guard against *their abuse*, it was not adopted. As it now stands, the Congress will have the power, if they please, to march the *whole* militia of Maryland to the *remotest* part of the Union, and keep them in service as long as they think proper, without being in any respect *dependent* upon the *Government of Maryland* for this unlimited exercise of power over its citizens—*All of whom*, from the *lowest* to the *greatest*, may, during such service, be *subjected* to *military* law, and *tied up* and *whipped* at the *halbert*, like the *meanest* of *slaves*.

"[53] By the *next* paragraph, Congress is to have the power to provide for *organizing*, *arming*, and *disciplining* the *militia*, and for *governing* such part of them as may be *employed in the service* of the United States.

"[54] For this *extraordinary* provision, by which the *militia*, the *only defence* and *protection* which the *State* can have for the security of *their rights* against *arbitrary encroachments* of the *general government*. Is taken entirely *out of the power* of their *respective States*, and placed under the *power of Congress*, it was speciously assigned as a reason, that the general government would cause the militia to be better regulated and better disciplined than the State governments, and that it would be proper for the whole militia of the Union to have a uniformity in their arms and exercise. To this it was answered, that the reason, however *specious*, was *not just;* that it would be absurd, the militia of the western settlements, who were exposed to an Indian enemy, should either be confined to the *same arms* or *exercise* as the militia of the eastern or middle States; that the same penalties which would be sufficient to enforce an obedience to militia laws in some States, would be totally disregarded in others; that, leaving the power to the several States, they would respectively best know the situation and circumstances of their citizens, and the regulations that would be necessary and sufficient to effect a well-regulated militia in each; that we were satisfied the militia had heretofore been as well disciplined as if they had been under the regulations of Congress, and that the States would now have an *additional* motive to keep their militia in proper order, and fit for service, as it would be the *only chance* to preserve their *existence* against a general government armed with powers *sufficient* to destroy them.

"[55] These observations, Sir, procured from some of the members an open avowal of those reasons, by which we believed before that they were actuated. They said, that, as the States would be opposed to the general government, and at enmity with it, which, as I have already observed, they *assumed* as a *principle*, if the militia was under the control and the authority of the respective States, it would *enable* them to *thwart* and *oppose* the general government. They said, the States ought to be at the mercy of the general government, and, therefore, that the militia ought to be put under its power, and not suffered to remain under the power of the respective States. In answer to these declarations, it was urged, that, if after having retained to the general government the great powers already granted, and among those, that of *raising* and *keeping* up regular troops without limitations, the *power* over the *militia* should be *taken away* from *the States*, and also given to the general government, it ought to be considered as the last *coup de grace* to the *State governments;* that it must be the most convincing proof, the advocates of this system design the *destruction* of the State governments, and that no *professions* to the contrary ought to be *trusted;* and that every State in the Union ought to reject such a system with indignation, since, if the general government should attempt to oppress and enslave them, they could not have any possible means of self-defense; because, the proposed system taking away from the States the right of organizing, arming, and disciplining the militia, the *first attempt* made by a *State* to put the militia in a situation to counteract the arbitrary measures of the general government would be construed into an *act* of *rebellion* or *treason;* and Congress would *instantly march* their *troops* into the State. It was further observed that, when a government *wishes* to deprive its citizens of freedom, and reduce them to *slavery*, it *generally makes use of a standing army* for that purpose, and leaves the militia in a situation as contemptible as possible, lest they might oppose its arbitrary designs; that, in *this* system, we give the general government every provision it could wish for, and even *invite* it to subvert

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[34] *Schenck* v. *United States*, 249 U.S. 47 (1919).

[35] *Cox* v. *Louisiana*, 37 U.S. 559 (1965).

the *liberties* of the *States* and *their citizens;* since we give it the right to increase and keep up a standing army as numerous as it would wish, and, by placing the militia under its power, enable it to leave the militia *totally unorganized, undisciplined,* and even to disarm them; while the *citizens,* so far from complaining of this *neglect,* might even esteem it a favor in the general government, as thereby they would be freed from the burden of militia duties, and left to their own private occupations or pleasures. However, *all* arguments, and every reason that could be urged on this subject, as well as on many others, were obliged to yield to *one* that was *unanswerable*—a *majority* upon the division."

[Emphasis in original] 3 Farrand, Records of the Federal Convention of 1787, pp. 207–209.

[From the Library of Congress, Legislative Reference Service, June 25, 1968]

FEDERAL LICENSING OF FIREARMS OWNERS

(By Johnny H. Killian, Legislative Attorney, American Law Division)

In a report, Federal Registration of Firearms (444/301), we set forth a thesis that Congress possessed the power to enact legislation requiring registration of all firearms in the United States under the Commerce Clause. The course of the argument was concerned with the power of Congress to reach the subject matter—possession of firearms by persons—rather than with what Congress chose to provide in the legislation in regard to that subject matter—registration.

The report proceeded upon the basis that the constitutional validity of congressional enactments is to be evaluated by asking and answering two quite different questions. First, does Congress have authority under a constitutional grant of power to reach the subject matter? It was the argument of the report that the possession and receipt of firearms moving in interstate commerce or which affect commerce or which while solely intrastate must be reached to effect comprehensive regulation were appropriate subjects of regulation by Congress through the exercise of its power under the Commerce Clause.

If this conclusion is correct, it would make no constitutional difference should Congress choose to deal with the problem of possession and receipt of firearms by requiring that the firearms be registered or that the owners and possessors be licensed or that both conditions be imposed.

The second question, once the power over the subject is ascertained, is does Congress have the power to prescribe the particular regulatory scheme? Both registration and licensing when required at the state or local level by legislative act are enacted under the police power of the state or locality. Though it is a general rule that the Federal Government has no police power as an independent source of authority, it has long been held that in legislating under the Commerce Clause to regulate particular aspects of commerce "to the extent of forbidding and punishing the use of such commerce as an agency to promote immorality, dishonesty, or the spread of any evil or harm to the people of other states from the state of origin . . . [Congress] is merely exercising the police power, for the benefit of the public, within the field of interstate commerce." *Brooks* v. *United States,* 281 U.S. 432, 436–37 (1925). Or, as the Court said in *United States* v. *Darby,* 312 U.S. 100, 114 (1941): "It is no objection to the assertion of the power to regulate interstate commerce that its exercise is attended by the same incidents which attend the exercise of the police power of the states."

Therefore, it appears, first, that for purposes of reaching the subject matter through the exercise of the commerce power it does not matter that registration or licensing or a combining of both is the regulatory scheme, and, second, that having power over the subject Congress may by analogy to the States' police power enact a comprehensive regulatory scheme combining both registration and licensing.

Where it is found that the power may reach the subject and the Court finds "that the legislators . . . have a rational basis for finding a chosen regulatory scheme necessary to protection of commerce, our investigation is at an end." *Katzenbach* v. *McClung,* 379 U.S. 294, 303–304 (1964).

We must note here that in answering the second question one must look also to whether the particular regulatory scheme violates a particular prohibition or limitation of the Constitution; in this regard, the principal argument relates to the Second Amendment which, as indicated in our earlier report, is not considered here.

[From the Library of Congress, Legislative Reference Service, Washington, D.C., July 17, 1968]

FEDERAL REGISTRATION OF FIREARMS—A CONSIDERATION OF TWO CONSTITUTIONAL PROBLEMS: CONSTITUTIONAL BASIS; SELF-INCRIMINATION

(By Johnny H. Killian, Legislative Attorney, American Law Division)

(NOTE.—This paper includes two reports growing out of recent proposals for the enactment of a federal statute requiring federal registration of all firearms in the United States. In the first report, we develop a line of reasoning to the effect that the Commerce Clause grants Congress the power to enact such a registration system. The argument is based upon a reading of the cases in which the Supreme Court has viewed the power there granted most expansively.

(In the second report we consider the possible problems raised by recent Supreme Court cases applying the privilege against self-incrimination in registration and licensing situations closely analagous to the proposals now before Congress.

(We do not consider at all the issue of the Second Amendment to the Constitution. That matter will be dealt with in a separate LRS report.)

THE CONSTITUTIONAL BASIS FOR FEDERAL REGISTRATION OF FIREARMS

Several bills introduced recently in the 90th Congress provide for a system of registration of all firearms, either with the Federal Government or with each State which enacts a similar bill meeting minimum standards. See, S. 3604, S. 3634, and S. 3637. The purpose of this paper is to develop a theory under which the constitutionality of federal registration could be sustained.

Two preliminary things should be said. We do not here consider the power of a legislative body to set up a registration system in the context of requiring registration *per se.* That is, reference to the acknowledged right of the States, under their police power, to require registration of automobiles or to require licensing of dogs or hunters or any number of other things is constitutionally irrelevant here because the States have jurisdiction over the person or the subject to be registered; the question here is whether the Federal Government has a like jurisdiction over the person, subject, or transaction.

Neither do we consider the possible limitations of the Second Amendment to the Constitution. Whether one interprets that Amendment as protecting only the right of the States to maintain and equip a militia or as protecting the right of individuals to bear arms is another question. See, *United States* v. *Miller,* 307 U.S. 174 (1939). Neither does it seem to be profitable here to consider whether or not a registration system would infringe the Amendment if it were interpreted by the latter view.

It should also be noted that a registration system could be based on the taxing power of Congress, if Congress, for example, should enact an excise tax of, say, one dollar on each transfer of a firearm; registration could therefore be based on the necessity of such a system as a means of enforcing the tax. But none of the pending bills adopt this approach.

Thus, it would appear that the constitutionality of a registration system must be grounded on the power vested in Congress "[t]o regulate commerce . . . among the several States, . . ." Article I, § 8, cl. 3. In outline, the argument would be to this effect: The National Firearms Act of 1934, 26 U.S.C. §§ 5801–62, based on the taxing power, and the Federal Firearms Act of 1937, 15 U.S.C. §§ 901–909, based on the Commerce Power, represent congressional attempts to restrict the availability of firearms to undesirables and some firearms to anyone. In Title IV of the recently passed Crime Bill, Congress has gone further and regulated the types of permissible dealings in handguns in interstate commerce; it may well expand on this provision, if it is signed into law, or it may enact a more expansive piece of legislation regulating the permissible dealings in all firearms and ammunition in interstate commerce. As a concomitant to this regulation, Congress has the power to require that all guns which are sold or which pass in interstate commerce be registered by those persons who come into possession of them. But the commerce power goes beyond reaching only that which moves or has moved in interstate commerce; if a transaction affects interstate commerce or if a purely local transaction would make ineffective or more difficult a congressional regulation of interstate commerce if the local transaction were left unregulated, then Congress has power to require every owner or possessor of a firearm to register it no matter where he is located and no matter that neither he nor the firearm has ever moved in interstate commerce.

The power of Congress to enact regulatory laws stems almost entirely from the Commerce Clause. The Clause received a broad, expansive reading from Chief Justice Marshall in the first case considering it, *Gibbons* v. *Ogden,* 9 Wheat. (22 U.S.) 1 (1824), and though the fact of economic and social interdependence has caused the exercise of the congressional power to expand into many new areas the theoretical basis has not been much expanded. That case lays down the following propositions about the meaning of the grant of power.

(1) The word "commerce" is not restricted "to traffic, to buying and selling, or the interchange of commodities." Rather, commerce is "intercourse." The word "describes the commercial intercourse between nations, and parts of nations, in all its branches." *Supra,* 189–90.

(2) The "commerce" which is comprehended is that which is "among" the several States. "Commerce among the states cannot stop at the external boundary line of each state, but may be introduced into the interior." "It may very properly be restricted to that commerce which concerns more states than one . . . The genius and character of the whole government seem to be that its action is to be applied to all the . . . internal concerns [of the nation] which affect the states generally; but not to those which are completely within a particular state, which do not affect other states, and with which it is not necessary to interfere, for the purpose of executing some of the general powers of the government." *Supra,* 194–95.

(3) The power over such "commerce" is the power to "regulate," which is to say the power "to prescribe the rule by which commerce is to be governed. This power . . . is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed in the constitution . . . If, as has always been understood, the sovereignty of Congress . . . is plenary as to those objects [specified in the Constitution],

the power over commerce . . . is vested in Congress as absolutely as it would be in a single government, having in its constitution the same restrictions on the exercise of the power as are found in the constitution of the United States." *Supra*, 196–97.

How may these stated principles be applied, then, to the question of firearm registration?

It will be noted that Marshall referred to "commerce" as "commercial intercourse". From this, it might be argued that for a transaction to be brought within the congressional power there would at some point have to be involved a commercial element of trade or exchange of goods or services for profit and therefore that there are transactions in firearms which do not involve a commercial aspect or that some firearms are in some people's possession as a result of transactions in the past which were not then subject to regulation. Whatever other answers might be made to these contentions, it seems clear that all forms of interstate transportation come within the Commerce Clause, regardless of whether or not the transportation has any business or commercial basis; furthermore, once there is movement across a state line, the movement itself, the instrumentalities by which it is effected, the transactions which gave rise to it, and those engaged in both the movement and the transaction are subject to the commerce power. "Not only, then may transactions be commerce though non-commercial; they may be commerce though illegal and sporadic, and though they do not utilize common carriers or concern the flow of any thing more tangible than electrons and information." *United States* v. *Southeastern Underwriters Ass'n.*, 322 U.S. 533, 549–50 (1944) (business of insurance is commerce); cf., *Edwards* v. *California*, 314 U.S. 160, 172 (1941) (people migrating from State to State within commerce Clause); *Associated Press* v. *N.L.R.B.*, 301 U.S. 013, 129 (1937) (dissemination of news not for the profit of the disseminator is commerce); *United States* v. *Simpson*, 252 U.S. 465 (1920) (carrying five quarts of whiskey across state line for personal consumption is commerce); *Caminetti* v. *United States*, 242 U.S. 470 (1917) (transportation of female across state line for immoral though noncommercial purpose is commerce); *Cleveland* v. *United States*, 329 U.S. 14 (1946) (transportation of plural wives across state lines by Mormons is commerce). Nor is the crossing of state lines required in every instance, as is noted below.

One might also argue that the purpose of Congress in enacting a firearms registration act is not to regulate commerce in any meaningful sense of what might be thought of that phrase; the purpose is not to regulate the rates or prices or terms of sale or exchange of something or even to prescribe rules for carrying on commercial and noncommercial trade. The purpose is to keep firearms from certain people and to require everyone who may acquire a gun to acknowledge to the United States Government his acquisition.

Again, it may be said that the power granted reaches beyond commercial commerce. Indeed, it has been exercised to effectuate a number of policies based on considerations of morality or of the desire to protect citizens from harm—an exercise which would be a police power if performed by a State. "Congress can certainly regulate interstate commerce to the extent of forbidding and punishing the use of such commerce as an agency to promote immorality, dishonesty, or the spread of any evil or harm to the people of other states from the state of origin. In doing this, it is merely exercising the police power, for the benefit of the public, within the field of interstate commerce." *Brooks* v. *United States*, 281 U.S. 432, 436–37 (1925) (prohibition of interstate transportation of stolen autos); cf., *Hoke* v. *United States*, 227 U.S. 308 (1913) (transportation of women for immoral purposes); *Champion* v. *Ames*, 188 U.S. 321 (1903) (transportation of lottery tickets); *Reid* v. *Colorado*, 187 U.S. 137 (1902) (diseased livestock). But the exercise of the power does not depend on the desire to prohibit or regulate the shipment of harmful items; it also extends to prohibiting or regulating the shipment of particular items in commerce to accomplish a desirable object at its origin, as in the prohibition of most child labor, *United States* v. *Darby*, 312 U.S. 100 (1941), or to relieve or ameliorate an undesirable social condition done to or by interstate travelers or with goods which were transported interstate or in such a situation that commerce would somehow be affected by continuation of the condition. Cf., *Heart of Atlanta Motel* v. *United States*, 379 U.S. 241 (1964); *Katzenbach* v. *McClung*, 379 U.S. 294 (1964) (prohibiting racial discrimination in public accommodations); *N.L.R.B.* v. *Jones & Laughlin Steel Corp.*, 301 U.S. 1 (1937) (prescribing rules for labor management relations); *Mulford* v. *Smith*, 307 U.S. 38 (1939) (maintaining stable and equitable prices of agricultural products and therefore guaranteeing stable and equitable income for farmers); *Southern R. Co.* v. *United States*, 222 U.S. 20 (1911) (prescribing railroad safety regulations for both interstate and intrastate trains).

It may be said then that if Congress has jurisdiction because of interstate movement or of commerce which affects more than one State or of transactions which have an effect on interstate commerce or of a generally local transaction which it is necessary to reach to effectuate the regulation of the commerce which is interstate (all these factors are discussed below), then Congress has the power under the interpretation of "regulate" in the Commerce Clause, combined with the Necessary and Proper Clause, Article I, § 8, cl. 18, to make all rules covering such transactions or objects. We must turn, now, to the question whether Congress would have the requisite jurisdiction to reach the transfer and possession of firearms and this examination requires an exposition of the interpretation of the Commerce Clause as it affects both interstate and intrastate commerce.

There was a period in our judicial history, roughly spanning the years immediately after the Civil War and coming down to the New Deal days, with the period after 1900 being mixed, when the Court read the commerce power narrowly, finding, for example, that manufacturing, even though the products made are intended to be subject to commercial transactions in the future, is not commerce and is not reachable under the Commerce Clause. *United States* v. *E. C. Knight Co.*, 156 U.S. 1 (1895); and see, *Carter* v. *Carter Coal Co.*, 298 U.S. 238 (1936). Only commerce which moved across state boundaries was subject to federal regulation. *Passenger Cases*, 7 How. (48 U.S.) 283 (1849); *License Cases*, 5 How. (46 U.S.) 504 (1847); *Veazie* v. *Moor*, 14 How. (55 U.S.) 568 (1852); *Oliver Iron Co.* v. *Lord*, 262 U.S. 172 (1923). But this is no longer the conception of the reach of the commerce power.

The change—or it may be said the reversion to the Marshall conception—may have begun in *Swift & Co.* v. *United States*, 196 U.S. 375 (1905), in which the Court held that the buying and selling of livestock in a stockyard, with the intention that eventually some of the cattle or the carcasses of the cattle would be shipped interstate, were part of an integrated commercial whole involving some interstate movement and were subject to the reach of the commercial power. The same rationale was applied in *Stafford* v. *Wallace*, 258 U.S. 495 (1922), involving the regulation of commission men and livestock dealers in stockyards, and in *Chicago Board of Trade* v. *Olsen*, 262 U.S. 1 (1923), involving the regulation of transactions on grain exchanges. The transactions concerned constituted one element in a "current of commerce" which at some point moved in commerce.

The landmark case is *N.L.R.B.* v. *Jones & Laughlin Steel Corp.*, 301 U.S. 1 (1937), which overruled the doctrine that manufacturing was not commerce. The case concerned the constitutionality of the National Labor Relations Act which regulated labor-management relations in concerns engaged in production and manufacture as well as those engaged in transporting items in interstate commerce. Upholding the coverage of production and manufacturing, the Court pointed out that the companies involved had organized themselves on a national scale and they had an effect on interstate commerce. "The close and intimate effect which brings the subject within the reach of federal power may be due to activities in relation to productive industry although the industry when separately viewed is local." *Supra*, 38. Cf., *Sunshine Anthracite Coal Co.* v. *Adkins*, 310 U.S. 381 (1940) (mining is commerce); *Mulford* v. *Smith*, 307 U.S. 38 (1939) (agricultural production is commerce).

Thus, large, national industries, both productive and extractive, have the requisite effect on commerce, both because their products will eventually move in interstate commerce and because the process of production and extraction itself affects commerce in that investment and money spent for labor and materials and the like radiate outward and are felt beyond the locale of the enterprise. But what about "small" concerns or "minor" transactions whose radiations outward are so minute as to be non-detectable? Does this insignificant individual effect remove them from coverage?

The answer is clearly in the negative. In *N.L.R.B.* v. *Fainblatt*, 306 U.S. 601 (1939), the Court stated expressly that the operation of the Commerce Clause does not depend on any particular volume of commerce affected. "Commerce may be affected in the same manner and to the same extent in proportion to its volume, whether it be great or small." *Supra*, 607. The cases relating to the application of the Fair Labor Standards Act demonstrate this clearly. The 1938 Act applied to employees "engaged in commerce or in the production of goods for commerce." Employees held to be covered included employees engaged in the maintenance and operation of a building in which goods for interstate commerce were produced, *Kirschbaum* v. *Walling*, 316 U.S. 517 (1942), employees of a window-cleaning company the greater part of whose work was done on the windows of people engaged in interstate commerce, *Martino* v. *Michigan Window Cleaning Co.*, 327 U.S. 173 (1946), employees putting in standby time in the auxiliary firefighting service of an employer engaged in interstate commerce *Armour & Co.* v. *Wantock*, 323 U.S. 126 (1944), and the employees of a local newspaper publishing about 11,000 copies, one-half of one percent of which circulated out of State. *Mabee* v. *White Plains Pub. Co.*, 327 U.S. 178 (1946).

In 1961, Congress amended the Fair Labor Standards Act to provide that coverage extended not only to employees individually connected to interstate commerce but to all employees of any enterprise engaged in commerce or production for commerce, so that employees who themselves had no connection with the production of goods for commerce would be covered by the Act if any of their fellow employees engaged in commerce or the production of goods for commerce. This extension was very recently upheld. *Maryland* v. *Wirtz*,—U.S.—(June 10, 1968). Congress may reach, it was held, not only employees producing for commerce but all employees of a concern the production of which affected commerce, since the competitive positions of a company is affected, among other things, by its labor costs, the labor costs of all its employees not just those who have contact with the goods in question.

Thus, the power of Congress under the Commerce Clause "includes the power to regulate the local incidents thereof, including local activities in both the States of origin and destination, which might have a substantial and harmful effect upon that commerce." *Heart of Atlanta Motel* v. *United States*, 379 U.S. 241, 258 (1964). "The power of Congress over interstate commerce is not confined to the regulation of commerce among the states. It extends to those activities intrastate which so affect interstate commerce or the exercise of the power of Congress over it as to make regulation of them appropriate means to the attainment of a legitimate end, the exercise of the granted power of Congress to regulate interstate commerce." *United States* v. *Darby*, 312 U.S. 100, 118 (1941).

This ancillary power under the Commerce Clause—to reach local activities affecting commerce or which must be regulated to best effectuate the regulations of strictly interstate activities—is illustrated by the *Shreveport* doctrine. *Houston & Texas Ry.* v. *United States*, 234 U.S. 342 (1914). The problem arose out of the regulation by the Inter-State Commerce Commission of rates charged by interstate railroads. The I.C.C. had prescribed rates for a railroad operating out of Shreveport, Louisiana, into Texas to Dallas and Houston. There was, however, a railroad operating wholly intrastate between Dallas and Houston which competed with the Shreveport railroad for the trade of a common territory; the interstate rates from Shreveport to the intervening Texas cities were substantially higher than the intrastate rates from Dallas and Houston to the same cities, thus placing the interstate traffic from Shreveport at a severe competitive disadvantage. The I.C.C. therefore ordered that the intrastate rates from Dallas and Houston be equalized with the interstate rates.

The Court upheld the I.C.C. order. "Whenever the interstate and intrastate transactions of carriers are so related that the government of the one involves the control of the other, it is Congress, and not the State, that is entitled to prescribe the final and dominant rule, for otherwise Congress would be denied the exercise of its constitutional authority and the State and not the Nation, would be supreme within the national field." *Supra*, 351–52.

Thus, the reach of the commerce power includes the regulation of intrastate transactions that have become so interwoven with interstate commerce that their regulation may be deemed necessary or proper for the effective control of interstate commerce. Cf., *Wisconsin R. Commission* v. *Chicago B. & Q. R. Co.*, 257 U.S. 563 (1922) (I.C.C. may require the raising of intrastate rates so low that they discriminate against interstate commerce); *Southern R. Co.* v. *United States*, 222 U.S. 20 (1911) (Congress has power to require equipment used in intrastate rail traffic to be provided with the same safety devices as those required in interstate traffic). Perhaps the most extensive application of the *Shreveport* doctrine is found in *United States* v. *Wrightwood Dairy Co.*, 315 U.S. 110 (1942), and in *Wickard* v. *Filburn*, 317 U.S. 111 (1942). In the former case, the Court upheld the constitutionality of federal regulation of the price of milk produced and sold entirely within the confines of one State, while in the latter it sustained the application of a wheat quota allotment to the crop of a farmer who intentionally and in fact did not produce any of it for commerce but solely for consumption on his own farm.

In *Wrightwood*, the Court noted that the intrastate milk was sold in competition with milk transported from outside the State and "the marketing of a local product in competition with that of a like commodity moving interstate may so interfere with interstate commerce or its regulation as to afford a basis for Congressional regulation of the intrastate activity." *Supra*, 315 U.S., at 120. In *Wickard*, the Court posited the assumption that home-consumed wheat still has an effect upon the price and market conditions for wheat. "This may arise because being in marketable condition such wheat overhangs the market and if induced by rising prices tends to flow into the market and check price increases. But if we assume that it is never marketed, it supplies a need of the man who grew it which would otherwise be reflected by purchases in the open market. Home-grown wheat in this sense competes with wheat in commerce." *Supra*, 317 U.S., at 128. Cf., *United States* v. *Ohio*, 385 U.S. 9 (1966) (wheat grown on prison farm and destined wholly for consumption on the premises subject to federal acreage quota); *N.L.R.B.* v. *Reliance Fuel Oil Co.*, 371 U.S. 224 (1963) (retail distributor of fuel oil, all of whose sales were local, but who obtained the oil from a wholesaler who imported it from another State subject to N.L.R.B. jurisdiction).

Thus, the commerce power "is an affirmative power commensurate with the national needs . . . [We] reiterate the well-settled principle that Congress may impose relevant conditions and requirements on those who use the channels of interstate commerce in order that those channels will not become the means of promoting or spreading evil, whether of a physical, moral or economic nature. . . . This power permits Congress to attack an evil directly at its source, provided that the evil bears a substantial relationship to interstate commerce." *North American Co.* v. *S.E.C.*, 327 U.S. 686, 705 (1946). Apparently, the relationship with commerce need not be too substantial, as is illustrated in *Katzenbach* v. *McClung*, 379 U.S. 294 (1964), in which the Court sustained the constitutionality of the 1964 public accommodations law as applied to a barbecue shop which had not, on the record, refused to serve or had served any interstate traveler but which had in the twelve months preceding passage of the law purchased locally approximately $150,000 worth of food, $69,683 of which was meat bought from a local supplier who had procured it from outside the State. For its application the Court could point to the implicit congressional finding that refusals of service to Negroes imposed burdens both upon the interstate flow of food and upon the movement of products generally. "Of course, the mere fact that Congress has said when particular activity shall be deemed to affect commerce does not preclude further examination by this Court. But where we find that the legislators, in light of the facts and testimony before them, have a rational basis for finding a chosen regulatory scheme necessary to the protection of commerce, our investigation is at an end." *Supra*, 303–304.

How, then, do we apply these principles to federal registration of firearms?

First, it would appear that adequate grounds exist for federal regulation of mail order transactions in guns and other transactions which involve transportation across state lines. The power to regulate commerce goes this far at a minimum.

Second, the transactions in guns would seem to have a substantial effect on commerce. It is estimated that there are more than 100,000,000 firearms in private hands in this country, that more than 54 million American families have firearms in the home. More than 1,000,000 weapons a year are imported into the United States. Tens of thousands of firearms would normally be bought and sold in the United States this year.

Third, commerce is not only affected by the buying and selling of firearms. It is also affected by their use. In 1964, there were 5,090 homicides committed by firearms, 55 percent of the total homicides; in 1965, there were 5,634 firearm homicides, 57 percent of the total homicides; in 1966, 6,552 firearm homicides, 60 percent of the total. In 1966, 57 police officers were killed in the line of duty, 55 of them with firearms. There were 43,500 aggrevated assaults with firearms in 1966 and 59,300 armed robberies. In addition, there is a toll of accidental and suicidal deaths by firearms.*

Whatever else we may say about this record, there is economic loss of an undeterminable sum, in loss of earnings and loss of support and productive capacity, in medical and funeral expenses, and many other costs. The economic impact of deaths, injuries, and thefts in which firearms were the instruments of commission is comparable to the economic costs attributable to racial discrimination against Negroes in the utilization of public accommodations and certainly at least as substantial as that attributable to growing one's own wheat for personal consumption.

Therefore, the argument could be phrased as follows: The Federal Government has power to regulate the sale and transportation of firearms in and affecting interstate commerce, as provided in the two firearms acts on the books, in Title IV of the Crime Bill, and in various proposals to extend the Title IV approach to long-guns. It would be only a modest extension of this regulation and well within the case law to require purchasers of firearms which have moved in interstate commerce or whose sales have affected commerce to register them, both as a concomitant of the power to regulate the commerce in firearms itself and as an independent requirement. But such a registration would not be fully effective, in fact, could be self-defeating and ineffectual, if at the same time guns which had never moved in commerce or which have not been subject to sales which affected commerce were not registered and if persons possessing firearms given or donated to them out of the stream of commerce were not similarly required to register them.

Because, that is, the registration of all firearms is necessary to best effectuate the interstate commerce regulation of firearms and because the presence of so many firearms in private hands has such a potential and an actual effect on commerce, a federal registration system could be grounded on the Commerce Clause.

This, we believe, represents the strongest statement of support for the constitutionality of a federal registration system. What about an evaluation of the argument?

First, let it be said that the analysis of the cases and the precedents and the conclusions are, it is believed, soundly based. The soundness of the argument, if it be sound, must be assessed on the application of the precedents to the line of reasoning. Too, if Congress should determine that the Commerce Clause applies, it would appear that unless any rational foundation for such a conclusion cannot be found, the Supreme Court would sustain the exercise in deference to the legislative branch. See, the quote from *Katzenbach* v. *McClung*, 379 U.S. 294, 303–304 (1964), *supra*, at p. 15 of this report.

Second, assuming congressional power to regulate sales in commerce or affecting commerce of firearms, is a registration system necessary, at any degree of necessity, to supplement the exercise of the regulation? That is, is registration connected in a rational manner to such a system of regulation?

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* Sources for these statistitcs are: President's Commission on Law Enforcement and Administration of Justice; The Challenge of Crime in a Free Society: A Report (Washington, 1967), pp. 239–43; S. Rept. No. 1097, 90th Cong., 2nd Sess. pp. 76–78, 195–96, 206, 250–52; Congressional Record (Daily ed.), June 12, 1968, pp. S7074–76 (remarks of Senator Tydings); Congressional Record (Daily ed.), June 10, 1968, p. H4723 (letter from Attorney General Clark).

Third, leaving aside the question of a rational relationship with regulation of commerce, does the fact that the use of firearms results in economic losses and costs which have some ascertainable effect on commerce, if that is true, give the Federal Government power to require registration solely because of this factor and not as a concomitant to another form of regulation?

It may be presumed that different persons will answer these questions differently. Upon a consensus of answers will depend any conclusions about whether the argument is supportable. We can only say that the precedents do not necessarily compel either an affirmative or negative answer, although it appears that the expansive reading given the Commerce Clause by the Court would create something of a rebuttable presumption in the affirmative.

THE RELATIONSHIP OF THE PRIVILEGE AGAINST SELF-INCRIMINATION TO FEDERAL FIREARMS REGISTRATION

The purpose of this report is to assess the interrelationship of the proposals for national registration of firearms, as noted in the previous report, and the privilege against self-incrimination which is protected against infringement by the Federal Government by the Fifth Amendment to the Constitution and which is one of the rights protected against infringement by the States by the Due Process Clause of the Fourteenth Amendment.[1]

Any interrelationship which exists or which would exist arises from the assumption that requiring everyone in possession of a firearm to obtain a license either from the Secretary of the Treasury or from a state official if there is a state requirement meeting the standards of a federal statute would cause some people to reveal by the act of registering or in the information furnished in the course of registering the fact that they are in violation of a federal or state law. Any federal law would, however, penalize the failure to register.

The constitutional problem here is illustrated by *Haynes* v. *United States*, 390 U.S. 85 (1968). Cf., *Marchetti* v. *United States*, 390 U.S. 39 (1968); *Grosso* v. *United States*, 390 U.S. 62 (1968). Haynes had been convicted for violation of 26 U.S.C. § 5851, which made it unlawful for any person to possess any specified firearm which had not been registered as required by 26 U.S.C. § 5841. The latter statute requires any person possessing a specified firearm to register it with the Secretary of the Treasury, unless he acquired it through transfer or importation pursuant to a Treasury license or made it pursuant to a Treasury license. The statute, in all but a minute number of situations, was thus directed only to those persons who had obtained possession of such a firearm without complying with other statutory requirements, who, in other words, had illegally come into possession of such a firearm. It was, of course, a violation of federal law, punishable by fine and imprisonment, to have acquired illegally the specified firearm and to have registered it would have been to admit an illegal act and subject Haynes to federal prosecution.[2]

The Court found the obligation to register in such a situation to be an infringement of the privilege against self-incrimination for any person who would have revealed a basis for prosecution, either by the Federal Government or by a State. The statute was not declared void on its face, however, since it was possible to conceive of situations in which registration might not be incriminating. The Court rather held that when any person failed to register under the statute and he was prosecuted for failing to register. he could defeat the prosecution and obtain dismissal of the charge by a timely pleading that he had not registered because he would thereby have incriminated himself.

Without assessing the possible forms of incrimination which federal registration could bring about, we can generally say that federal firearms laws on the books now make some things illegal, the recently passed Omnibus Crime Bill (H.R. 5037) will, if signed, create new offenses, and proposed legislation would add still more, especially in the area of interstate shipment. Additionally, there are state laws which may penalize the possession of some types of guns or which create other offenses. With regard to both federal and state laws, the privilege against self-incrimination is applicable to either federal or state registration requirements. See, *Haynes* v. *United States*, supra, 96–97, n. 11, 99, n. 13; *Malloy* v. *Waterfront Commission*, 378 U.S. 52 (1964).

There are three possible ways that Congress, in enacting a registration statute, could deal with the *Haynes* problem. The first is to make no provision for it, to require everyone to register every firearm in his possession. If someone then has come illegally into the possession of a firearm or has a firearm which it is illegal for him to have, he will most likely not register it. If he is then found out and prosecuted, he can raise the privilege against self-incrimination and defeat the prosecution. But he would still be liable for prosecution for the violation or the commission of the offense which was the reason he did not register, so that either the Federal Government or a State would be able to indict and try him. There are situations, of course, in which a prosecution may not use evidence or knowledge of an offense gained through a violation of the defendant's constitutional rights, but it seems unlikely that this principle would come into play with regard to the discovery of the commission of the two separate offenses—failure to register and the other illegal act—if it would not have been present in the event of the discovery of the separate event alone.

Thus, if a registration statute made no provision for the *Haynes* problem, it would probably be the case that no attempt would be made to prosecute an offender for a failure to register if he would have a valid self-incrimination claim, but rather he would be prosecuted for commission of the other offense.

The second possible way to treat the *Haynes* problem is that adopted by the Tydings bill, S. 3634. The bill requires the registration of all firearms in the United States and the registration of every transfer of a firearm in the United States, except that through the definitions it appears that only an owner who has "lawful title" to a firearm has to register it and only those transfers which "cause the lawful title or rightful possession of a firearm to vest in another" have to be registered. S. 3634, §§ 201 (11), (12), 302, 303. Thus, anyone who would by registering have to reveal possession of a stolen gun or a firearm obtained through unlawful channels would apparently not be obliged to register the gun or the transfer. Again, like the first alternative, such a person would remain subject to indictment and prosecution for the specific offense which registration might have revealed—larceny, receipt of stolen property, or the like.

The third possibility is to require every person to register any firearm in his possession but to provide specifically that any information concerning the commission of an illegal act revealed by the registration not be admissible against that person in any subsequent prosecution. Congress may restrict the assertion of the privilege against self-incrimination if it extends other protection which "is so broad as to have the same extent in scope and effect" as the privilege itself. *Counselman* v. *Hitchcock*, 142 U.S. 547, 585 (1892). Thus, Congress can grant immunity from prosecution and then compel a person to testify as to that offense, the immunity being in effect in both federal and state courts. *Adams* v. *Maryland*, 347 U.S. 179 (1954). But it would appear that a complete immunity from prosecution for any offense revealed by registration would not be necessary, and perhaps not desirable. An effective restriction on the use by the prosecution of information gained from the person registering might be considered. This would provide that if the prosecution obtained the same information elsewhere and if it did not obtain a lead to this independent source from the registration, it could use the information against the defendant at trial. *Murphy* v. *Waterfront Commission*, 378 U.S. 52, 79, n. 18 (1964); cf., *Marchetti* v. *United States*, 390 U.S. 39, 58–60, (1968).

The foregoing discussion is in brief outline an explanation of the self-incrimination problem raised by proposals for federal registration of firearms and of possible approaches to meeting the problem of legislation. It does not appear that the problem raises any insurmountable barrier to a registration system, but rather it seems that it imposes on Congress the requirement to choose among competing principles in what is essentially a policy choice.

[1] The Fifth Amendment provides, *inter alia:* "No person . . . shall be compelled in any criminal case to be a witness against himself. . . ." The Fourteenth Amendment provides, *inter alia:* "No State shall . . . deprive any person of life, liberty, or property without due process of law; . . ." The case holding "due process" to encompass the privilege against self-incrimination is *Malloy* v. *Hogan*, 378 U.S. 1 (1964).

[2] The firearms involved in *Haynes*, as set out in the National Firearms Act, (26 U.S.C. 5801–62) are shotguns with barrels less than 18 inches long, rifles with barrels less than 16 inches long, other weapons made from a rifle or shotgun with an overall length of less than 26 inches, machine guns and other automatic firearms, mufflers and silencers,, and other firearms, except pistols and revolvers, if such weapon is capable of being concealed on the person.

GOVERNOR ROCKEFELLER'S PROPOSAL TO END VIETNAM WAR

Mr. McGEE. Mr. President, the quest for political attainment has apparently caused a number of highly placed Americans to search for favor among the voters by altering their stance on the very vital issue facing this Nation and the world in Vietnam. Not the least of these switches has lately been undertaken by the Governor of New York, whose newly-advertised proposal for ending the war in Vietnam abandons, as William S. White wrote in the Washington Post on Wednesday, anything resembling a pragmatic posture. Mr. President, I ask unanimous consent that Mr. White's column, entitled "Rockefeller's Vietnam Policy Seen Leading to New Dunkirk," be printed in the RECORD.

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

ROCKEFELLER'S VIETNAM POLICY SEEN LEADING TO NEW DUNKIRK

(By William S. White)

Just as his approach to a presidential nomination had been first a no and then a

maybe and then a yes, so Nelson Rockefeller's view of firm American military assistance to the Communist invasion of South Vietnam was progressively moved from a yes to a maybe to what is now in fact a no.

In the Governor's widely advertised "new peace plan" he says a last goodbye to the prudently hawkish position he once occupied. He now takes up a line which is clearly dovish and which in truth is not so different from that which long since sank the presidential aspirations of Gov. George Romney of Michigan. If this "new peace plan" is not right out of the Romney book, as Romney associates are with some justice complaining, then it is certainly not very far away.

For what Rockefeller is proposing would amount to the beginning of the end of any effective American military stance in Vietnam and to a one-sided withdrawal back to the old enclave dream—that is, the huddling up of our forces into progressively smaller and progressively more untenable garrisons. All this his old philosophy had rightly rejected; for this is the sure prescription for an eventual American Dunkirk in Asia.

True enough, he gravely calls upon the Communist enemies to make disengagements parallel to our own. But the meat in this unhappy coconut is that when Hanoi contemptuously refused, as Hanoi has so often done before, he would order an American retreat to enclaves all the same.

Moreover, he is prepared to accept the Communist fifth-columnists in South Vietnam called the Vietcong if they will promise—as why not?—to "abide by the democratic processes" and to "renounce force." The trouble with this, of course, is that the whole name of the game in Vietnam, the whole purpose of the immense Allied sacrifices there, has been the absolute necessity not to let this aggression go unpunished or be rewarded.

The long and short of it is that Gov. Rockefeller has now abandoned anything resembling a pragmatic posture in Vietnam. It is not against the law to change one's mind. Nor can reasonable men fairly deny the Governor's necessity to differentiate himself, if he is to have any chance at all for the nomination, from the front-runner, Richard Nixon. Politics is, after all, politics, and the game is always a rough one.

Still, there is inescapably a sense of regret and loss among many of Rockefeller's most powerful GOP backers that he has now adopted a position that could not possibly be accepted by a vast majority of the party's leaders, beginning with former President Eisenhower. If he is going to settle down in the end into the party's dove cote, among the Charles Percys and the Mark Hatfields and the George Romneys, then what price all of his own past sturdy resolutions? And what price all the ghastly sacrifices in Vietnam?

Why not have simply been a dove all along so that at any rate Nelson Rockefeller could have stood all along with those consistent softliners of the GOP, like Senators Hatfield and Percy and George Romney, too?

Indeed, the story of Nelson Rockefeller in this campaign year has been one of rarely exampled zigging and zagging, in a noncandidacy that became so late a candidacy and in a hawkish foreign policy view that became so late a dovish one. Moreover, even if by some miracle he should be able to stop Nixon and become himself the nominee, he could only leave the Republican National Convention as a candidate in full and open flight from his own party's platform.

That document is going to be written under the direction of the Republican Senate leader, Everett Dirksen; it is going to give little comfort to dove hopes; and it is going to be written beyond recall before a single ballot is taken on the issue of the nomination itself.

NOMINATIONS TO THE SUPREME COURT

Mr. BAKER. Mr. President, on previous occasions on the floor of the Senate I have expressed my opposition to the recent Supreme Court nominations by the President. I speak at this time to reaffirm my opposition and to clarify my reasons therefor.

It is with regret that I oppose the nomination of Justice Fortas to the Chief Justiceship. Justice Fortas is a native Tennessean who, some 30 years ago, came to Washington to work for the Government. I have no question concerning the legal capability of Justice Fortas, and as much as I would like to have a native Tennessean as Chief Justice, there are, in my opinion, more important considerations involved at this time.

Those who favor the confirmation of the President's nominations are contending that if the nominees are qualified, the Senate should not reject them since to do so denies the President his constitutional right to make nominations throughout his term of office. Without question, the President does have the legal right to make these nominations, and he has, in fact, exercised this right. It is now the duty of the Senate to confirm or reject the nominations. If the Senate believes, for whatever reason, that it is not desirable that the appointments be confirmed, then it has the constitutional responsibility to reject them. For the Senate to do otherwise would be an abdication of its constitutional responsibility to advise and consent, a responsibility that was intended to be real and not nominal.

A substantial consideration with which we are confronted is the desirability of the President's nominations at this time and under the circumstances that exist in our country. The two nominations which the President has made would have the apparent effect of cementing the ideology of the present Supreme Court for some time to come. The President would take this action in spite of the substantial lack of confidence in which the American people hold the Supreme Court today.

A recent survey has shown that approximately three-fifths of the American people have an unfavorable attitude toward the Supreme Court. A mere 8 percent of the American people would give the Court an excellent rating. Certainly the Supreme Court does not and should not concern itself with popularity. Nevertheless, the fact remains that there is an increasing lack of respect for any confidence in the High Court.

In view of this substantial feeling on the part of the American people, it is my opinion that the present tradition of the Supreme Court should not be extended until after the American people have expressed themselves in November. I take this position, not because the nominations have been made by a President whom many would classify as a lame duck, but rather because: First, the lack of confidence and the disrespect do exist; second, the election of a President and of one-third of the Senate is imminent; and, third, the new President, whoever he is, and the 91st Senate will be closely attuned to the American people and will have a sounder grasp of that which is best for the country.

I have heard, not once but many times, the frustrations of the American people over many of the decisions, policies, and philosophies of the present Supreme Court. These frustrations exist, in part at least, because the people do not vote for or against Supreme Court Justices as they do for the President and for Members of Congress. The only check the American people have on the Supreme Court is indirectly by the popular election of the President and the Senate.

In my opinion, the judicial branch is not an isolated branch of Government. It is and must be responsive to the sentiment of the people of the Nation. The response of the judicial branch is, properly, a slower response, a less direct response and a response less affected by the undulations of popular political sentiment. Nevertheless, the judicial branch is and must be responsive to the democratic process of this Nation.

For this reason, from the standpoint of desirability, we must let the appointment of the next Chief Justice and one or more Associate Justices respond to the mandate of the people in November.

Mr. President, there is yet one additional reason why these nominations should not be confirmed. The circumstances surrounding the nominations are, to say the least, extraordinary and without historical precedent. Several legalistic questions have been raised concerning the conditional resignation of the present Chief Justice and the conditional acceptance of the resignation by the President. Further, both nominees have been and are long-time political associates of the President. And our distinguished majority leader [Mr. MANSFIELD] has said that either the Senate can confirm the nomination of Justice Fortas or Chief Justice Warren will remain as the leader of the Court.

As the distinguished junior Senator from Michigan [Mr. GRIFFIN] has said:

> Such maneuvering at a time when the people are in the process of choosing a new government is an affront to the electorate. It suggests a shocking lack of faith in our system and the people who make it work.
>
> It should surprise no one that such a political maneuver has been met head-on by a political response from within the Senate. Indeed, it would signal a failure of our system if there were no reaction to such a blatant political move.

The nature of the Supreme Court is such that it can never be wholly immune from politics. The question of political cronyism has often been raised over Supreme Court appointments. This is a question which is essentially one of degree.

In the instant situation, the two nominations by the President and the unusual circumstances surrounding them are an extreme and flagrant example of making the Court a political football. The President's nominations can only add to the increasing lack of confidence in and disrespect for the High Court. This is one of many examples of excessive politicking by the President which undermines the

institutions of government. While the Court cannot be entirely divorced from politics, it is a disservice to the country for the administration to inject politics forcefully and blatantly into what should be an impartial institution.

Finally, the frank and forthright disclosures by Justice Fortas in the Senate Judiciary Committee hearings of his continuing political ties with the President since assuming a seat on the Supreme Court indicate a clear breach of the fundamental separation of powers concept. Justice Fortas has candidly admitted his involvement in Presidential councils involving the Vietnam war and civil disturbances at home. Participation such as this in the executive branch of Government is destructive of the doctrine of separation of powers and, in addition, must inevitably impair a Justice's value to the Supreme Court.

Mr. President, it is for these reasons that I oppose the confirmation of the nominations.

HARDING, NOMINEE FOR OEO TOP POST, WINS WIDESPREAD ESTEEM AND SUPPORT

Mr. CLARK. Mr. President, in the near future the Committee on Labor and Public Welfare and then, undoubtedly, the Senate itself will consider President Johnson's nomination of Bertrand Harding to become Director of the Office of Economic Opportunity.

All Senators are aware that OEO has been something of a battleground in the past and will probably be a battleground in the future; but OEO conducts a unique war—the war on poverty—that all of us want to see removed from battlegrounds.

To win this war without battles will take a general who possesses not only extraordinary skills of tactics and strategy; it will also require the talents of an exceptional diplomat and even the gifts of a spiritual leader. There are admirers of Mr. Harding, both in and out of the U.S. Congress, who believe that Mr. Harding does have these capabilities.

In any event, Mr. Harding, now Acting Director of OEO, is widely esteemed for his experience, his administrative abilities, his sensitivity to problems of the poor and poverty, and his intellectual vigor. It is significant that the great majority of American newspapers that have commented editorially on Mr. Harding's nomination have commented favorably.

Because I believe that Members of Congress will find them illuminating, I ask unanimous consent that an editorial, entitled "Takeover at OEO," published in the Baltimore Sun of July 19, and an article, entitled "Johnson Choice To Lead OEO Unlikely To Rouse Emotions as Shriver Did," published in the Wall Street Journal of July 16, be printed in the RECORD.

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

[From the Baltimore (Md.) Sun, July 19, 1968]

TAKEOVER AT OEO

Almost unnoticed, a quiet, unobtrusive career civil servant named Bertrand Harding has slipped into the niche until recently occupied by the more colorful and more controversial Sargent Shriver. As the new director of the Office of Economic Opportunity, Mr. Harding has many of the advantages Mr. Shriver did not have—and some of the disadvantages.

His appointment could signal a greatly reduced mission for OEO, and that of course is something congressional conservatives have been howling for anyway. There is another theory at work too: that Mr. Harding, by lowering his sights somewhat, will be able to establish the OEO as a permanent part of the Washington bureaucracy (its future was always in doubt during the Shriver days) and thus make it a more, rather than less, effective instrument in the shaping of Federal social-welfare programs.

In the new dispensation OEO would lose some of its policy control and would enjoy an expanded role in the guiding and shaping of programs under the control of other agencies. Gone would be the extensive and highly criticized Head Start and Job Corps programs. This at least seems to be the view Mr. Harding takes of the matter. It would be safe to characterize him as a man more interested in a limited success than in a grand failure.

[From the Wall Street Journal, July 16, 1968]

JOHNSON CHOICE TO LEAD OEO UNLIKELY TO ROUSE EMOTIONS AS SHRIVER DID—HARDING, A CAREER CIVIL SERVANT, ISN'T EXPECTED TO TAKE AGENCY INTO ANTIPOVERTY EXPERIMENTS

(By Jonathan Spivak)

WASHINGTON.—Bertrand Harding, President Johnson's choice to head the Office of Economic Opportunity, will rouse neither the bitter controversy nor the enthusiastic support surrounding his predecessor, Sargent Shriver.

Mr. Harding, a career civil servant and currently acting director of the antipoverty agency, is regarded in the Government as a keen and competent administrator. He avoids arguments, dislikes snap decisions and prides himself on rationally pursuing the orderly dictates of good public administration. In person and on the platform, he is quiet and unobtrusive.

He is in many ways almost the antithesis of Mr. Shriver, currently ambassador to France. Though Mr. Harding shares his predecessor's dedication to eliminating poverty in the U.S., he will operate quite differently.

If the testimony of associates is accurate, Mr. Harding will take fewer risks than Mr. Shriver did. He won't plunge into politically risky areas without first calculating the consequences on Capitol Hill. He will be deeply dedicated to reforming OEO's internal operations, a frequent source of puzzlement to the agency's own employees, as well as to the public. He will be less likely to let the OEO involve itself in such offbeat sociological ventures as the support of juvenile gangs, currently being investigated by Congress.

TRAITS SEEN DESIRABLE

To some at OEO, these traits are desirable because they see Congress' increasing restiveness about the agency as a sign to go slow. OEO's survival, they calculate, could depend on a period of bland and bureaucratic activity, advancing the cause of the poor but not displeasing the politicians.

But to others, Mr. Harding's appointment denies their hope for an aggressive leader to rally OEO's supporters again. As they see it, Congress refuses to expand the agency's operations and increasingly seeks to limit experimentation. This year's appropriation probably will be $300 million below the President's budget request, and the President himself appears to have lost interest in the agency's work.

"Harding like the rest of OEO, now is concerned with the agency getting along in the Establishment," complains one OEO official. "The idea is 'we're all Feds together'; present a united front of the bureaucracy against the people out there," the official adds.

AWARE OF CRITICISM

Mr. Harding, 49 years old, is aware of this kind of criticism from within the agency. And he also knows it would be nearly impossible to emulate Mr. Shriver's "swinging" style.

But if his appointment is confirmed by the Senate as expected and if he is retained by a new administration, he could accomplish something that Mr. Shriver hasn't been able to do: Make the OEO a permanent part of the Federal landscape.

Indeed, one of Mr. Harding's main objectives is, in effect, to reconstitute the OEO as the Government's social research and development arm. To do this, he would gradually pull the agency out of its large-scale operations, such as the Head Start and Job Corps programs. This retrenchment may be inevitable anyway. Key Congressmen are eager to transfer these endeavors to other agencies, such as Health, Education, and Welfare Department and Labor Department.

OEO COULD KEEP CONTROL

But Mr. Harding would like to engineer such a switch, rather than react to events. The agency then might be able to retain some overall policy and budget control, to keep the programs for the impoverished. Also, by shucking off the burdens of big Government operations, the OEO might focus more on offering innovations for existing Federal welfare programs, which many claim is its overriding responsibility.

Thus Mr. Harding might help free the OEO from its growing bureaucracy, and endow the agency with more scope for experiment and risk-taking.

He foresees an eventual thorough reshaping of the OEO. Instead of being divided into operating arms running the $1.8 billion-a-year program, the agency would be organized along functional lines. There might be subdivisions to deal with manpower, health, housing and the like, each engaged in significant, although perhaps small-scale, experiments.

Such a future OEO might control a far smaller budget, perhaps only a few hundred million dollars, but its authority within the Federal Government wouldn't be diminished—or at least so Mr. Harding hopes. The agency's strength would lie in the competence of its staff and the willingness of the White House to rely on its advice for reshaping the multibillion-dollar social-welfare expenditures of the other bureaucracies.

CAN WE PREVENT A SECOND CIVIL WAR?—ADDRESS BY CHESTER BURGER

Mr. SCOTT. Mr. President, the principal address at the recent 15th Annual Mid-Atlantic Conference sponsored by the Washington Chapter of the Public Relations Society of America was delivered by Chester Burger, who heads a management consultant firm in his own name. The speech was delivered during the days immediately after the assassination of Robert Kennedy, as indicated in Mr. Burger's opening remarks. While I reserve the right to disagree with some of Mr. Burger's statements, I believe that he expresses a point of view that is worthy of the attention of Congress.

I ask unanimous consent that Mr. Burger's speech be printed in the RECORD.

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

CAN WE PREVENT A SECOND CIVIL WAR?

(Speech by Chester Burger)

Ladies and gentlemen, friends, in this hour of another national shock, in this hour of sadness at the murder of another national leader, at a time of frightening portent for our nation's future, it seems especially appropriate that we today ask ourselves the question, can we prevent a second Civil War in America? Your importance as professional communicators gives a particular significance to this occasion.

The murder of Senator Robert Kennedy pains all Americans. But it has an additional meaning to black Americans. Many regarded him as a friend, a man who understood their problems and their suffering. And now he is dead. And Dr. Martin Luther King—dead. And President John Kennedy—dead. And Medgar Evers of the NAACP—dead. And Malcolm X—dead.

It is not important whether you or I agree with these men. It is important that five American political leaders have been the victims of political assassination. For many black Americans, they were five who hated injustice.

Is it any wonder that—at this very hour—black men are asking, "How many more of our leaders will be taken? How can our leaders end our suffering?"

Black America has had just about enough.

Explosive frustration is building. A civil war that all dread—but none seem able to prevent—moves closer. Today, the mood of impending struggle hangs over our country, and the storm clouds are gathering. The Pentagon's National Riot Control Center—next to its Vietnam Battle Center—is on full alert. Right at this hour, tens of thousands of troops and police are standing by, ready for action.

The lines are sharpening. In this historic hour, when domestic battle impends, when we ask ourselves what we can do to avert a Second Civil War, we must stand back and see the issue clearly.

It is the age-old battle of liberty versus oppression, justice versus injustice. If it comes to civil war, it will be fought among all Americans, all over America.

On one hand—a small minority of white men filled with hate. Men whose empty lives and bitter frustrations have focussed on hate of the black man in America. There are too many of these men, but fortunately they make up only a small portion of our country.

On the other hand—some 22 million black Americans, seething with bitterness and frustration at the injustices and indignities they suffer in their daily lives.

They include the poor and hungry in our cities. The young parents who only half-sleep at night, ready to jump up and drive away the rats that threaten to attack their sleeping infants. Their fears are not groundless—last year almost 600 children were bitten by rats in New York City alone.

And there are the poor in the rural South, unable to get work at wages adequate to buy food to eat—and deprived by local and state bureaucracies of Federal surplus food programs. All this, while the Department of Agriculture "proudly" returns 200 million dollars to the Federal Treasury as unspent funds. One department's contribution to the economy drive.

And there are those on welfare humiliated by arrogant so-called "social investigators" as the price for receiving barely enough for survival. This is all defended as necessary to prevent misuse of public money; yet the official records tell us that only 5% of welfare recipients are even potentially employable, the rest being the blind, the aged, little children, and mothers who care for them. And all the welfare system can show is a second—and now the beginning of a third—generation on welfare, rooted in hopelessness and despair.

And there is the black professional—the man who's somehow made it; who's managed to meet higher standards than a white man would have to meet for the same job, who's earned and received a decent job in a major American corporation or in the public service, but who somehow can't win promotions like those around him, and who rarely can move into a decent neighborhood like anyone else.

The black child—told by his public school teachers in a dozen open ways, and a hundred subtle ways—that he just hasn't got what it takes, that he can't learn; that he isn't worth the extra effort; that he's a problem. These are the same teachers who now offer their answer to the problem: give them educational custody of black children at the age of two or three instead of age six. Instead of Operation Headstart, we ought to call it Operation Early Destruction.

Of course, not all Negroes are angels. Some are destroyed beyond repair—the arsonists and those who want to take a shot at Mr. Charley, regardless of who he is. We needn't waste any sympathy on them, any more than we should on our own hoodlums, our white burglars. And others don't want to assume responsibility for themselves. But this segment can't distract us from the overwhelming number of those 22 million black Americans, each with his own dignity, who suffer and burn with indignity.

And side by side with those 22 million black Americans are a minority of white Americans totally committed to justice, to making America a country where, in the words of George Washington, *"every one shall sit in safety under his own vine and figtree, and there shall be none to make him afraid."*

Men like, in the corporate arena, Ben S. Gilmer, president of American Telephone and Telegraph Company, and Henry Ford. In the churches, men like Father Groppi of Milwaukee, and Father McManus, president of the Urban League of New Orleans. In the media, men like James Linen, president of Time, Life and Fortune and Katharine Graham of Newsweek and The Washington Post. In advertising, men like John Crichton of the American Association of Advertising Agencies. In the public relations field, men like James F. Fox and Jim Pitt of New York.

But where are the rest of us? In the middle. We are opposed to injustice. We have our racial prejudices—how could any white man escape them in America? But we're not proud of them. We honestly want justice done to ourselves and all Americans, regardless of color. We may already have one or two black employees in our company, and we really have no strong objection to employing them; it's just that we haven't found many qualified black men. We certainly wouldn't do anything to encourage a black "invasion" of our community, but we don't believe in segregated housing. We really would not object if a Negro bought a home down the block.

In short, we mean well; we are not vindictive; we try to be decent Americans. We would like to see black men and women get a better break, but—let's face it—we're not about to do much to get involved. We'd like the whole matter settled by some reasonable compromise.

Inescapably, the historical parallel must be drawn between our majority attitude and a similar attitude which existed in America before the First Civil War. At that time—in the '50's of the last century, the storm clouds were rising over the American land.

On the one hand were the forces of hate and tyranny and oppression. They were the slaveholders, of course; those whose life savings were invested in human bodies, and who didn't propose to lose their investment. And there were those who lived off the proceeds of slavery—the slavemasters, the traders, and the like.

On the other hand were almost four million human beings, held in terrible bondage. Torn from their homes in a distant continent, imprisoned for life, forbidden to marry, their children torn from them and sold as the return on the investment. Human beings reduced almost to the level of animals, with no remembered past, no present but suffering, and no future but more of the same. Forbidden to learn to read—even the Gospel—with not even a family name of their own, because there were no families.

These were the opposing forces. But they were not the North versus the South. They were—just as today—the forces of justice versus injustice, of human dignity versus degradation.

Let us not blame the South. When the war came, was it not the City of New York that Negroes were lynched in riots, supposedly against the draft, but in reality, in support of the slave cause? Was it not in Massachusetts that elected public officials sought zealously to capture escaped slaves and return them to bondage? Was it not an Ohio Congressman that Abraham Lincoln banished into the Confederate lines for his treachery to the cause of the Union? Was it not the Chief Justice of the United States, Roger Taney, who said, *"A Negro has no rights that a white man is bound to respect?"*

No, it was not a geographical division of North versus South. It was a national conflict of brother against brother (and incidentally, even within my own family, and perhaps yours), that was developing across the cities and the prairies.

On the side of the slaves were not only black men. It was all those who wanted justice. It was Henry Ward Beecher, the preacher. It was Charles Sumner, the senator. It was Salmon P. Chase, the banker for whom the Chase Manhattan Bank was named—and many more.

In between were the great number of decent-minded Americans who were against injustice and slavery, but who were unwilling to do anything about it. They loved their country, but to avoid the terrible conflict, they sought to compromise. There were Daniel Webster and Henry Clay and Stephen Douglas of Illinois, (whom we remember today only as the man who lost those debates with Abraham Lincoln). These were the men of whom the escaped slave Frederick Douglass said:

"Those who profess to favor freedom, and yet depreciate agitation, are men who want crops without plowing up the ground. They want rain without thunder and lightning. They want the ocean without the awful roar of its waters. This struggle may be a moral one; or it may be a physical one; or it may be both moral and physical; but it must be a struggle.

"Power concedes nothing without a demand. It never did, and it never will. Find out just what people will submit to, and you have found out the exact amount of injustice and wrong which will be imposed upon them; and these will continue till they are resisted with either words or blows, or with both. The limits of tyrants are prescribed by the endurance of those whom they oppress . . ."

The compromisers, the great majority, tried to be reasonable. They were not pro-slavery. They were not anti-Negro. They thought that if they agreed to restrict slavery to its present limits, it would gradually die away. When that compromise broke down, they thought they could give each new state the right to decide for itself. But the Missouri Compromise broke down when the so-called Border Ruffians invaded Kansas and tried to make that a slave state. Then they thought the slaveowners would be satisfied if they would merely agree to return escaped slaves to their owners.

But none of these compromises worked. All collapsed. Because the forces of slavery were determined to remove any threat to their system, at whatever the price. And the victims of slavery—and their white allies—were

determined to win freedom at whatever the price. The hundreds of slave rebellions recorded in Southern archives, starting with Nat Turner's insurrection of 1831, showed that the fire of freedom could not be quenched by more repression.

And this is where we are today. The burning fire of human suffering cannot be extinguished. It took 68 thousand troops to put down the so-called riots in April. One hundred and twenty-five cities were affected, Washington among the foremost.

The police and military have already said the obvious fact that needs to be said: when you have 10 or 100 or 1000 men determined to secure justice, even if it means giving their lives, they can do unlimited damage. They can set our cities afire. They can disrupt our highways. They can disrupt our food supply. They can wreck our railroads. They can utterly disrupt the complex economic life of our nation. And it would take not 68 thousand, or 680 thousand troops to halt, but many more than that. As a century ago, repression won't solve the problem. It will only make it worse.

We can say these are bitter and unreasonable men. Bitter, they are. But is it unreasonable in 1968 to expect the right to a decent education, to a decent job, to expect the right to a decent home or apartment? To expect the right to equal justice before the law? To expect safety from violence in the streets? The right to live wherever you can afford to live?

I am reminded of an experience that happened last Summer in Harlem. One militant group of blacks had been tagged as anti-white agitators, dangerous men who had to be watched. But when a city official finally sat down with them and listened, they complained that their children never had a chance to escape the heat of the crowded city streets in the summertime. When he arranged for a bus to take their kids out into the country once in a while, they told him it was the first time in their lives that a white man had ever kept a promise to them.

And I think of an incident that was reported in The New York Times during the 1963 Freedom March on Washington. A woman from rural Alabama told The Times reporter, *"A white man stepped on my foot, and he said, 'Excuse me,' and I said 'Certainly'. That's the first time a white person has ever really been nice to me."*

Does that sound like unreasonable expectations to you? Does that sound like demands that can't be met?

It is sad, but unmistakably true that we are now headed straight on the path toward a second Civil War in America. A war which, if it comes, will not be fought in Harlem or Watts or the South Side, but in every city and many of the towns and villages in America. A war which, if it comes, will cause destruction in America comparable to, or worse than, the ruin caused by the First Civil War in which 780,000 Americans died.

But it is not too late. It can be avoided. I am convinced there is hope—great hope—for America. I am convinced we can avert the tragedy which impends.

As a century ago, the way of the compromise is dying. It must go. We must help it go. There is only one way to avoid Civil War in the United States, and that is to create conditions of justice. There is no other way. We must not stand by and wait for disaster.

We cannot compromise with injustice, because millions of Americans will no longer suffer injustice. Witness the Poor People's March here in this city right now.

If we compromise with those who hate, if we begin accepting the idea that it is all right for black men to go hungry for another few years, for families to be destroyed a little longer, for men and women to suffer the indignities of police brutality, we will be hastening the day when our country will be torn apart in a Second Civil War.

Now, much as we would like to think otherwise, we here today are not the decision makers. We are not the Power Establishment. But we are important. We are the communicators. We are the counselors. We are the influencers. And we are individual human beings in our own right.

We are patriotic men. We love our country. It has been good to us. We want it to survive.

We are also intelligent men. And we recognize that we must do more—a dozen or a hundred times more—than we have done up to now to avoid a Second Civil War. Because of our importance and influence, we are in a particularly fortunate position to help our country avoid a terrible catastrophe. It is not too late.

First of all, we can recognize our own influence as communicators. Before a law is passed, or a picket line is formed, or a brick is thrown, an idea has taken shape in the minds of men. We can help shape those ideas. At every opportunity, in every way, we can help create a climate of opinion in our companies and in our communities where justice is respected. Each individual effort can combine into an enormous force for our country's survival—and justice.

In our company publications, we can point with pride to Negro employees. In employee relations, we can make special efforts to see that they are being fairly treated and given special consideration for promotion. In recruitment, we can make special efforts, as for example, the Ford Motor Company has done, to find and train employees. We can acquaint our managements and clients with the accomplishments of other companies in this direction, and urge them to equal and surpass the best.

We can help end the practice of tokenism—the one conspicuous black face surrounded by a sea of white faces. We can increase our financial support of the Urban League and all organizations working constructively to end injustice. We can urge our management to do what Neiman-Marcus of Dallas has done—refuse to buy from suppliers who support discrimination.

When we serve on the Board of a United Fund or Community Chest, we can press to increase aid to organizations working directly with those in the ghettoes. We can urge our public officials to stop deciding what's best for the black community, and to listen to what the black community thinks is best for itself. We can urge our congressmen to stop appropriating money for more studies of Negroes and start appropriating money for low-cost housing for Negroes.

We can urge our friends on the newspapers to report more factually what's going on inside the ghettoes, and to present accurately the grievances of our fellow citizens. We can urge the press to report—in advance—when and by whom—important decisions are being made, so that we can express ourselves forcefully, when and where it counts. We can pay our domestics a living wage. We can stop denouncing Negro agitators and start correcting the conditions which give them fertile soil. We can drop our little social barriers and invite Negro associates to our homes. In short, we can start being the human beings we want to be.

This will not be an easy task. We will encounter all kinds of resistance, but most of all from within ourselves. It will call for all the creativity we can command. How can we present constructive action ideas to our managements—and win acceptance? How can we help our managements win support from stockholders and employees in actions that are vitally necessary for the future survival of the enterprise?

Truly we need an invasion of new ideas. Not gimmicks, quick flashy devices to make things look better than they are. It's too late for that. But action—results—as rapidly as possible.

I am not saying that these modest actions will avoid a Second Civil War. I am saying that we in public relations and communications are people of influence and importance, and that we can and should use that influence for strong and positive good. If we help—by our positive actions—to create a climate where justice is honored, we will be doing a great deal indeed. In this, there is no room for compromise. Nor is there room for the "one-shot"—the quick and conspicuous action that makes a headline today and is forgotten tomorrow. We need all of our imagination, ingenuity, creativity, and skills at the art of persuasion, to produce real results—results that mean something, and that endure. If we do all we can, I am convinced thousands of others will be influenced by our example. And our personal reward will be a sense of fulfillment—moving from the role of a silent spectator to that of a proud participant.

I believe justice will win. But if we do not act, each in his own way, then the fate which Abraham Lincoln described in his second Inaugural address must come to mind again:

"Fondly do we hope, fervently do we pray, that this mighty scourge . . . may speedily pass away. Yet if God wills that it continue until all the wealth piled by the bondman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid for by another drawn with the sword, as was said three thousand years ago, so still it must be said, 'The judgments of the Lord are true and righteous altogether.'"

THE SITUATION IN THAILAND

Mr. McGEE. Mr. President, even while the war in Vietnam goes on, in nearby Thailand the Thai Army and police force are being kept busy putting down insurgent attacks aimed at subverting that nation. The world watches while Thailand, as Carl Rowan reported in his column in the Evening Star of Wednesday, sets out to show that it can defeat the guerrillas of Mao Tse-tung and Ho Chi Minh alone—with only financial help and supplies from the United States.

Rowan states that Thailand's success at erecting what it hopes will be a guerrilla proof society will be of major importance over the next few decades—not only in Southeast Asia, but in Latin America in particular. So far, the Thais cannot claim success, though their efforts have been fruitful and the country's leaders are confident that their nation will not become another Vietnam.

Mr. President, I ask unanimous consent that Mr. Rowan's describing the situation in Thailand be printed in the RECORD.

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

THAILAND OUT TO SHOW GUERRILLA WAR STOPPABLE

(By Carl T. Rowan)

UDORN, THAILAND.—In Chieng Rai province in the remote north of Thailand, a group of Meo tribesmen slipped down out of the hills recently to attack a border police station. They killed 15 of the 17 policemen present.

This daring raid shocked Thailand's army and police force, neither of which has yet won a battle against these Meo insurgents.

These hill people, who a year ago were just part of an alienated minority, are suddenly the latest and most troublesome element in the Communist-inspired guerrilla warfare that now flares on four separate fronts in Thailand.

The Meo's leaders were taken to North Vietnam where they were schooled in the tactics of subversion and guerrilla warfare. Then they were inserted into the fighting in Laos for "seasoning," and finally put back

into Thailand to help make good the Communist boast to overwhelm this country.

Central Thailand is being harassed by 15 bands of guerrillas totaling about 170 men.

In the south, perhaps 500 rebels left over from the all-fated 12-year assault on Malaysia are again plaguing the countryside. Malaysia and Thailand have just had high-level discussions to plan measures to counter them.

And here around Udorn and in the other 14 provinces of backward, depressed northeast Thailand, the most worrisome guerrilla action of all takes place. Some 52 groups totaling more than 1,500 men have spread death and terror through the countryside for more than three years.

Is Thailand destined to be another Vietnam?

Absolutely not, Thais insist. They point out that this country has many strengths that South Vietnam did not possess, and that Thailand will beat back attempts by Peking and Hanoi to overthrow the government and install a Communist regime.

There is some evidence that the Thais can handle the insurgents. Whereas Communist terrorists assassinated 44 government authorities in the northeast in 1966 and 39 in 1967, they killed only 4 during the first half of 1968.

Communist terrorists murdered 87 villagers in this area in 1966 and 78 in 1967 but killed only 18 in the first half of 1968, according to Thai officials.

The number of armed clashes remains high, but most of them are now initiated by government forces scouring the jungles and hills looking for guerrillas. There were 217 armed clashes in 1966, 370 in 1967 and there already have been 186 battles this year, 127 of them started by government forces.

No one here pretends that government forces clearly have the upper hand, and certainly not that a final victory over the guerrillas is in sight. Intelligence reports indicate that the terrorists have simply broken into smaller groups and are now developing new strategy.

What seems certain is that Thailand, and its experience with the guerrillas, is going to give the world some clues as to what to expect in world affairs over the next few decades.

Until recently, United States military power was thought to be a deterrent to Communist aggression and expansion in most any area of the world. But the Vietnam war has destroyed the credibility of that deterrent.

The Thais are trying to show that they can defeat Mao Tse-tung and Ho Chi Minh alone—with only financial and military supply help from the U.S. They seek to avoid the mistakes made in Vietnam as they go about constructing a society that will be "guerrilla proof" simply because the people will not welcome or support insurgents.

How Thailand goes about this, and her success or failure, will surely be one of the major political stories of the next decade. For it will have grave bearing on the futures of a half dozen other countries faced with guerrilla uprising.

It must even be of vital interest to Latin America where the nearness of Fidel Castro and the ghost of Che Guevera are never quite out of mind.

THE MARCH TOWARD MECHANIZATION AND AWAY FROM UNSKILLED LABOR

Mr. NELSON. Mr. President, one technological marvel of modern America is its electrical industry. Between the private and public sectors of this thriving, pulsating industry, we are furnished with the electrical energy that has become vital to our lives. And that industry is aware that social amenities of life must be preserved. Officers of the companies, the public corporations, and the cooperatives are recognizing problems of thermal pollution, and the needs to reconcile overhead transmission of electricity to scenic and recreational and housing values. These men deserve credit for their awareness.

But they may have a blind spot which prevents them from seeing one unhappy consequence of progress. The blind spot and the consequences have to do with labor, with unskilled labor in particular. The utilities are in a headlong rush to mechanize, which is another way of saying they wish to substitute a few highly trained workers for many less skilled men, which they count as progress.

For example, the May 27 issue of Electrical World, the trade journal for much of the electrical industry, reports a recent survey on mechanization in the utility industry.

Consider these few excerpts from that editorial:

There can be no question about it. The march toward mechanization is on. Both the prospects and the progress since *Electrical World* surveyed the field six years ago are encouraging. Yet full mechanization among all segments of the utility industry, large and small, and throughout all operations susceptible to mechanization remains incomplete. There's still a long way to go. And the time is now.

Today the incentives to mechanize are greater than they have ever been. Utility construction cost indexes are running about four times 1918 costs and increasing 4½% a year in some areas.

All these factors emphasize the need for construction management to find ways to offset the unpredictable cost increases through programmed mechanization designed to increase the efficiency and productivity of field operations.

The editorial shows clearly the economic and other pressures driving us toward mechanization toward the systems approach. And I am appreciative of the good reasons for our modern desire to further apply science and technology. I have sponsored legislation to this very purpose.

But, and this is a large qualifier, we cannot afford to lose sight of the human impacts of the desire to mechanize. We must not overlook the fact that the unskilled part of our people does not in a painless, automatic way decrease with the decreasing need for unskilled labor.

We in Congress and leaders in industry must redouble our efforts, our thinking to provide work for the unskilled of today and of tomorrow. Expressions of satisfaction with the march toward mechanization must be tempered with the realization that unskilled and less-skilled persons who are frozen out of industry in the name of efficiency and economy may have to turn to the Government as the employer of last resort. And the cost of this alternative inevitably is passed back to industry in the form of taxes.

So with no intention to diminish the accomplishments and visions of our electrical industry, I would invite them to join with us who are concerned with the future to face now the question of employment for the unskilled and semi-skilled.

So that the excerpts I have quoted may appear in their context, I ask unanimous consent that the entire editorial be printed in the RECORD.

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

THE MARCH TOWARD MECHANIZATION CONTINUES

There can be no question about it. The march toward mechanization is "on." Both the prospects and the progress since *Electrical World* surveyed the field six years ago are encouraging. Yet full mechanization among all segments of the utility industry, large and small, and throughout all operations susceptible to mechanization remains incomplete. There's still a long way to go. And the time to go is now.

These are the broad findings of *Electrical World's* updating of its 1962 survey of utility construction mechanization which is a special feature of the Electric Utility Methods Report opening on page 63 of this issue.

Today the incentives to mechanize are greater than they have ever been. Utility construction cost indexes are running about four times 1918 costs and increasing 4½% a year in some areas. Skilled construction craft labor is in almost critically short supply in many areas for many trades. Wages are at a peak and escalating at about 8% per year.

In the face of these facts utility system expansion plans are at record levels. For example, between the beginning of 1967 and the end of 1973 the electric utility industry plans to build 102,400 circuit miles of new transmission line, 2,000 cable miles of underground transmission, erect 231,788 pole miles of overhead distribution line and bury upwards of 77,000 cable miles of underground primary distribution lines.

Moreover today, the time required to build is long, and studded with traps that add unpredictably to utility construction costs. Consider, for example, cost increases due to strikes, work stoppages and delays in delivery of equipment and material; increasingly stringent safety standards; delays and changes in line routings and site selection due to environmental considerations and public intervention, to name only a few.

All these factors emphasize the need for construction management to find ways to offset the unpredictable cost increases through programmed mechanization designed to increase the efficiency and productivity of field operations.

As public sensitivity to tower lines drives transmission routes deeper into hitherto inaccessible terrain, tool builders are mounting derricks, diggers, buckets, and similar tools on mobile carriers capable of climbing, floating or bulldozing their way through the worst out-backs and boondocks of America.

For other tasks, ingenuity is adapting conventional gear to new and special uses. In the Far West, for example, modified hydraulic tension stringing gear is being turned to the job of taking down old transmission conductor as existing high voltage circuits are rebuilt to higher ratings. Time savings are two to three hours per mile over conventional methods.

As matters stand today, there's no shortage of mechanization ideas, methods or machines, capable of controlling construction costs. If there is any lack, it lies with management in its failure to make effective economic use of the tools at hand.

FOR A SENATE VETERANS COMMITTEE

Mr. GRUENING. Mr. President, the welfare of our returned servicemen is a rapidly growing problem confronted by more and more citizens of the United States. In fact, the number of American veterans has increased by over 4,000,000

over the past 5 years, according to the annual reports of the Administrator of Veterans Affairs.

On July 11, 1967, the distinguished junior Senator from Nevada [Mr. CANNON] introduced Senate Resolution 13, which proposes the establishment of a nine-member standing Committee on Veterans' Affairs with jurisdiction over all matters relating to veterans. It has already received the careful attention of the Senate Committee on Rules and Administration, and a slightly altered version of the resolution has been placed on the Senate Calendar.

The annual reports of the Administrator of Veterans Affairs shows that in June of 1963, 22,166,000 Americans had served their country during at least one major war. By June 1966, the number of young men who had honorably served in uniform and returned to civilian life had risen to 25,575,000, an increase of nearly 3½ million young Americans. As of May of this year, the number of veterans had reached a total of 26,270,000. And in our United States of some 200 million people, this means that approximately one out of every eight citizens may be counted as a veteran. I ask unanimous consent that a copy of these annual reports to be printed in the RECORD.

It makes sense that we do everything in our power to help these young men and women readjust to civilian life. Certainly these people who have fought so bravely to defend the land for which we create the laws deserve our utmost attention. Therefore I would like to point out that due to this vast increase in the number of American veterans today, proper attention can barely be given to their needs in our present overworked, understaffed Senate Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare.

Whereas the House has a full Committee on Veterans' Affairs with a staff of 14, veteran problems brought up in the Senate are sent to a subcommittee of only two staff members, which does a superb job but because of its size cannot possibly be expected to give our veterans all the assistance and attention they so deserve.

It thus seems equitable as well as necessary that a regular Senate committee be authorized to provide for our veterans' well-being. It is with this thought in mind that I urge that the Senate consider Senate Resolution 13 before the end of this congressional session. Because of the desire for early adjournment, since this is a presidential year, it may not be possible for action on the resolution to be taken this year. If this happens, I will certainly support early and favorable action when the 91st Congress convenes and will sponsor such legislation.

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

EXHIBIT A

TABLE 3.—ESTIMATED NUMBER OF VETERANS IN CIVIL LIFE, BY STATE

[In thousands, June 30, 1963]

State	All veterans [1]	World War II [1]	Korean conflict		World War I	Other [3]
			Total [2]	No service in World War II		
Total	22,166	15,100	5,663	4,567	2,343	156
State total	22,039	15,040	5,609	4,522	2,324	153
Alabama	314	211	87	68	32	3
Alaska	24	18	7	5	1	(4)
Arizona	187	127	53	41	17	2
Arkansas	168	113	35	26	27	2
California	2,361	1,630	679	499	215	17
Colorado	235	159	65	50	24	2
Connecticut	349	245	84	69	33	2
Delaware	57	41	15	12	4	(4)
District of Columbia	105	66	33	24	13	2
Florida	715	484	187	135	90	6
Georgia	381	261	104	82	35	3
Hawaii	52	34	17	14	3	1
Idaho	76	52	17	14	9	1
Illinois	1,254	858	295	251	140	5
Indiana	539	358	138	118	60	3
Iowa	308	195	77	67	44	2
Kansas	254	169	62	51	32	2
Kentucky	307	206	74	62	36	3
Louisiana	323	225	79	63	33	2
Maine	113	75	27	22	15	1
Maryland	407	288	110	83	34	2
Massachusetts	681	463	166	133	78	7
Michigan	926	627	232	202	92	5
Minnesota	401	257	103	88	53	3
Mississippi	181	125	42	32	23	1
Missouri	516	341	128	105	67	3
Montana	82	54	21	17	10	1
Nebraska	159	101	43	37	20	1
Nevada	51	36	15	11	4	(4)
New Hampshire	83	56	22	17	9	1
New Jersey	856	604	199	165	82	5
New Mexico	111	76	32	25	9	1
New York	2,173	1,495	510	437	227	14
North Carolina	436	299	115	95	39	3
North Dakota	54	34	15	13	7	(4)
Ohio	1,247	859	309	263	118	7
Oklahoma	286	191	74	56	37	2
Oregon	248	169	58	45	32	2
Pennsylvania	1,450	1,017	335	279	145	9
Rhode Island	111	77	27	21	12	1
South Carolina	208	141	57	45	20	2
South Dakota	75	45	20	18	11	1
Tennessee	375	255	93	78	39	3
Texas	1,125	781	294	228	108	8
Utah	106	70	32	26	9	1
Vermont	40	27	10	8	5	(4)
Virginia	459	321	133	96	39	3
Washington	384	258	106	78	45	3
West Virginia	187	125	45	37	23	2
Wisconsin	453	290	116	101	59	3
Wyoming	46	31	12	10	5	(4)
Other United States [5]	91	40	47	42	8	1
Foreign	36	20	7	3	11	2

[1] Veterans with service in both World War II and the Korean conflict are counted only once.
[2] Includes 1,096,000 veterans who served in both World War II and the Korean conflict.
[3] Spanish-American War veterans, 22,000; former members of the (peacetime) Regular Establishment receiving VA disability compensation, 134,000; and Indian Wars veterans, 25.
[4] Less than 500.
[5] Commonwealth of Puerto Rico, possessions, and other outlying areas.

Source: Annual Report of the Administrative Veterans' Affairs, 1963.

EXHIBIT B

TABLE 2.—ESTIMATED NUMBER OF VETERANS IN CIVIL LIFE, BY STATE

[In thousands, June 30, 1966]

State	All veterans	War veterans						Post-Korean conflict veterans
		Total	World War II	Korean conflict		World War I	Spanish-American War	
				Total	No service in World War II			
Total	25,575	21,503	14,916	5,770	4,568	2,007	12	4,072
State total	25,407	21,382	14,859	5,718	4,525	1,987	11	4,025
Alabama	374	310	213	90	70	27		64
Alaska	26	21	15	7	5	1		5
Arizona	207	175	121	50	38	16		32
Arkansas	200	169	118	37	28	23		31
California	2,691	2,285	1,591	692	504	188	2	406
Colorado	265	221	153	63	48	20		44
Connecticut	403	347	245	93	74	28		56
Delaware	67	56	40	15	12	4		11
District of Columbia	113	95	62	31	22	11		18
Florida	828	708	482	189	136	89	1	120
Georgia	444	373	262	104	81	30		71
Hawaii	61	46	31	16	12	3		15
Idaho	90	72	50	18	14	8		18
Illinois	1,472	1,250	867	319	264	118	1	222

EXHIBIT B—Continued

TABLE 2.—ESTIMATED NUMBER OF VETERANS IN CIVIL LIFE, BY STATE—Continued

[In thousands, June 30, 1966]

State	All veterans	War veterans						Post-Korean conflict veterans
		Total	World War II	Korean conflict		World War I	Spanish-American War	
				Total	No service in World War II			
Indiana	651	540	366	147	122	51	1	111
Iowa	357	297	194	78	66	37		60
Kansas	284	241	165	62	49	27		43
Kentucky	362	297	204	76	62	31		65
Louisiana	393	326	231	84	66	29		67
Maine	132	107	72	27	22	13		25
Maryland	475	406	288	115	88	30		69
Massachusetts	784	670	465	175	138	66	1	114
Michigan	1,090	904	624	239	201	78	1	186
Minnesota	481	394	260	108	89	45		87
Mississippi	208	176	124	42	32	20		32
Missouri	600	506	342	134	107	57		94
Montana	94	78	54	20	16	8		16
Nebraska	176	146	96	41	34	16		30
Nevada	58	50	36	16	10	4		8
New Hampshire	95	79	54	21	17	8		16
New Jersey	979	846	601	214	175	70		133
New Mexico	128	104	73	31	24	7		24
New York	2,428	2,082	1,462	515	430	189		346
North Carolina	502	421	295	114	93	33		81
North Dakota	69	53	34	15	13	6		16
Ohio	1,422	1,194	838	310	257	98	1	228
Oklahoma	317	264	181	70	52	31		53
Oregon	283	235	165	57	43	27		48
Pennsylvania	1,675	1,413	1,008	348	282	122	1	262
Rhode Island	126	109	77	29	22	10		17
South Carolina	247	206	144	57	45	17		41
South Dakota	82	67	42	19	16	9		15
Tennessee	447	371	258	98	79	34		76
Texas	1,272	1,070	759	285	219	91	1	202
Utah	123	101	68	31	25	8		22
Vermont	51	41	28	12	9	4		10
Virginia	509	431	306	125	92	33		78
Washington	432	359	247	101	74	38		73

Source: Annual Report of the Administrator, Veterans' Affairs, 1966.

EXHIBIT C

STATISTICAL SUMMARY OF VA ACTIVITIES, MAY 1968

	Subject	May 1968	April 1968	May 1967
	Veteran population:			
1.	Veterans in civil life, end of month, total	26,270,000	26,239,000	25,825,000
2.	War veterans, total	23,090,000	23,059,000	22,641,000
3.	Vietnam era, total	2,166,000	2,110,000	1,447,000
4.	And service in Korean conflict	155,000	154,000	120,000
5.	No service in Korean conflict	2,011,000	1,956,000	1,327,000
6.	Korean conflict (includes line 4)	5,811,000	5,812,000	5,796,000
7.	And service in World War II	1,246,000	1,246,000	1,232,000
8.	No service in World War II	4,565,000	4,566,000	4,564,000
9.	World War II (includes line 7)	14,729,000	14,740,000	14,841,000
10.	World War I	1,777,000	1,788,000	1,899,000
11.	Spanish-American War	8,000	9,000	10,000
12.	Service between Korean conflict (Jan. 31, 1955) and Vietnam (Aug. 5, 1964) only	3,180,000	3,180,000	3,184,000

SOME NEW THOUGHTS ON THE MOBILITY OF ENGINEERS, OR, WHY MIDWEST BRAINS ARE STILL DRAINING

Mr. NELSON. Mr. President, the words "brain drain" are becoming part of our language, which is good for they will help to spread the realization that one of the most important resources of any part of our Nation lies in its educated and trained brains. Just the other day while walking by a bookshop I noticed a new title in the window: "One of Our Brains Is Draining."

Another nonfictional title recently called to my attention is a short bulletin of the Engineers Joint Council. In Bulletin No. 11 of Engineering Manpower, Richard P. Howell of the Stanford Research Institute, reports some findings of his study of the mobility of engineers into and out of research and development jobs in the aerospace industry.

The National Academy of Sciences has also reported that of all persons who received Ph. D. degrees from U.S. universities during the years 1958 to 1966, the east north-central States of Ohio, Indiana, Illinois, Michigan, and Wisconsin during fiscal years 1964–66 produced 11,718 Ph. D.'s, or 24.17 percent of the national total. But these trained, professional persons found only 6,810 postdoctoral first jobs in the region, representing employment of 14 percent of this new trained manpower. The others went elsewhere where they are contributing to the economic development of other States.

These figures simply confirm what we from the Midwest have known for a long time. We are exporters of trained brains.

To show the scarcity of such trained talent, consider the following data reported by the Academy for fiscal year 1966. In that year there were 1,276,000 high school graduates, 624,910 college freshmen, 365,758 bachelor's degrees, 78,269 master's degrees, and 17,865 doctor's degrees.

These facts illustrate why I am very much interested in the mobility of highly trained manpower.

The mobility of engineers is one facet of this overall question. Mr. Howell, in Engineering Manpower, finds that the movement of engineers is affected positively and negatively by several conditions. A broad education positively affects an engineer's mobility between institutions or among specialties. A narrowly educated engineer, on the other hand, finds himself suppressed in such movement, unless his specialization happens to be in a field of currently "hot" demand. Organizational rigidities also tend to block movement of engineers among companies and institutions, which could be expected to benefit employer and employee alike. This same rigidity, Mr. Howell finds, will foster undesirable, interinstitutional movement by the "boxed-in" engineer, who follows the easier path of seeking work elsewhere rather than getting a new assignment where he is.

By far the most important disclosure of the study was the role of personal ties in the movement of engineers. These ties may encourage movement in a sort of follow-the-leader way among cities, companies, and specialties. They act, too, in restricting movement or in causing engineers to reconsider earlier moves; and, in some instances, bring about a complete reversal.

These findings lead Mr. Howell to state the following rules for employers interested in getting the greatest return from their recruiting dollars and in reducing turnover of expensive staff:

When possible, hire local engineers; they have their roots down, know what to expect culturally and environmentally, and are less likely to be induced to leave for job offers elsewhere.

If it is necessary to hire from remote

areas, seek engineers from areas where the general population in your city originated.

If you must hire against the migratory stream to fill your needs, try to hire a returnee or one whose wife is a returnee to your area.

Mr. President, I think educators, industrialists, financiers, and others who are interested in fostering new technologically based industry will find much to think about in Mr. Howell's findings. To me they definitely encourage the idea that we in the Midwestern States can take affirmative steps to cause the graduates of our institutions of higher education to take root in and become a productive part of our regional economy.

Persons wishing copies of this bulletin may obtain it from the Engineering Manpower Commission of the Engineers Joint Council, 345 East 47th Street, New York, N.Y. 10017, at 50 cents a copy.

INVESTIGATION OF FLOODING ON THE LITTLE WIND RIVER IN WYOMING

Mr. HANSEN. Mr. President, I invite the attention of the Senate to a recurrent problem of flooding on the Little Wind River in Wyoming.

Serious flooding has occurred on the Little Wind River on a number of occasions and has, unfortunately, been of such magnitude as to reach into the yards, and sometimes the houses, of citizens residing along the river.

I have made a series of requests to the Interior Department's Bureau of Reclamation and the U.S. Army's Corps of Engineers to take immediate action so as to provide for an investigation of the flood conditions on this part of the Wind River in order to offer positive relief to these residents who are faced with the same problem each year.

I have asked that they coordinate their efforts through Clyde Hobbs, superintendent, Wind River Indian Reservation, at Fort Washakie, Wyo.

The Corps of Engineers has informed Superintendent Hobbs that no action can be taken until the request has been formally made on the floor of the Senate.

The Joint Business Council of the Shoshone and Arapahoe Indian Tribes of the Wind River Indian Agency in Wyoming have drawn up a resolution requesting that action be taken to make it possible to conduct an investigation at the earliest possible date. I hope that this matter can, at long last, receive priority handling and that the investigation can go forward without further delay.

I ask unanimous consent that the tribal council's resolution, a letter from Clyde Hobbs dated July 16, 1968, transmitting that resolution, and my letter of June 11, 1968, to Lt. Gen. William F. Cassidy, of the Corps of Engineers, be printed in the RECORD.

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

JUNE 11, 1968.

Lt. Gen. WILLIAM F. CASSIDY,
Chief of Engineers,
Department of the Army,
Washington, D.C.

DEAR GENERAL CASSIDY: I am writing with regard to a recurrent flooding problem on the Little Wind River of Wyoming. I am enclosing a full background file of correspondence on this question which was initiated by Mrs. Melvin J. Jeffery of Arapahoe, Wyoming.

As you can see from this file, Mr. Clyde W. Hobbs, Superintendent of the Wind River Indian Reservation, Fort Washakie, Wyoming, indicated that flooding has occurred on the Little Wind River on numerous occasions and water has gotten into the yard and sometimes the house of the Jeffery residence. On the other hand, a letter dated May 27 from Floyd E. Dominy of the Bureau of Reclamation indicates, and I quote, "In fact, the Corps of Engineers expressed a preliminary opinion that, while there was some flooding in the Wind River Basin, the problem was not severe enough to warrant provision of storage capacity specifically for flood control."

The various statements contained in this correspondence seem somewhat inconsistent to me. I would appreciate it very much if you would initiate an immediate investigation, in conjunction with the other government agencies which are represented in this correspondence, namely the Bureau of Indian Affairs and the Bureau of Reclamation, in an attempt to provide relief, if necessary, to citizens residing along the Little Wind River.

Since the major run-off has not yet come down from the high mountains of Wyoming, there is some emergency required in looking into this question as the run-off can be expected in the very near future.

I await an early reply on this problem.

Sincerely yours,

CLIFFORD P. HANSEN,
U.S. Senator.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS, WIND RIVER INDIAN AGENCY,
Fort Washakie, Wyo., July 16, 1968.

Hon. CLIFFORD P. HANSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HANSEN: This letter is in regard to Mrs. Alta Jeffrey's flood problems here on the Wind River Indian Reservation.

On June 11, 1968, we received a copy of your letter to Lt. General William F. Cassidy, Corps of Engineers wherein you asked they initiate an immediate investigation along with other government agencies in an attempt to provide relief to the flood problems of citizens residing along the Little Wind River. Subsequently, we have had a telephone conversation with representatives of the Corps Office in Omaha, Nebraska. They stated to us that before they could investigate, it would be required that this request be made on the Senate floor as a part of the Congressional Record They also need an expression from the local people who wanted the investigation conducted by the Corps of Engineers.

We are not knowledgeable about this protocol, but assuming it to be correct, we advised the Shoshone and Arapahoe Tribes of this information and procedure. They drew Resolution No. 1817 requesting you and the other Wyoming Congressional Delegation to take action through whatever channels necessary to conduct this investigation at the earliest possible date. They feel that the resolution serves to request your assistance and the requirement of the Corps of Engineers to show local interest.

Sincerely yours,

CLYDE W. HOBBS,
Superintendent.

RESOLUTION 1817

Resolution of Joint Business Council of the Shoshone and Arapahoe Tribes, Wind River Indian Agency, Fort Washakie, Wyo.

Whereas, the Shoshone and Arapahoe Tribes of the Wind River Reservation are aware of the damage and danger caused by flood waters each year, and

Whereas, it is in the best interests of the Wind River Tribes to fully develop and control the waters arising upon and flowing through this Reservation, and

Whereas, in order to accomplish these ends it is necessary to have complete and impartial investigations conducted on flood control, power are recreation potential.

Now therefore, be it resolved that the Joint Tribal Council request that the Wyoming Congressional Delegation take action through the proper Congressional channels to request the Army Corps of Engineers to conduct these investigations at the earliest possible date.

We, the undersigned, as Chairman of the Joint Business Council of the Shoshone and Arapahoe Tribes, hereby certify that the Joint Business Council is composed of twelve (12) members, six (6) members of the Shoshone Tribe and six (6) members of the Arapahoe Tribe, of whom four (4) members of the Shoshone Tribe and four (4) members of the Arapahoe Tribe constituting a quorum, were present at a meeting duly and regularly called, noticed, convened and held this 10th day of July, 1968; that the foregoing resolution was duly adopted by the affirmative vote of seven (7) members and the opposing vote of no (0) members, and no (0) members not voting; chairman not voting and that the resolution has not been rescinded or amended in any way.

ARNOLD HENDLEY,
Chairman,
Arapahoe Business Council.

WALLACE ST. CLAIR,
Chairman,
Shoshone Business Council.

Attest:

LUCILLE MCADAMS,
Tribal Secretary.

THE COUNTRY NEEDS SATURDAY MAIL DELIVERIES, AND SMALL POST OFFICES MUST BE RETAINED

Mr. BYRD of West Virginia. Mr. President, I wish to make unequivocally clear my opposition to the proposal which would terminate Saturday mail deliveries by the Post Office Department.

The Postmaster General has indicated that his proposal to stop Saturday mail delivery is the result of governmental economy restrictions which the Congress included in the recent surtax bill.

Specifically, the Postmaster General has stated that Saturday delivery curtailment is related to manpower cuts ordered in the surtax measure. That is one reason why I voted against the surtax bill and its meatax approach to economy in Government. The failure to direct specific cuts toward wasteful programs and programs which could be delayed leaves hanging over us the constant threat of discontinuation of good programs and vital services.

Cuts to eliminate waste and inefficiency have my fullest support, but I hardly believe that one can call the Saturday delivery of our mails wasteful or unnecessary.

Therefore, I shall support pending legislation to exempt the mail-handling operations of the Post Office Department from manpower restrictions, and thus permit the Department to continue Saturday delivery service and to prevent the permanent closing of hundreds of third- and fourth-class post offices throughout the country, as well

AN ANSWER TO VIOLENCE

Mr. DODD. Mr. President, the August issue of McCall's magazine contains an excellent study of violence in our society.

McCall's editors have conducted an interesting and most revealing study of the many ways that violence is presented to the American public as a bizarre and most unfortunate form of entertainment. Their study delved into the degree of violence contained in books, television, movies, and even in the type of toys sold for the use of our children.

The study points out among other things, that, ironically, the violence which is being thrusted upon the American public through these various media is unwanted by the readers and viewers.

Mr. James F. Fixx, McCall's editor in chief, asserts:

> Those who continue to exploit violence, whether in television, films, books, or the press may be in for some sharp and agonizing reappraisals.

I completely agree with Mr. Fixx and I commend him for this fine study. As Senators know, I have long been concerned with this vital question of violence in our society.

In 1964 I released a Juvenile Delinquency Subcommittee report which revealed the details of a thorough and extensive Subcommitte study of violence and sex on television. This study pointed out that televised violence can and does have very serious effects upon our children.

It was my hope at the time this study was released that it would bring pressure to bear upon all of the networks, and the Federal Communications Commission to clean up television programs. This has worked to a degree, and at the present time these programs do not contain as much sex and violence as they did prior to the 1964 study. I am, however, still not satisfied with the content of these programs and will continue to do all in my power to see that they are further improved.

As a part of our continuing study of violence in the mass media, I recently had occasion to see an advertising promotional preview of the full-length movie "Stranger in Town." This was a series of scenes from this motion picture that were, to put it frankly, sadistic, brutal, and shocking. In my judgment, films of this type constitute a most serious threat to the welfare of our children and our Nation. This is the type of film which I hope we can finally and forever remove from our television screens.

Another area of study, which has also been motivated by our desire to eradicate violence from the American scene, is my 7-year battle to enact strict Federal firearms control legislation. This cherished goal, fortunately, is about to be realized.

McCall's study will certainly assist us toward these goals.

Mr. President, I commend this splendid study to my colleagues and ask unanimous consent that the full text of the article appear in the RECORD at this point.

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

AN ANSWER TO VIOLENCE

"Is violence an ineradicable fact of American life? Some people say that our violence grows out of a frontier heritage in which a person learned to shoot first, ask questions later. And this heritage, they insist, has put down such deep roots in our society that nothing can be done about it.

"McCall's disagrees. We believe there are specific causes for the violence that has disfigured much of our recent history. We also believe that the women of this country represent a powerful counterforce and are ready to act. Those who continue to exploit violence, whether in television, film, books, or the press, may be in for some sharp and agonizing reappraisals.

"McCall's editors have undertaken a major study of violence in American life. Among the findings are at least two significant refutations of widely held views:

"First, it is untrue that Americans have a deep need for violence. In far too many cases, violence has been foisted on them in the mistaken notion that this is what they want.

"Second, it is untrue that nothing can be done. The report below suggests a program for the making of a safer America."—James F. Fixx, editor.

The assassination of a distinguished figure high in public life rivets the horrified attention of the entire world on that particular act of violence and the particular people immediately affected by it. But our shock and concern are after the fact. The act has been committed. There is nothing we can do about it except grieve. Yet for every killing of a President Kennedy or a Doctor King or a Senator Kennedy, there are thousands of daily acts of violence in every section of America. For these we can and must take responsibility.

We can begin by facing the appalling facts about the violence that has become part of the fabric of American life.

First, we can face the fact of crime, the nation's number-one concern. McCall's researchers, in analyzing FBI statistics gathered from police departments in the nation's cities and towns during 1967, found there had been a fearsome increase in all types of crime:

Murders (1967)	
Total murders	12,350
Murdered by handgun (percent)	44
Murdered by rifle (percent)	7
Murdered by shotgun (percent)	9
Murdered by knife (percent)	23
Other (percent)	17
Increase over previous year (percent)	12
Serious crimes (1967)	
Robberies	194,843
Increase over 1966 (percent)	27
Robberies committed with guns	50,000
Aggravated assault	250,344
Increase over 1966 (percent)	8
Aggravated assault committed with guns	50,068
Burglaries	1,514,030
Increase over 1966 (percent)	16
Larceny $50 and over	1,028,100
Increase over 1966 (percent)	16
Auto thefts	640,400
Increase over 1966 (percent)	17
Forcible rapes	27,609
Increase over 1966 (percent)	9
Rapes committed by persons under age 25	15,000
Crimes committed by children under 10 through 17	1,611,832

Note the number of murders and serious crimes in which guns were used. In his June 6 plea for federal gun-control laws, President Johnson said that every year two million guns are bought by civilians. This indicates that over the past ten years at least twenty million guns have been sold and are now in the hands of American civilians. It also means that the American people are as heavily armed as our armed forces—possibly more so.

What can you do to help disarm America? The problem is two-fold: (1) Ironclad gun-control laws must be enacted on both the federal and state levels; (2) citizens must begin now to disarm voluntarily without waiting for laws to be passed.

Since the assassination of President Kennedy, bills aimed at controlling the ownership of guns have been introduced again and again into the Congress. All have been defeated. At the same time, legislation that would have enabled the states to exercise stringent controls over guns has failed to win passage.

Needed at once is a flood of letters from McCall's readers to Senate sponsors of federal gun-control legislation. They are: Senator Thomas Dodd, Senator Edward M. Kennedy, Senator Edward Brooke, and Senator Joseph D. Tydings. Write to them in care of the United States Senate, Washington, D.C., supporting their efforts to pass strict gun-control legislation *without further delay*. Also write to the governor of your state and to your state legislators at your state capital, insisting on immediate passage of strong and enforceable gun-control measures.

Next, find out how your Congressional and Senatorial candidates stand on the issue of gun-control legislation. Get names and addresses of the men who are running for office in your state and Congressional elections in November. Write them, asking for their stands on gun-control legislation. If their answers are evasive or unsatisfactory, write and inform them that you do not intend to give them your vote in the coming elections and state flatly why.

On the private level, you can help begin to disarm America by encouraging members of your family who own firearms to go at once to their local police stations and register them—or, better yet, dispose of them. Encourage your friends and neighbors to take similar actions.

Now look again at the crime statistics for last year. Note that there was a 12 percent increase in murders. At this rate, by the time a five-year-old child becomes fifteen, there will be approximately 34,500 murders per year.

Americans can no longer remain bystanders. There are many ways you can help the law-enforcement agencies in your town or city. The National Council of Women, after exhaustive studies of how citizens can complement the work of the law-enforcement agencies, has drawn up the following checklist for women:

1. Set up citizen information centers, and convene educational meetings to launch local citizen compaigns.
2. Work to ensure better lighting on the streets and in the parks.
3. Become informed about the quality of preventive services at the community level, and become involved in their improvement.
4. Be sure there are job-referral and placement centers for offenders. If there are none, work with the community to establish them.
5. Inquire into and visit detention homes, juvenile courts, and children and family courts to see where you as a volunteer are needed. Volunteer your skills as as seamstress, artist, typist, knitter, flower arranger, recreational worker, etc.
6. Serve on juries.
7. Be concerned with the kind of laws that are passed, and act at the community level to eliminate unenforceable laws.
8. Make sure women are appointed to boards of local and state penal and corrective institutions.
9. Encourage women to serve on police forces.
10. Be sure that criminal processes operate equally for the poor; combat the tendency to establish dual standards of law enforcement.

11. Work to combat the alienation between Negroes and police.

12. Work to improve race relations.

13. Hold elected officials accountable for the efficiency and performance of the police force.

14. Help to change the atmosphere in the community toward correction services so that there will be acceptance of their importance and of their worth.

15. Educate young people about law, law enforcement, crime, and their civic responsibilities.

16. Work toward the eradication of the social conditions that induce crime; volunteer to assist in existing social agencies.

A Gallup poll, conducted the day Senator Kennedy was shot, asked, "What steps do you think should be taken to prevent such violence in the future?" In addition to mentioning the need for gun-control laws, the respondents stressed the need for *"removing programs of violence from television."*

For those who are unaware of the extent of violence on television, our rsearchers analyzed the television listings, including televised movies, in the *New York Times* and *TV Guide* for the weeks of June 2 (the week Senator Kennedy was assassinated) as well as the week immediately following his death (June 9). Here is what they found:

WEEK OF JUNE 2, 1968, 6 P.M. TO 1 A.M.

	Total time (in hours)	Percent of air time
Westerns	14	6
Horror, mystery, suspense	19	8
Spy	8	3
Crime (detective, courtroom, etc.)	17	7
War, adventure	19	8
News coverage of war, violence	24	10
Other	9	4
Total	110	46

WEEK OF JUNE 9, 1968, 6 P.M. TO 1 A.M.

	Total time (in hours)	Percent of air time
Westerns	18	7
Horror, mystery, suspense	26	11
Spy	4	2
Crime (detective, courtroom, etc.)	12	5
War, adventure	49	20
News coverage of war, violence	30	12
Other	5	2
Total	144	59

Our researchers also looked into the matter of prizefights on television. They discovered that the total number of *families* watching men inflict bloody injuries on one another in the four most recent major professional bouts on TV came to an astounding 33,081,400.

How, then, can such television programs be eliminated? As McCall's suggested last month, you can do much toward this end. If even half of our fifteen million women readers will take the following steps, the major TV networks will soon be faced by an irresistible argument for discontinuing programs of violence:

1. Keep track of all programs of violence (including movies) that you believe have an unsettling or brutalizing effect on young people. Note the networks on which these programs are shown.

2. Write to the president of each network (see note), listing objectionable programs by title and asking that they be replaced by other fare.

3. Keep up this activity for an indefinite period.

McCall's attempted, unsuccessfully, to obtain statistics on the number of violent motion pictures that were released to theaters around the country last year. No breakdown existed, nor was it possible for our researchers to persuade the individual motion-picture companies to provide such breakdowns, together with attendance figures. Nonetheless, it is painfully obvious to anyone who merely reads the advertisements and reviews that violence in movies is on the increase.

Last month, we suggested that you compile your personal list of objectionable movies and send it to Mr. Jack Valenti, President, Motion Picture Association of America, Inc., 522 Fifth Avenue, New York, N.Y. 10036, asking him to register your objections with the motion-picture executives responsible for each of the films on your list. Keep this up for a month or two, and encourage your neighbors to do the same.

A second effective way to cut down on the showing of violent films is to find out the names of the owners of your local theaters and drive-ins. Each time a violent movie is being played in one of these houses, write the owner and inform him of your family's intent to boycott it. Your local exhibitor will feel the effect of a community boycott and will eventually request his national distribution agency to offer him a wider selection of films, including nonviolent ones.

There is much evidence of the damaging effect of violent toys on the development of a child's personality. It is widely believed that the boy who has played with knives and guns and rockets and jets as a youngster is quite likely to think of war and violence as an extension of his childhood activities.

(NOTE.—NBC: Mr. Robert Sarnoff, President, Radio Corporation of America, 30 Rockefeller Plaza, New York, N.Y. 10020

(ABC: Mr. Leonard H. Goldenson, President, The American Broadcasting Co., Inc., 1330 Avenue of the Americas, New York, N.Y. 10019

(CBS: Dr. Frank Stanton, President, Columbia Broadcasting System, Inc., 51 West 52nd Street, New York, N.Y. 10019)

McCall's found most top manufacturers reluctant to give figures on the number of warlike toys manufactured and sold every year; but we were able to get an estimate on the annual sale of toy guns. It comes to $130,000,000.

An increasing number of manufacturers are offering constructive, creative toys and playthings, available almost everywhere. Encourage these manufacturers by buying their products, and discourage those who sell guns, rockets, Vietnamese planes shot full of holes, and other toy replicas of the machines of war—by not buying.

Even books are contributing to today's dangerous climate, as an analysis of the book listings for the year 1967 in *Publishers' Weekly*, the industry's leading trade publication, indicates.

BOOKS PUBLISHED IN 1967

	Violent	Percent
Fiction	226 of 699	33
Mystery, suspense	228 of 252	90
Nonfiction	347 of 1,211	29
Children's books	59 of 279	21
Total	860 of 2,441	36

One hopeful footnote: Of the twenty best-selling books in the same year, not one could be described as exploiting violence. Possibly this will help convince thoughtful publishers that there are more salable subjects than murder and mayhem.

June 7, as the body of Senator Kennedy lay in state at Saint Patrick's Cathedral in New York City, almost a million men, women, and children stood in line for an average of six hours. They stood patiently, peacefully, in ninety-degree heat, waiting to enter the cathedral—because they *cared*.

Now, if this concerned million and tens of millions more, will only care enough to perform some responsible public act of protest, we believe America will have begun to find its answer to violence.

—MARY KERSEY HARVEY.

STATEMENT IN SUPPORT OF THE CONFIRMATION OF THE NOMINATION OF JUDGE THORNBERRY AS SUPREME COURT JUDGE

Mr. YARBOROUGH. Mr. President, I support with great pleasure the President's nomination of Judge Thornberry to be an Associate Justice of the U.S. Supreme Court. This is a promotion within the judicial system and Judge Thornberry's great legal experience gives him outstanding qualifications. At the University of Texas Law School and as a U.S. district and circuit court judge, his record shows him to be a man of great ability and solid judgment. As a former Representative, Judge Thornberry has also dealt with the area of law formulation and intent.

Whether as a Representative or in his position as Federal district and then as circuit judge, we have all seen Judge Thornberry act with restraint, with moderation, and yet with compassion and understanding toward the serious problems facing this country. Whether serving in the legislative or judicial branch of Government, he is not afraid to act. He realizes that no part of our government can insulate itself from controversial issues. As a circuit judge, Mr. Thornberry has played a part in significant constitutional decisions affecting a number of our basic freedoms. These same basic freedoms are destined to remain a very significant area for Supreme Court rulings.

Although Judge Thornberry's experience eminently qualifies him to join the select group of Judges privileged to sit on the highest court in the land, I am supporting Judge Thornberry for personal as well as professional reasons. I knew Homer Thornberry while he was working his way through the University of Texas Law School as a chief deputy sheriff of Travis County, at Austin, Tex., while I was a State district judge, serving in the same courthouse with him. And I watched him go after graduation into the State Legislature of Texas. After 5 years in the legislature, he became an able and efficient prosecuting district attorney in Austin before he entered the Navy in World War II. After 4 years in the Navy he returned as a commissioned officer, and served as mayor pro tempore of the city of Austin before he started his national career by being elected to Congress in 1948.

As a friend and fellow Texan, I have watched Judge Thornberry grow and season as all of us hope to do. He is a man with a very, very broad background in public service in executive, legislative, and judicial capacities. He has filled all of them with distinction, but if I had to pick out one characteristic of Justice Thornberry, I would say that his hallmark is what laymen call horsesense, and the lawyers call sound judgment.

Mr. President, I have recently received a copy of a letter from Chief Judge John R. Brown, of the Fifth Circuit Court of Appeals, to the chairman of the Senate Committee on the Judiciary. As chief judge of the court of which Judge Thornberry served for 3 years, Judge Brown is in a unique position to assess Judge Thornberry's abilities and capabil-

ities as a potential Supreme Court Justice. I have not found more eloquent testimony in behalf of Judge Thornberry or any other judicial appointee by a more qualified man. Chief Judge Brown's letter is more than a testimonial to Judge Thornberry. In a broader sense, it narrates in a superb way the qualifications we would look for in hunting a superior judge. The letter is both a testimonial to Judge Thornberry and an eloquent testimonial of the wisdom, perception, and breadth of judicial understanding of the extremely able and gifted chief judge who wrote it. Because the committee is now considering Judge Thornberry's qualifications and abilities, I ask unanimous consent that Judge Brown's letter be printed at this point in the RECORD.

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

FIFTH CIRCUIT,
U.S. COURT OF APPEALS,
July 10, 1968.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

MY DEAR SENATOR EASTLAND: It is my privilege to affirm to you, your fellow committee members, and to the Senate as a whole, my high esteem for the professional, judicial qualifications of Judge Homer Thornberry, nominated to be an Associate Justice of the United States Supreme Court.

As you know, Judge Thornberry came to the Court of Appeals for the Fifth Circuit in July of 1965. He has thus served with us through three full court years (1965–66; 1966–67; 1967–68).

Both as one of his associate Judges and now (since July 17, 1967) as the Chief Judge, I know intimately and firsthand the tremendous talents of this dedicated public servant.

He is a vigorous, industrious worker. He has more than carried his full share enthusiastically and without shirking. This is a real tribute in view of the explosive growth of our docket in these few three years (1079 filings in 1965–66 and 1340 in the year just closed). But industry, putting in the hours of struggle, is not enough. A Judge now must be an effective worker. Judge Thornberry is blessed with this capacity and this includes a number of skills. One is a capacity to make up his mind. Closely akin is the capacity—once a decision has been reached by an open-minded consideration of the problem and the contrary views of others—to adhere to a determination once made. This is an absence of that trait so unfortunate in a Judge who suffers from the torment of vacillation.

Next, he has the capacity to write and write effectively. This is, finally, the test for an Appellate Judge. His opinions are pieces of excellent professional craftsmanship, revealing organized thinking, analysis, discussion and decision. They bear the mark of high literary quality and a style that is both readable and understandable. He writes not only effectively, but with productive dispatch so that he makes a continuous current contribution to the output of our Court (over 1000 opinions this year). In volume of work done, opinions written, his output is at or near the top.

Fortunately, too, these capacities are catholic in nature, free of parochialism, either geographic, economic or in specialized fields of the law. He handles and writes well, and has done so, in all areas of the law—criminal, civil, state-oriented diversity problems covering the whole of life's experience as well as federal question cases including, of course, the ever prevalent cases invoking the Federal Constitution. Undoubtedly his long experience in elective public life, and especially in the Congress, has given him both breadth of outlook and the tools of understanding.

To the work-a-day problems of judging as such, court administration is now more and more important. The bench, the Bar, the cause of justice needs leadership and action in this field. No better place to find such leadership than on the United States Supreme Court could ever exist. Judge Thornberry has unusual talents for this activity. He has handled, with great efficiency, a number of administrative matters delegated to him by me as Chief Judge.

But these things—essential as they are to the Judge, and especially the good Judge—pertain primarily to the professional craftsmanlike skills. What is more vital is superior intelligence, wisdom, judgment, a disposition to hear, consider, weigh, with a mind as open and as free of predilection as possible for human beings, and then make a decision. He has these qualities in great store. He would, of course, be the first to deny this. And this highlights another quality—now so rare—a genuine humility, a modest disclaimer which undoubtedly leads him to leave nothing undone in work, study, research and hammering out the finished product to assure himself of the right decision as he sees it.

Although, as Chief Judge, I would not consider that I have a right to speak for the Court itself, or to bind even the Judges as members thereof, to a matter of this kind, I know from the close association we all have and the extended discussions we have had among ourselves since the President sent Judge Thornberry's nomination to the Senate, that all share these views which I have tried to express. To a man, all look upon Judge Thornberry as an able, energetic and conscientious person having exceptional talents as a Judge which he has demonstrated in his service with us. We will miss him sorely on the Fifth Circuit, but we know that, with all of these qualities, both as a man and as a Judge, he would make a distinguished Associate Justice of the Supreme Court.

I am taking the liberty of sending copies of this letter to your distinguished associates on the Committee and to my fellow Texans, Senators Yarborough and Tower.

Sincerely yours,

JOHN R. BROWN,
Chief Judge,
Fifth Circuit Court of Appeals.

NEW ENGLAND GOVERNORS CALL FOR STUDY OF REGION'S HIGH ELECTRICITY RATES

Mr. MUSKIE. Mr. President, in its constant support of continuing appropriations for the planning and the construction of the Dickey-Lincoln hydroelectric project on the St. John River in northern Maine, the Senate has recognized the seriousness of New England's high electric rates and has acknowledged that something must be done to change this pattern. The Senate has not been alone. Public and private citizens throughout New England have felt these costs most immediately and have urged effective action.

Finding that "New England electric consumers, residential, commercial and industrial, pay the highest rates in the continental United States for their electricity and that this high cost of power is an obvious detriment to our region's prosperity and continued economic development," the New England Governors Conference recently called for a 6-month study of the electric industry in New England. In their most recent meeting, held in Stowe, Vt., the Governors of all six States recognized the importance of finding—once and for all—the causes of these rates and what can be done to lower them.

I feel certain that the findings of this study will support the importance of the construction of the Dickey-Lincoln hydroelectric facility. Our region can no longer afford to handicap the welfare of its citizens and the development of its industries by tolerating such high power costs.

So that Senators may more closely examine the feelings of the six Governors of the New England States in this regard, I ask unanimous consent that the relevant articles from the June 29 issue of the Burlington, Vt., Free Press and the Barre-Montpelier, Vt., Times-Argus be printed in the RECORD.

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

[From the Burlington (Vt.) Free Press, June 29, 1968]

CHIEF EXECUTIVES REQUEST NEW ENGLAND POWER STUDY

STOWE.—A call for a massive, six-month study of the electric industry in New England was sounded here Friday by the governors of the six states in the region.

The New England Governors Conference also approved of companion action designed to monitor the impact of new nuclear power plants on the region's environment, particularly its waters.

In a formal resolution sponsored by Vermont Gov. Hoff, the Governors Conference noted that the power rates in the region are the highest in the nation and that those high rates are "an obvious detriment to our region's prosperity and its continued economic development."

The resolution called for an armistice in the running battle between public and private power advocates and said the goal must be improved planning and lower rates.

The study will be undertaken in cooperation with the Federal Power Commission, the New England River Basins Commission, the New England Conference of Public Utilities Commissioners and the Electric Coordinating Council of New England, which is the information and lobbying agency for the private power companies.

Hoff, who is chairman of the New England Governors Conference, has long led the effort to get lower power rates in the region.

His proposal for a broad study of the electric power industry in New England came in response to a suggestion made by his old friend, Charles R. Ross, a member of the FPC and former chairman of the Vermont Public Service Board.

In a recent FPC decision, Ross urged the New England governors and their regulatory agency officials to request the FPC to embark on a comprehensive survey of New England's power system.

Ross said the FPC was unable to initiate such an inquiry on its own, but could move into the region at the request of the states.

The survey will be designed to explore:

Integration of the "small and fragmented" power systems in New England.

The impact of current industry expansion plans on power costs.

Coordination of river basin development in conjunction with a "more economic electric bulk power supply."

Steps to help the private power companies lower costs.

The potential role of out-of-state power development projects, such as New York State's new venture into nuclear power development, in meeting New England's power needs.

The New England River Basins Commissions also told the governors it has a task

force working with power companies to help select sites for future power plants and to protect natural resources from being damaged by those plants.

[From the Barre-Montpelier (Vt.) Times-Argus, June 29, 1968]

PLAN STUDY: NORTHEAST GOVERNORS TALK POWER COSTS

STOWE.—The New England governors Friday initiated a broadbased study into the high power rates of the region because it found them to be an "obvious detriment" for future prosperity.

Gov. Philip H. Hoff called for the New England Regional Commission to work with the Federal Power Commission to undertake the six-month probe.

Also to be included in the investigation will be the New England River Basins Commission, the New England Public Utilities Commissioners and the Electric Coordinating Council of New England.

The coordinating council is the arm of the New England private power industry.

The governors found that the "New England electric consumers, residential, commercial and industrial, pay the highest rates in the continental United States for their electricity and this high cost of power is an obvious detriment to our region's prosperity and continued economic development."

This finding on part of the chief executives is calculated to give the Federal Power Commission the authority to look into the New England region.

The FPC found in its monumental federal power survey of 1964, that the New England Power rates should decrease by 40 percent by 1980.

Hoff and his old friend, Charles R. Ross of Vermont, a member of the Federal Power Commission, have long been agitating for lower regional rates.

Ross, who will be leaving the commission soon suggested the FPC study in a decision on the Northfield Mountain power project case.

Hoff picked up the suggestion and was able to get the other five governors to join him.

The governors met in a private meeting on Thursday night before the public session, where the decisions are usually hammered out.

Until recently the southern New England governors haven't been as enthusiastic as Hoff in pushing the private power companies, which dominate the region, for lower rates.

However Hoff has been joined in pushing the utilities by Maine's Democratic Gov. Kenneth M. Curtis.

The probe into the region's power cost will study if the small New England systems couldn't be integrated in order to get lower costs.

There has been by the private utilities work toward that direction. The biggest move is the proposal to merge three big New England electrical companies into one.

The investigation into the region's power rates will also include the expansion plans of the private utilities; the use of other agencies to help in the development of power supplies and what should the public agencies be doing in order to help the private power industry to get lower rates.

Also the study committee was asked to "determine what role any public power generating facility, not necessarily in New England, could play in efforts to secure lower rates.

EMERGENCY TREATMENT OF WATERSHEDS HELPS PREVENT DAMAGE FROM WILDFIRE

Mr. CHURCH. Mr. President, when fire destroys the protective vegetative cover on watersheds, immediate treatment is needed to prevent or reduce resultant flood damage.

During the past 12 months, the Forest Service of the U.S. Department of Agriculture—together with other Federal, State and local agencies—has applied such emergency treatment to more than 55,000 acres on a burned area in Idaho.

The expenditure of about $117,100 of flood prevention emergency funds assisted in the prevention of potential millions of dollars of downstream damages and alleviated threats to life and property.

Emergency measures applied included aerial grass-seeding of burned areas to establish a protective plant cover, channel clearing and stabilization measures, and emergency treatment of roads and fuel-breaks to prevent erosion.

These emergency programs are cooperative ventures. All interests pool their resources to meet a common threat. The emergency funds are often only a segment of the total contribution, but act as a mechanism for getting emergency treatment on the ground quickly through decisive action to alleviate the threatening hazards.

The Sundance fire in Boundary and Bonner Counties, Idaho, is an example of a fire rehabilitation effort assisted by flood prevention emergency funds.

The Sundance fire in August 1967 burned 55,910 acres of mountainous terrain with steep slopes and very erosive soil. Approximately one-third of the land is under national forest jurisdiction and the remainder in State and private ownership. It destroyed the protective cover of vegetation which has prevented soil erosion on the area and subsequent flood and sediment damage to the area below.

The burned area was a potential flood, sediment and debris source area. It was a threat to agricultural, residential, commercial, and utility property located along and in the vicinity of Pack River which flows into Pend Oreille Lake, and Ruby and Fall Creeks which drain into Deep Creek which in turn flows into the Kootenai River. Lying in the paths of the potential floodwaters and debris flows are several hundred acres of cultivated land, irrigation and domestic water supply systems, sawmills, bridges, rural roads, Federal Highway 95, the Great Northern Railroad and the Spokane International Railroad.

The replacement cost of threatened highway bridges and road sections was estimated to be $260,000. Annual flood damages to agricultural lands along the Pack River were estimated to be $10,000. Potential damages to the spawning areas for the Kamloops trout were not estimated. However, damages to this fishery due to sedimentation could have been so high as to create a long-lasting impact on the multimillion-dollar recreation industry in northern Idaho.

Reports and plans were prepared by field personnel of the Forest Service in cooperation with the Soil Conservation Service, the Agricultural Stabilization and Conservation Service and the State of Idaho.

The total cost was shared as follows: State of Idaho, $112,800; Forest Service, $300,600; flood prevention funds, $117,100.

DEPARTMENT OF DEFENSE RESEARCH

Mr. MUNDT. Mr. President, an article, written by Orr Kelly, and published in the Washington Evening Star of July 16, 1968, suggests that recent congressional criticism of certain Defense Department research was based merely on a sampling of certain project titles which are admitted to be inaccurate.

Referring to the testimony of Dr. John S. Foster before the Senate Subcommittee on Defense Appropriations, Mr. Kelly discusses the problems faced by Defense officials in explaining titles of research programs which do not adequately describe the subject under investigation. In his prepared statement, Dr. Foster told the committee to "be cautious in making assumptions or decisions about the significance or relevance of an R. & D. project when you know only the project's title."

Mr. President, I am pleased that the Director of Defense Research and Engineering has taken the trouble to clarify the matter of misleading titles. But more important is the question of research sponsorship, management, usefulness and its impact on policy.

These aspects of the Defense research effort were examined most carefully by the Committee on Foreign Relations with Dr. Foster on May 9, 1968. His testimony, and that given later by Adm. Hyman Rickover, made it quite clear to me that the manner in which these research programs are carried out leaves much to be desired. Much more is involved than incorrect titles.

I was startled to hear, for example, that the Department of Defense considers organizations which receive almost all, if not all, their funds from the military to be private institutions. Thus the salaries and expense accounts of their senior officials are beyond public scrutiny. I pointed out at the time that "anytime the taxpayer pays 85 percent, you are talking mythology when you say it is private. It may be secret, but it is not private if it is publicly supported."

The Committee on Foreign Relations also discovered a most unusual situation in which a study called Pax Americana exists in identical classified and unclassified form. Evidently, the unclassified version was unknown to military officials for some time after the Pentagon placed a "secret" label on its copies. I might add that the conclusions of this study contribute little to our knowledge of international affairs, and do not justify the cost of $84,000.

It is these kinds of problems that have interested me and my colleagues. No quick assumptions were made regarding any specific project merely by looking at the names given to them, no matter how inaccurate they might be.

Orr Kelly is correct in mentioning Senate interest and concern; but the objective is to assure that Federal research funds are spent appropriately. Unfortunately, this has not always been the case in the past.

Mr. President, without objection, I ask unanimous consent that the article entitled "Probing Witchcraft, Divers, Italian" be printed in the RECORD.

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

PROBING WITCHCRAFT, DIVERS, ITALIAN

(By Orr Kelly)

The Defense Department's top research man has finally figured what it will take to get some of his Capitol Hill critics off his back: a good headline writer.

Dr. John S. Foster Jr., director of Defense Research and Engineering, was disturbed recently when the staff of one congressional committee leafed through the titles of some of his research reports and come up with a handful of doozies like these:

"Upper Limits to Safety for Primaquine in Sensitive Italians."

"Cold Adapation of Korean Women Divers."

"Witchcraft, Sorcery, Magic and Other Psychological Phenomena in the Congo and Implications for Military and Paramilitary Operations."

Every year, Foster appears before several congressional committees and reads essentially the same testimony—a thick book describing the department's vast research operation—to all of them.

But this year, after hearing some of the criticism, Foster did a little in-house research and added a whole new section to his testimony to explain and defend some of his apparently more far-out research projects.

He told the Senate Subcommittee on Defense Appropriations that a check of titles for research projects showed "only about 50–60 percent of the titles are adequate, and that about 10–15 percent of the titles are completely nondescriptive."

He even came up with a little lulu his critics had missed.

"One title that might amuse you, for example," he told the committee, "is 'Surface Waves on Symmetrical Three-layer Sandwiches.'"

He went on to explain the subject under study was not pastrami and cheese on a double-twisted roll but a "basic phenomenon in the integrated solid-state circuitry required for advanced computers and for much advanced electronic equipment."

His explanations of other reports singled out by his critics also suggested that the problems lay more in the titles than in the reports themselves.

The study on sensitive Italians was undertaken, he explained, because many dark-complexioned people got a bad reaction from antimalaria drugs. The study was carried on in Italy, he said, because there is a good research center in Genoa and a lot of Italians.

The Korean women divers are able to tolerate 50-degree water—"the most severe cold exposure that humans are known to endure voluntarily." The $25,000 research project could help improve the Navy's ability to operate effectively under water.

The witchcraft study—which Foster said is "rapidly becoming our most famous"—was requested by the Army because "senior military officers have reported many instances of dealing with military situations in developing nations where witchcraft, sorcery and magic have played a significant role."

One man-week of work was devoted to the report, which simply pulled together information already available, and it cost only $522 Foster said.

"Critics of this modest, operationally requested effort are badly mistaken," he added.

Foster also dipped back into history to show that other researches have also had title problems. In 1941, he said, Norbert Weiner wrote a paper with the title of "Extrapolation, Interpolation and Smoothing of Stationary Time Series"—a paper which led to the development of the science of cybernetics and the whole computer field.

The trouble with the title problem, as far as Foster is concerned, is that it has focused attention on a very tiny part of his research program—giving the impression that much of the research the Pentagon does is frivolous and wasteful, a fruitful target for the budget cutter's ax.

Most of the criticism has been directed at the social science research program involving only $18.3 million a year—peanuts when compared with the Pentagon's research budget of a little over $8 billion.

Like other department heads. Foster is going to have to cut back his budget as part of the effort to reduce the 1969 budget by $6 billion. But he pleaded with the appropriations committee to give him as much flexibility as possible in deciding where to cut.

After all, after his recent unpleasant, experience, Foster may want to spend a few extra dollars to hire a good headline writer.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CITATION FOR CONTEMPT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 379.

The PRESIDING OFFICER. The resolution will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A resolution (S. Res. 379) citing Jeff Fort for contempt of the Senate.

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

There being no objection, the Senate proceeded to consider the resolution, as follows:

S. RES. 379

Resolved, That the President of the Senate certify the report of the Committee on Government Operations of the United States Senate on the appearance of Jeff Fort before the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations on July 9, 1968, in Washington, District of Columbia, at which he—

(1) refused to answer one question,

(2) refused to answer any and all questions that were to be put to him by the subcommittee,

(3) departed the hearing without leave, such conduct and refusals to answer questions being pertinent to the subject matter under inquiry, together with all the facts in connection therewith, under the seal of the United States Senate, to the United States Attorney for the District of Columbia, to the end that the said Jeff Fort may be proceeded against in the manner and form provided by law.

Mr. McCLELLAN. I ask unanimous consent that excerpts from the committee report be printed in the RECORD.

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

The Senate Permanent Subcommittee on Investigations of the Committee on Government Operations, as created and authorized under the Standing Rules of the Senate and by Senate Resolution 216, 90th Congress, second session, agreed to March 15, 1968, and under the rules of procedures adopted by the committee on March 15, 1968, is authorized and directed, among other things, to—

"(1) make investigations into the efficiency and economy of operations of all branches of the Government, including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corrupt or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public * * *" (Senate Resolution 216, 1st paragraph).

"(2) to make a full and complete study and investigation of syndicated or organized crime which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions which are in violation of the law of the United States or of the State in which the transactions occur, and, if so, the manner and extent to which, and the identity of the persons, firms or corporation, or other entities by whom such utilization is being made, what facilities, devices, methods, techniques, and technicalities are being used or employed, and whether or not organized crime utilizes such interstate facilities or otherwise operates in interstate commerce for the development of corrupting influences in violation of the law of the United States or the laws of any State and, further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activities have infiltrated into lawful business enterprise; and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against the occurrences of such practices or activities * * *" (Senate Resolution 216, section 3).

"(3) to make a full and complete study and investigation of all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national, welfare, and safety * * *" (Senate Resolution 216, section 4).

"(4) to make a full and complete study and investigation of riots, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, the commission of crimes in connection therewith, the immediate and longstanding causes, the extent and effects of such occurrences and crimes, and measures necessary for their immediate and long-range prevention and for the preservation of law and order and to insure domestic tranquility within the United States * * *" (Senate Resolution 216, section 5).

[The Rules of Procedure, including Senate Resolution 216, 90th Congress, second session, are made a part of this report as Exhibit No. 1, p. 12.]

Pursuant to the aforesaid authority, the

Subcommittee has been making an investigation of a grant of money by the Office of Economic Opportunity, an agency of the United States Government, to The Woodlawn Organization, Chicago, Illinois, for the operation of job training centers principally for two youth gangs in Chicago known as the Disciples and the Blackstone Rangers.

Senate Resolution 216 further provides in section 7(b):

"For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from February 1, 1968, to January 31, 1969, inclusive, is authorized, in its or his or their discretion, as may be deemed advisable, to require by subpoena or otherwise the attendance of such witnesses and production of such correspondence, books, papers, and documents."

The Rules of Procedure for the Senate Permanent Subcommittee on Investigations, readopted by the Committee on Government Operations, states in section 2:

"Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the Subcommittee Chairman or by any other Member of the Subcommittee designated by him."

Pursuant to this authority the chairman of the subcommittee, who is also chairman of the Government Operations Committee, duly authorized and issued a subpoena on May 20, 1968, to Jeff Fort, 6046 Dorchester, Chicago, Illinois. The subpoena directed Jeff Fort to be and appear before the said Senate Permanent Subcommittee on Investigations on June 4, 1968, at 10 o'clock a.m., at the committee room, 101, Senate Office Building, Washington, D.C. The said subpena served upon Jeff Fort is set forth in words and figures as follows:

"UNITED STATES OF AMERICA

"CONGRESS OF THE UNITED STATES

"To: Jeff Fort, 6046 Dorchester, Chicago, Illinois, *Greeting:*

"Pursuant to lawful authority, YOU ARE HEREBY COMMANDED to appear before the Senate Permanent Subcommittee on Investigations of the Government Operations Committee of the Senate of the United States, on June 4, 1968, at 10 o'clock a.m. at their committee room, Room 101, Old Senate Office Building, Washington, D.C., then and there to testify what you may know relative to the subject matters under consideration by said committee.

"Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

"To J. N. Tierney, U.S. Marshal, by Herbert L. Lowe, Deputy, to serve and return.

"Given under my hand, by order of the committee, this 20th day of May, in the year of our Lord one thousand nine hundred and sixty-eight.

"JOHN L. MCCLELLAN,
"Chairman, Senate Permanent Subcommittee on Investigations of the Government Operations Committee.

"[Back of Subpoena]

"MAY 22, 1968.

"I made service of the within subpoena by serving personally . . . the within-names Jeff Fort at 2600 California in the courtroom of Judge Wexler at 11:30 o'clock A.M., on the 22nd day of May, 1968.

"Herbert L. Lowe, Deputy."

The said Jeff Fort was served with the subpoena on May 22, 1968; returnable June 4, 1968, at 10:00 a.m. in Washington, D.C., which subpoena was continued until July 9, 1968. Pursuant to the aforementioned subpoena, Jeff Fort was called upon and did appear to testify on July 9, 1968, before the subcommittee in Washington, D.C. The subcommittee received unanimous consent of the Senate to hold a hearing on that date. [Exhibit 2.] The oath was administered to Jeff Fort pursuant to the rules of the Subcommittee. Rule 6 provides, "All witnesses at public or executive hearings who testify to matters of fact shall be sworn."

The witness, through his attorney Marshall Patner of Chicago, acknowledged the service of the subpoena for Jeff Fort to appear before the subcommittee to testify concerning an investigation of The Woodlawn Organization area Job Training Project. Chicago, Illinois, funded by the Office of Economic Opportunity. Attorney Patner also stated that the witness was appearing in response to the subpoena. Mr. Patner then requested and was granted permission to make a statement to the members of the subcommittee. The following is part of the colloquy of this subject:

[The full colloquy is being made a part of this report as Exhibit No. 3.]

"Mr. ADLERMAN. Jeff Fort.

"The CHAIRMAN. Be sworn. Hold up your hand, please. What is that fist?

"You do solemnly swear the evidence you shall give before this Senate Subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

"Mr. FORT. I do.

"The CHAIRMAN. Be seated.

"Mr. Counsel, I will permit you to identify yourself.

"Mr. PATNER. My name is Marshall Patner, P-a-t-n-e-r. Mr. Chairman——

"The CHAIRMAN. Just a moment.

"You are a member of what Bar?

"Mr. PATNER. The Bar of the State of Illinois.

"The CHAIRMAN. Very well.

"Mr. PATNER. Mr. Chairman, on July 1, 1968, I presented a request to you. I would like at this time to have that request made part of the record.

"The CHAIRMAN. Let me see the request.

"Mr. PATNER. I have supplied copies to you and to each of the members of the subcommittee, if you would like some further copies I have them.

"The CHAIRMAN. With respect to your request to which you have referred, for the record, this request which is brief and concise may be printed in the record at this point.

"(The request is as follows:)

"'JULY 1, 1968.

"'Honorable Chairman and Members of the Subcommittee on Investigations of the Committee on Government Operations of the United States Senate:

"'My client, Mr. Jeff Fort, has been subpoenaed to appear before this committee concerning an investigation of the Woodlawn area Job Training Project, Chicago, Illinois, funded by the Office of Economic Opportunity. On behalf of Mr. Fort, I hereby request and demand:

"'1. That each person who has made statements or presented evidence before this Subcommittee, either orally or in any written form, including by affidavit, which tends to defame Mr. Fort or otherwise adversely affect his reputation, and any persons who shall hereafter do so, be called to appear personally before this Subcommittee and at such time to be confronted personally by Mr. Fort and his undersigned counsel, after reasonable notice to Mr. Fort and said Counsel of time and place of such personal appearance by each such person.

"'2. That the undersigned Counsel for Mr. Fort be permitted to personally orally cross-examine, in a reasonable manner, said persons described in paragraph 1, above.

"'3. Mr. Fort also requests and demands the right to present additional evidence as to the issues described in paragraph 1, above.

"'Respectfully submitting,

"'MARSHALL PATNER,

"'5540 S. Kenwood Avenue,

"'Chicago, Illinois 60637

"'(Attorney for Mr. Jeff Fort).'

"'AFFIDAVIT

"'I hereby affirm that I personally delivered a copy of the attached letter of request and demand, dated July 1, 1968, to the Honorable Senator John McClellan on July —, 1968, at ------ m.

"'MARSHALL PATNER.

"'The foregoing was signed before me on "July —, 1968."

"'----------

"'Witness of Notary Public'

"The CHAIRMAN. Request number one is a matter that addresses itself to the discretion of the committee, the number of the witnesses to which you referred whose testimony may have reflected upon your client, Mr. Fort, a number of those witnesses have appeared in person, are here, some of them today in person, and as to whether the committee will call any other witnesses, witnesses that you may request, is a matter that addresses itself to the committee at the time you submit their names and make a special request for a given witness.

"Your request number two, that the undersigned counsel for Mr. Fort be permitted to personally orally cross-examine in a reasonable manner said persons described in paragraph one above cannot be granted under the Rules of the Committee.

"You may submit questions for the committee to present, to ask witnesses that may have appeared or may appear to testify with respect to your client.

"The committee will weigh those questions and if proper will ask the questions.

"Number three, 'Mr. Fort also requests and demands the right to present additional evidence as to the issues described in paragraph 1, above' those matters will be resolved as we proceed after he has testified.

"If you have witnesses you wish to produce for him the committee will consider them. I cannot rule upon number one and number three at this time. Number two, the committee will be governed by the Rules of the Committee.

"Mr. PATNER. Mr. Chairman, may I respond very briefly?

"The CHAIRMAN. Yes.

"Mr. PATNER. I then request that the chair strike from the record any testimony under Rule 13 which is testimony or other evidence that tends to defame or otherwise adversely affect the reputation of my client.

"It is our position, Mr. Chairman, that if the testimony is so adverse under the standards set up under Rule 13 we must have the right to either to confront or cross-examine the witnesses who did not appear to file affidavits.

"The CHAIRMAN. Rule 13 reads—were you through?

"Mr. PATNER. I was going to say we would otherwise be denied a fair hearing.

"The CHAIRMAN. 'Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by a Subcommittee Member or counsel, tends to defame him or otherwise adversely affect his reputation, may (a) request to appear personally before the Subcommittee to testify in his own behalf, or, in the alternative, (b) file a sworn statement of facts relevant to the testimony or other evidence or comment complained of. Such request and such statement shall be submitted to the Subcommittee for its consideration and action.'

"Under that rule there is no authority and no reason for the committee to strike from the record anything that may have been sworn to here under oath in which your client's name was mentioned either favorably or adversely.

"So, we will not strike, the ruling of the chair will be if I am sustained that nothing we have received in the record thus far will be stricken from the record.

"Senator MUNDT. We are limited by rules.

We have called Mr. Fort, he is here. He will have ample opportunity to testify in his own defense.

"Mr. PATNER. I understand that. It was my position and it is our position on behalf of my client unless we can confront and cross-examine——

"The CHAIRMAN. A little louder.

"Mr. PATNER. I am sorry, sir.

"It is our position that unless we are able to confront and cross-examine the witnesses that we are denied any remedy to respond to the harm that Rule 13 of this committee recognizes if Rule 13 is not adequate to afford us a fair hearing that rule should be amended, sir.

"The CHAIRMAN. Well, that is your suggestion. You understand we have preferred no charges against your client. This is not a court. He is not on trial. This committee cannot deprive him of liberty or impose any penalty for anything he may have done.

"All this committee can do is to investigate matters that come within his jurisdiction which the Congress by appropriate resolution and by the rules of the Senate have instructed and given this committee a mandate to investigate and that is what we are doing.

"Now, Mr Fort's name has been mentioned quite frequently in connection with Government money that has been expended on a project with which he is identified in the high capacity of center chief of this project.

"Senator MUNDT. At what salary?

"Mr. DUFFY. $6,000 a year.

"The CHAIRMAN. In this aspect of this hearing we are investigating the expenditure of that money, what it was spent for. It was allegedly spent for school. He was instructor or center chief of one of these units, Center No. 1.

"The Congress is interested and the Senate is interested in ascertaining how this money was spent, what the taxpayers got for it and whether it was legitimate expenditure or if it was a wasteful expenditure or if it was expended under circumstances where it was not even calculated to produce any benefits.

"All of those matters address themselves to the committee and are subjects that are involved in this inquiry.

"He is a proper witness before the committee because he is the recipient of Government funds. He will be interrogated accordingly.

"Senator MUNDT. To make it short, Mr. Counsel, he appears here as a Federal employee getting over $500 a month from the Federal Government.

"He appears here in complete compliance with Rule 13 to defend himself against any charges which have been made.

"The other rules you allude to, you will be given the same courtesy we afford other witnesses and other counsel, to submit to us questions which are relevant, pertinent, respectable, in which case the committee has the habit of asking those questions of the people you have been talking about.

"But we have to do that after we have heard your client. Let him first of all purge the record as far as he is able of any charges which he has read about or heard about, or which have been made.

"Mr. PATNER. Senator Mundt and Mr. Chairman, as a great deal of the testimony, evidence, documents that have come in are based on hearsay, double or triple hearsay, it is our position that it is inadequate that Mr. Fort could defend himself from the charges that have been made unless he can confront and cross-examine those witnesses.

"Reserving all other questions that can be raised here ranging from the propriety of the subpoenaing and scope of the examination, we cannot proceed unless we can have the right to confront and cross-examine the witnesses."

Thereafter, the witness, after stating his name, "Jeff Fort," refused to answer a question pertinent to the matter under inquiry, namely, "Where do you live, Jeff?" Through his attorney, the witness refused to answer the question. At this time the witness and the attorney were admonished by members of the Subcommittee that the witness could be subject to a vote for contempt of Congress. The following is the colloquy on this point:

"The CHAIRMAN. Will you state your name—I have heard your statement—will you state your name, please?

"Mr. FORT. Jeff Fort.

"The CHAIRMAN. Where do you live, Jeff?

"Mr. PATNER. I am sorry, Mr. Chairman, I must instruct my client we cannot participate without the right to cross-examine.

"The CHAIRMAN. Just a moment, counsel. We have extended you the courtesy of permitting you to appear. You listen to the committee for just a moment.

"We seek information from your client regarding a Federal project where he was employed and where he received money.

"The committee desires to pursue its duty under the Rules of the Senate and under the special resolution adopted that directs this committee to inquire into or study the cost of Government at all levels with a view to determining its economy and its efficiency and with a view of investigating organized crime and also the investigation of riots and causes of riots, how they might be prevented.

"That is a subject matter of this inquiry. Your client has information that is pertinent to this inquiry. He has been sworn.

"I am going to insist with the approval of the committee, the members present, two of which constitutes a quorum, that he answer the questions, and I will ask you to take your seat and have your client take his seat and let the questions be asked.

"Mr. PATNER. I appreciate the courtesy, Mr. Chairman.

"Senator MUNDT. Mr. Chairman, before counsel speaks any further, I think he should be alerted to something he may not know.

"As far as I know, this may be your first appearance before the committee.

"Mr. PATNER. Yes, sir.

"Senator MUNDT. There is only one manner in which your client can avoid testifying before this committee. He has the same right as any other citizen has: To take the Fifth Amendment on those questions which he thinks an honest answer might tend to incriminate him.

"If he simply refuses to answer the questions that you now suggest he will be subject to a vote of contempt of Congress which provides a jail sentence of its own.

"I think you should know that. A lot of witnesses have walked out of this committee and other investigating committees and have wound up in the Federal jail because of contempt of Congress.

"This is an official proceeding. You have the right of the Fifth Amendment, of course, if the answers incriminate. You should know in advance if you walk out you have subjected yourself to contempt of Congress.

"Mr. PATNER. I appreciate Senator Mundt's admonition. It is our position that the hearing cannot be a fair one without the remedies and rights afforded that we have requested and reserving all other rights, I must advise my client that we cannot participate.

"Thank you, sir.

"The CHAIRMAN. Just a moment. I don't think you want to show us a discourtesy.

"Mr. PATNER. No, sir, I do not.

"The CHAIRMAN. All right, be seated.

"Your client may be seated, also.

"Do I understand that you are advising your client, telling the committee and advising the client not to answer any questions that may be asked of him?

"Mr. PATNER. I am standing and advising my client to stand, Mr. Chairman, on the requests that we have made. Unless those are granted so that we can have a fair hearing, we cannot participate.

"The CHAIRMAN. I am asking you the question if you will permit your client to answer questions?

"Mr. PATNER. If those requests were granted he would answer all questions.

"The CHAIRMAN. I have told you certain parts of your request will be considered in due course when the occasion arises for them.

"One of them will have to be denied under the Rules of the Committee.

"Mr. PATNER. Yes, sir. It is upon the denial of that request that we cannot participate.

"The CHAIRMAN. Your contention is because of denial of item number two you cannot proceed?

"Mr. PATNER. That is correct.

"The CHAIRMAN. Item number two which I read to you from your request which is, 'That the undersigned counsel for Mr. Fort be permitted to personally orally cross-examine in a reasonable manner said persons described in paragraph 1, above'?

"Mr. PATNER. That is correct. That includes the right to confront and cross-examine such witnesses who have made statements adverse as set out in Rule 13.

"The CHAIRMAN. Very well. You acknowledge that your client was subpoenaed to be here and is now under subpoena before this committee?

"Mr. PATNER. I do."

In addition to the aforementioned refusal to answer the above stated question, and the admonition by members of the Subcommittee that he could be held in contempt of the Subcommittee, the witness contumaciously refused to answer any further questions which might be and which were intended by the Subcommittee to be put to him by the Subcommittee, and he departed the hearing without leave of the Subcommittee, all despite further admonition by the Chairman that such conduct would put the witness "in contempt." The following is parts of the colloquy on this subject:

"The CHAIRMAN. I am going to ask your client two or three questions or a few questions. You can order him not to answer if you like but I want to make this record very clear.

"I am not sure about your position. I don't need to advise you, you are a lawyer. If you advise him to place himself in contempt of the committee, that is a matter that addresses itself to you. You know what you are doing.

"I will not attempt to advise you on that. I do want to make a record so that there will be no question on review of this matter as to what effort was made here to try to get the witness to testify.

"Mr. PATNER. Mr. Chairman, it may be understood that he will not answer any questions unless the request of number two be answered.

"It may be so clearly understood in the record, if I may.

"The CHAIRMAN. That is your statement. I am going to ask the questions and we will see whether he follows your advice.

"State your place of residence, Mr. Fort.

"Mr. PATNER. Mr. Chairman, I am sorry, we cannot participate.

"The CHAIRMAN. I don't need you to tell me at this time. I am going to ask the question.

"Mr. PATNER. Can I answer the question? We cannot participate any further.

"The CHAIRMAN. You are walking off refusing to let him testify?

"Mr. PATNER. On the conditions that I previously stated, Mr. Chairman.

"The CHAIRMAN. Will you not permit this committee to make a record by asking questions and letting him determine whether he will answer them or not?

"Mr. PATNER. The record is clear that he cannot testify on my advice.

"The CHAIRMAN. Then I may say to you under these circumstances, as far as I know both of you are in contempt.

"(The witness and his counsel withdrew from the hearing room at 11:27 a.m.)"

After the aforementioned departure from the hearing room, Senator Curtis addressed the Chairman with the following colloquy:

"Senator CURTIS. Mr. Chairman, I would like to point out I was particularly anxious to make inquiry of Mr. Jeff Fort concerning the operation of this particular OEO project because he was so highly recommended to this committee by Reverend Fry of the First Presbyterian Church in Chicago.

"I refer to the record of these hearings on June 25, 1968, page 4077.

"Senator MUNDT. Go back to page 4076 when the chairman asked him whether he recommended the project and who he would like to have in charge of it.

"Senator CURTIS. I am going to read portions of it first.

"On page 4077, the chairman addressed Reverend Fry as follows: 'I didn't ask you if you were on the advisory board. I am asking you, you are recommending the project. You know these people. You have been their legal adviser. Would you recommend that a single one of them be retained and used in this program? If so, name them.

" 'Reverend FRY. I would name two immediately and thereafter claim not sufficient competence.

" 'The CHAIRMAN. What two would you name?

" 'Reverend FRY. Eugene Hairston and Jeff Fort.

" 'The CHAIRMAN. Let us take Jeff Fort. You would name him?

" 'Reverend FRY. Yes, sir.

" 'The CHAIRMAN. What specific qualifications do you think he has?

" 'Reverend FRY. He has the love and the respect and the friendship of the people who would be in the program.'

"Mr. Chairman, it is apparent there was close acquaintanceship, if not close association, between Jeff Fort and Reverend Fry.

"Serious implications have been made concerning the number of individuals. I think that our investigation will be incomplete unless we can ask Mr. Jeff Fort if he frequented the First Presbyterian Church of Chicago, whether or not he ever observed any unlawful acts there such as gambling, use or distribution of narcotics of any kind, sexual misbehavior, and whether or not he ever observed any guns and under what conditions.

"That is all, Mr. Chairman.

"The chair would like to also make the record clear that in addition to the statements that have been made here as to the questions that would have been asked the witness, he would have been asked a number of other questions pertaining to the subject matters under inquiry, questions about eliciting information that the committee believes was within his knowledge which would be essential for this committee to have in conducting a thorough investigation of the issues involved.

"The chair would also like to observe upon his failure to answer these questions that have been stated here by the chair and by other members of the committee, that he refused to answer these questions.

"He would have been ordered to answer and he would have been directed to answer unless he took the Fifth Amendment and made the statement that he believed that a truthful answer to the question might tend to incriminate him.

"Unless he exercised the Fifth Amendment privilege he would have been ordered and directed by the committee to answer the questions that have been related here and others that are pertinent to this inquiry.

"Senator MUNDT. Let the record clearly show that both he and his counsel were clearly and adequately warned in advance that he had a right to take the Fifth Amendment but he did not have the right to defy the committee, the Senate and the Government of the United States by refusing either to answer or to take the Fifth Amendment."

The refusal of Jeff Fort to answer a pertinent question and his blanket refusal to answer any and all further questions, and his departing the hearing without leave prevented the Subcommittee from receiving testimony concerning the matter under inquiry by said Subcommittee.

The Senate Permanent Subcommittee on Investigations of the Senate Government Operations Committee met on July 10, 1968 (Exhibit 4); and the Senate Committee on Government Operations met on July 17, 1968 (Exhibit 5), and after reviewing the facts in this matter, they resolved to present to the United States Senate for its immediate action, a report and a resolution requiring the United States Attorney for the District of Columbia, to proceed against the said Jeff Fort in the manner and in the form prescribed by law.

EXHIBIT 1

RULES OF PROCEDURE

The Rules of Procedure, including Senate Resolution 216, 90th Congress, second session, for the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations:

Senate Permanent Subcommittee on Investigations of the Committee on Government Operations, United States Senate, March 15, 1968.

Senate Committee on Government Operations

John L. McClellan, Arkansas, Chairman.

Henry M. Jackson, Wash.; Sam J. Ervin, Jr., N.C.; Ernest Gruening, Alaska; Edmund S. Muskie, Maine; Abraham Ribicoff, Conn.; Fred R. Harris, Okla.; Robert F. Kennedy, N.Y.; Lee Metcalf, Mont.; Joseph M. Montoya, N. Mex.; Karl E. Mundt, S. Dak.; Carl T. Curtis, Nebr.; Jacob K. Javits, N.Y.; Clifford P. Hansen, Wyo.; Howard H. Baker, Jr., Tenn.

James R. Calloway, Chief and Staff Director.

Senate Permanent Subcommittee on Investigations of the Committee on Government Operations

John L. McClellan, Arkansas, Chairman.

Henry M. Jackson, Wash.; Sam J. Ervin, Jr., N.C.; Edmund S. Muskie, Maine; Abraham Ribicoff, Conn.; Fred R. Harris, Okla.; Karl E. Mundt, S. Dak.; Carl T. Curtis, Nebr.; Jacob K. Javits, N.Y.

Jerome S. Adlerman, General Counsel; Donald F. O'Donnell, Chief Counsel; Philip W. Morgan, Chief Counsel to the Minority; Ruth Young Watt, Chief Clerk.

[Senate Resolution 216, 90th Congress, 2d Session]

IN THE SENATE OF THE UNITED STATES, JANUARY 22, 1968

Mr. MCCLELLAN, from the Committee on Government Operations, reported the following resolution; which was referred to the Committee on Rules and Administration February 8, 1968.

Reported by Mr. JORDAN of North Carolina, with an amendment, March 15, 1968; considered, amended, and agreed to.

RESOLUTION

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by section 134 of the Legislative Reorganization Act of 1946 and in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations or any subcommittee thereof is authorized from February 1, 1968, through January 31, 1969, to make investigations into the efficiency and economy of operations of all branches of the Government, including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corrupt or unethical practices, waste, extravagance, conflicts of interests, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public: *Provided,* That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of the particular branch of the Government under inquiry, and may extend to the records and activities of persons, corporations, or other entities dealing with or affecting that particular branch of the Government.

SEC. 2. The Committee on Government Operations or any duly authorized subcommittee thereof is further authorized from February 1, 1968, to January 31, 1969, inclusive, to conduct an investigation and study to the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities. Nothing contained in this resolution shall affect or impair the exercise by the Committee on Labor and Public Welfare of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

SEC. 3. The Committee on Government Operations or any duly authorized subcommittee thereof is further authorized and directed from February 1, 1968, to January 31, 1969, inclusive, to make a full and complete study and investigation of syndicated or organized crime which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions which are in violation of the law of the United States or of the State in which the transactions occur, and, if so, the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, what facilities, devices, methods, techniques, and technicalities are being used or employed, and whether or not organized crime utilizes such interstate facilities or otherwise operates in interstate commerce for the development of corrupting influences in violation of the law of the United States or the laws of any State and, further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activities have infiltrated into lawful business enterprise; and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against the occurrences of such practices or activities. Nothing contained in this resolution shall affect or impair the exercise by the Committee on the Judiciary or by the Committee on Commerce of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

SEC. 4. The Committee on Government Operations or any duly authorized subcommittee thereof is authorized and directed until January 31, 1969, to make a full and complete study and investigation of all other aspects of crime and lawlessness within the

United States which have an impact upon or affect the national health, welfare, and safety.

SEC. 5. The Committee on Government Operations or any duly authorized subcommittee thereof is authorized and directed until January 31, 1969, to make a full and complete study and investigation of riots, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, the commission of crimes in connection therewith, the immediate and longstanding causes, the extent and effects of such occurrences and crimes, and measures necessary for their immediate and long-range prevention and for the preservation of law and order and to insure domestic tranquility within the United States.

SEC. 6. The Committee on Government Operations or any of its duly authorized subcommittees shall report to the Senate by January 31, 1969, and shall, if deemed appropriate, include, in its report specific legislative recommendations.

SEC. 7. (a) For the purposes of this resolution, the Committee on Government Operations or any of its duly authorized subcommittees, from February 1, 1968, to January 31, 1969, inclusive, is authorized as it deems necessary and appropriate, to (1) make such expenditures from the contingent fund of the Senate; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) administer such oaths; (5) take such testimony, either orally or by sworn statement; (6) employ on a temporary basis such technical, clerical, and other assistants and consultants; and (7) with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, employ on a reimbursable basis such executive branch personnel as it deems advisable; and further, with the consent of other committees or subcommittees to work in conjunction with and utilize their staffs, as it shall be deemed necessary and appropriate in the judgment of the chairman of the committee or subcommittee; *Provided further,* That the minority is authorized to select one person for appointment and the person selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,300 than the highest gross rate paid to any other employee.

(b) For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from February 1, 1968, to January 31, 1969, inclusive, is authorized, in its or his or their discretion, as may be deemed advisable, to require by subpena or otherwise the attendance of such witnesses and production of such correspondence, books, papers, and documents.

SEC. 8. Expenses of the committee under this resolution, which shall not exceed $750,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

[Senate Resolution 150, 90th Congress, 1st Session]

IN THE SENATE OF THE UNITED STATES, JULY 31, 1967

Mr. MCCLELLAN, from the Committee on Government Operations, reported the following resolution; which was referred to the Committee on Rules and Administration; August 1, 1967.

Reported, under authority of the order of the Senate of July 31, 1967 by Mr. JORDAN of North Carolina, with amendments, August 11, 1967; Considered, amended, and agreed to.

RESOLUTION

Resolved, That (a) Senate Resolution 53, Ninetieth Congress, first session, agreed to February 17, 1967, is amended by inserting therein, immediately after section 3 thereof, the following new sections:

"SEC. 4. The Committee on Government Operations or any duly authorized subcommittee thereof is authorized and directed until January 31, 1968, to make a full and complete study and investigation of all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety.

"SEC. 5. The Committee on Government Operations or any duly authorized subcommittee thereof is authorized and directed until January 31, 1968, to make a full and complete study and investigation of riots, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, the commission of crimes in connection therewith, the immediate and longstanding causes, the extent and effects of such occurrences and crimes, and measures necessary for their immediate and long-range prevention and for the preservation of law and order and to insure domestic tranquility within the United States.

"SEC. 6. The Committee on Government Operations or any of its duly authorized subcommittees shall make an interim report to the Senate on the investigations authorized and directed by sections 4 and 5 hereof no later than October 2, 1967.

"SEC. 7. Sections 4, 5, and 6 of Senate Resolution 53, Ninetieth Congress, first session, agreed to February 17, 1967, are hereby redesignated as sections 8, 9, and 10 respectively."

(b) Section 6 of such resolution relating to the expenditures of the committee thereunder (redesignated as section 10 by this resolution) is amended by striking out "$435,000", and inserting in lieu thereof "$585,000".

[Senate Resolution 53, 90th Congress, 1st Session]

IN THE SENATE OF THE UNITED STATES, JANUARY 24, 1967

Mr. MCCLELLAN, from the Committee on Government Operations reported the following resolution; which was referred to the Committee on Rules and Administration, February 2, 1967.

Reported by Mr. JORDAN of North Carolina, with an amendment, February 17, 1967; Considered, amended, and agreed to.

RESOLUTION

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by section 134 of the Legislative Reorganization Act of 1946 and in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations or any subcommittee thereof is authorized from February 1, 1967, through January 31, 1968, to make investigations into the efficiency and economy of operations of all branches of the Government, including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corrupt or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public: *Provided,* That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of the particular branch of the Government under inquiry, and may extend to the records and activities of persons, corporations, or other entities dealing with or affecting that particular branch of the Government.

SEC. 2. The Committee on Government Operations or any duly authorized subcommittee thereof is further authorized from February 1, 1967, to January 31, 1968, inclusive, to conduct an investigation and study to the extent to which criminal or other improper practices activities are, or have been engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities. Nothing contained in this resolution shall affect or impair the exercise by the Committee on Labor and Public Welfare of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

SEC. 3. The Committee on Government Operations or any duly authorized subcommittee thereof is further authorized and directed from February 1, 1967, to January 31, 1968, inclusive, to make a full and complete study and investigation of syndicated or organized crime which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions which are in violation of the law of the United States or of the State in which the transactions occur, and, if so, the manner and extent to which, and the identity of the person, firms, or corporations, or other entities by whom such utilization is being made, what facilities, devices, methods, techniques, and technicalities are being used or employed, and whether or not organized crime utilizes such interstate facilities or otherwise operates in interstate commerce for the development of corrupting influences in violation of the law of the United States or the laws of any State and, further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activities have infiltrated into lawful business enterprise; and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against the occurrences of such practices or activities. Nothing contained in this resolution shall affect or impair the exercise by the Committee on the Judiciary or by the Committee on Commerce of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

SEC. 4. The Committee on Government Operations or any of its duly authorized subcommittees shall report to the Senate by January 31, 1968, and shall, if deemed appropriate, include in its report specific legislative recommendations.

SEC. 5. (a) For the purposes of this resolution, the Committee on Government Operations or any of its duly authorized subcommittees, from February 1, 1967, to January 31, 1968, inclusive, is authorized, as it deems necessary and appropriate, to (1) make such expenditures from the contingent fund of the Senate; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) administer such oaths; (5) take such testimony, either orally or by sworn statement; (6) employ on a temporary basis such technical, clerical, and other assistants and consultants; and (7) with the prior consent of the executive de-

partment or agency concerned and the Committee on Rules and Administration, employ on a reimbursable basis such executive branch personnel as it deems advisable; and, further, with the consent of other committees or subcommittees to work in conjunction with and utilize their staffs, as it shall be deemed necessary and appropriate in the judgment of the chairman of the committee or subcommittee: *Provided further,* That the minority is authorized to select one person for appointment and the person selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,300 than the highest gross rate paid to any other employee.

(b) For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from February 1, 1967, to January 31, 1968, inclusive is authorized, in its or his or their discretion, as may be deemed advisable, to require by subpena or otherwise the attendance of such witnesses and production of such correspondence, books, papers, and documents.

SEC. 6. Expenses of the committee under this resolution, which shall not exceed $435,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

RULES OF PROCEDURE FOR THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS, READOPTED BY THE FULL COMMITTEE ON GOVERNMENT OPERATIONS, JANUARY 22, 1968

1. No major investigation shall be initiated without approval of either a majority of the Subcommittee or a majority of the full Committee on Government Operations. However, preliminary inquiries may be initiated by the Subcommittee staff with the approval of the Chairman of the Subcommittee.

2. Subpenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the Subcommittee Chairman or by any other Member of the Subcommittee designated by him.

3. The Chairman shall have the authority to call meetings of the Subcommittee. This authority may be delegated by the Chairman to any other Member of the Subcommittee when necessary. The Chairman shall not schedule any hearings or series of hearings outside the District of Columbia without giving at least 48 hours' notice thereof to the Members of the Subcommittee.

No public hearing shall be held if the minority Members unanimously object, unless the full Committee on Government Operations by a majority vote approve of such public hearing.

4. Should a majority of the membership of the Subcommittee request the Chairman in writing to call a meeting of the Subcommittee, then in the event the Chairman should fail, neglect, or refuse to call such meeting within 10 days thereafter, such majority of the Subcommittee may call such meeting by filing a written notice thereof with the Clerk of the Subcommittee, who shall promptly notify in writing each Member of the Subcommittee.

5. For public or executive sessions, any two Members of the Subcommittee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter. With the permission of the Chairman and the ranking minority Member, one Member of the Subcommittee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter, in public or executive sessions, effective until January 31, 1969.[1]

[1] Amendment June 3, 1965, extended on January 22, 1968.

6. All witnesses at public or executive hearings who testify to matters of fact shall be sworn.

7. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing, and to advise such witness while he is testifying, of his legal rights. *Provided, however,* That any Government officer or employee being interrogated by the staff or testifying before the Committee and electing to have his personal counsel present shall not be permitted to select such counsel from the employees or officers of any governmental agency. This rule shall not be construed to excuse a witness from testifying in the event his counsel is ejected for contumacy or disorderly conduct; nor shall this rule be construed as authorizing counsel to coach the witness, answer for the witness, or put words in the witness' mouth. The failure of any witness to secure counsel shall not excuse such witness from attendance in response to subpena.

8. Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the counsel or Chairman of the Subcommittee 24 hours in advance of the hearings at which the statement is to be presented. The Subcommittee shall determine whether such statement may be read or placed in the record of the hearing.

9. A witness may request, on grounds of distraction, harassment, or physical discomfort, that during his testimony, television, motion picture, and other cameras and lights shall not be directed at him, such request to be ruled on by the Subcommittee Members present at the hearing.

10. An accurate stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his own testimony whether in public or executive session shall be made available for inspection by witness or his counsel under Committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at his expense if he so requests.

11. Interrogation of witnesses at Subcommittee hearings shall be conducted on behalf of the Subcommittee by Members and authorized Subcommittee staff personnel only.

12. Any person who is the subject of an investigation in public hearings may submit to the Chairman of the Subcommittee questions in writing for the cross-examination of other witnesses called by the Subcommittee. With the consent of a majority of the Members of the Subcommittee present and voting, these questions shall be put to the witness by the Chairman, by a Member of the Subcommittee, or by Counsel of the Subcommittee.

13. Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by a Subcommittee Member or counsel, tends to defame him or otherwise adversely affect his reputation, may (*a*) request to appear personally before the Subcommittee to testify in his own behalf, or, in the alternative, (*b*) file a sworn statement of facts relevant to the testimony or other evidence or comment complained of. Such request and such statement shall be submitted to the Subcommittee for its consideration and action.

14. All testimony taken in executive session shall be kept secret and will not be released for public information without the approval of a majority of the Subcommittee.

15. No Subcommittee report shall be released to the public without the approval of a majority of the Subcommittee.

16. All staff members shall be confirmed by a majority of the Subcommittee. After confirmation, the Chairman shall certify staff appointments to the Financial Clerk of the Senate, in writing.

17. The minority shall select for appointment to the Subcommittee staff a Chief Counsel for the minority who shall, upon being confirmed, work under their supervision and direction; who shall be kept fully informed as to investigations and hearings, have access to all material in the files of the Subcommittee, and, when not otherwise engaged, shall do other Subcommittee work.

One clerk on the Subcommittee staff, acceptable to it, shall be assigned to the minority. When not otherwise engaged such Clerk shall be assigned other duties for the Subcommittee.

EXHIBIT 2

EXTRACT OF PAGE 20256, CONGRESSIONAL RECORD, FOR TUESDAY, JULY 9, 1968—SENATE

* * * * *

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 and the Subcommittee on Executive Reorganization of the Committee on Government Operations be authorized to meet during the session of the Senate today.

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

EXHIBIT 3

TRANSCRIPT OF THE JEFF FORT TESTIMONY ON JULY 9, 1968

* * * * *

Mr. ADLERMAN. Jeff Fort.

The CHAIRMAN. Be sworn. Hold up your hand, please. What is that fist?

You do solemnly swear the evidence you shall give before this Senate Subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FORT. I do.

The CHAIRMAN. Be seated.

Mr. Counsel, I will permit you to identify yourself.

Mr. PATNER. My name is Marshall Patner, P-a-t-n-e-r. Mr. Chairman—

The CHAIRMAN. Just a moment.

You are a member of what Bar?

Mr. PATNER. The Bar of the State of Illinois.

The CHAIRMAN. Very well.

Mr. PATNER. Mr. Chairman, on July 1, 1968, I presented a request to you. I would like at this time to have that request made part of the record.

The CHAIRMAN. Let me see the request.

Mr. PATNER. I have supplied copies to you and to each of the members of the subcommittee, if you would like some further copies I have them.

The CHAIRMAN. With respect to your request to which you have referred, for the record, this request which is brief and concise may be printed in the record at this point.

(The request is as follows:)

"JULY 1, 1968.

"Honorable Chairman and Members of the Subcommittee on Investigations of the Committee on Government Operations of the United States Senate:

"Mr. Client, Mr. Jeff Fort, has been subpoenaed to appear before this committee concerning an investigation of the Woodlawn area Job Training Project, Chicago, Illinois, funded by the Office of Economic Opportunity. On behalf of Mr. Fort, I hereby request and demand:

"1. That each person who has made statements or presented evidence before this Subcommittee, either orally or in any written form, including by affidavit, which tends to defame Mr. Fort or otherwise adversely effect his reputation, and any persons who

shall hereafter do so, be called to appear personally before this Subcommittee and at such time to be confronted personally by Mr. Fort and his undersigned counsel, after reasonable notice to Mr. Fort and said Counsel of the time and place of such personal appearance by each such person.

"2. That the undersigned Council for Mr. Fort be permitted to personally orally cross-examine, in a reasonable manner, said persons described in paragraph 1, above.

"3. Mr. Fort also requests and demands the right to present additional evidence as to the issues described in paragraph 1, above.

"Respectfully submitting,

"Marshall Patner
5540 So. Kenwood Avenue
Chicago, Illinois 60637
(Attorney for Mr. Jeff Fort)."

"AFFIDAVIT

"I hereby affirm that I personally delivered a copy of the attached letter of request and demand, dated July 1, 1968, to the Honorable Senator John McClellan on July ____, 1968, at _____m.

"MARSHALL PATNER.

"The foregoing was signed before me on July ____, 1968.

_____
"Witness or Notary Public"

The CHAIRMAN. Request number one is a matter that addresses itself to the discretion of the committee, the number of the witnesses to which you referred whose testimony may have reflected upon your client, Mr. Fort, a number of those witnesses have appeared in person, are here, some of them today in person, and as to whether the committee will call any other witnesses, witnesses that you may request, is a matter that addresses itself to the committee at the time you submit their names and make a special request for a given witness.

Your request number two, that the undersigned counsel for Mr. Fort be permitted to personally orally cross-examine in a reasonable manner said persons described in paragraph one above cannot be granted under the Rules of the Committee.

You may submit questions for the committee to present, to ask witnesses that may have appeared or may appear to testify with respect to your client.

The committee will weigh those questions and if proper will ask the questions.

Number three, "Mr. Fort also requests and demands the right to present additional evidence as to the issues described in paragraph 1, above," those matters will be resolved as we proceed after he has testified.

If you have witnesses you wish to produce for him the committee will consider them. I cannot rule upon number one and number three at this time. Number two, the committee will be governed by the Rules of the Committee.

Mr. PATNER. Mr. Chairman, may I respond very briefly?

The CHAIRMAN. Yes.

Mr. PATNER. I then request that the chair strike from the record any testimony under Rule 13 which is testimony or other evidence that tends to defame or otherwise adversely affect the reputation of my client.

It is our position, Mr. Chairman, that if the testimony is so adverse under the standards set up under Rule 13 we must have the right to either to confront or cross-examine the witnesses who did not appear to file affidavits.

The CHAIRMAN. Rule 13 reads—were you through?

Mr. PATNER. I was going to say we would otherwise be denied a fair hearing.

The CHAIRMAN. "Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by a Subcommittee Member or counsel, tends to defame him or otherwise adversely affect his reputation, may (a) request to appear personally before the Subcommittee to testify in his own behalf, or, in the alternative, (b) file a sworn statement of facts relevant to the testimony or other evidence or comment complained of. Such request and such statement shall be submitted to the Subcommittee for its consideration and action."

Under that rule there is no authority and no reason for the committee to strike from the record anything that may have been sworn to here under oath in which your client's name was mentioned either favorably or adversely.

So, we will not strike, the ruling of the chair will be if I am sustained that nothing we have received in the record thus far will be stricken from the record.

Senator MUNDT. We are limited by rules. We have called Mr. Fort, he is here. He will have ample opportunity to testify in his own defense.

Mr. PATNER. I understand that. It was my position and it is our position on behalf of my client unless we can confront and cross-examine—

The CHAIRMAN. A little louder.

Mr. PATNER. I am sorry, sir.

It is our position that unless we are able to confront and cross-examine the witnesses that we are denied any remedy to respond to the harm that Rule 13 of this committee recognizes if Rule 13 is not adequate to afford us a fair hearing that rule should be amended, sir.

The CHAIRMAN. Well, that is your suggestion. You understand we have preferred no charges against your client. This is not a court. He is not on trial. This committee cannot deprive him of liberty or impose any penalty for anything he may have done.

All this committee can do is to investigate matters that come within his jurisdiction which the Congress by appropriate resolution and by the rules of the Senate have instructed and given this committee a mandate to investigate and that is what we are doing.

Now, Mr. Fort's name has been mentioned quite frequently in connection with Government money that has been expended on a project with which he is identified in the high capacity of center chief of this project.

Senator MUNDT. At what salary?

Mr. DUFFY. $6,000 a year.

The CHAIRMAN. In this aspect of this hearing we are investigating the expenditure of that money, what it was spent for. It was allegedly spent for school. He was instructor or center chief of one of these units, Center No. 1.

The Congress is interested and the Senate is interested in ascertaining how this money was spent, what the taxpayers got for it and whether it was a legitimate expenditure or if it was a wasteful expenditure or if it was expended under circumstances where it was not even calculated to produce any benefits.

All of those matters address themselves to the committee and are subjects that are involved in this inquiry.

He is a proper witness before the committee because he is the recipient of Government funds. He will be interrogated accordingly.

Senator MUNDT. To make it short, Mr. Counsel, he appears here as a Federal employee getting over $500 a month from the Federal Government.

He appears here in complete compliance with Rule 13 to defend himself against any charges which have been made.

The other rules you allude to, you will be given the same courtesy we afford other witnesses and other counsel, to submit to us questions which are relevant, pertinent, respectable, in which case the committee has the habit of asking those questions of the people you have been talking about.

But we have to do that after we have heard your client. Let him first of all purge the record as far as he is able of any charges which he has read about or heard about, or which have been made.

Mr. PATNER. Senator Mundt and Mr. Chairman, as a great deal of the testimony, evidence, documents that have come in are based on hearsay, double or triple hearsay, it is our position that it is inadequate that Mr. Fort could defend himself from the charges that have been made unless he can confront and cross-examine those witnesses.

Reserving all other questions that can be raised here ranging from the propriety of the subpoenaing and scope of the examination, we cannot proceed unless we can have the right to confront and cross-examine the witnesses.

TESTIMONY OF JEFF FORT, VICE PRESIDENT OF THE BLACKSTONE RANGERS (ACCOMPANIED BY COUNSEL: MARSHALL PATNER)

The CHAIRMAN. Will you state your name—I have heard your statement—will you state your name, please?

Mr. FORT. Jeff Fort.

The CHAIRMAN. Where do you live, Jeff?

Mr. PATNER. I am sorry, Mr. Chairman, I must instruct my client we cannot participate without the right to cross-examine?

The CHAIRMAN. Just a moment, counsel. We have extended you the courtesy of permitting you to appear. You listen to the committee for just a moment.

We seek information from your client regarding a Federal project where he was employed and where he received money.

The committee desires to pursue its duty under the Rules of the Senate and under the special resolution adopted that directs this committee to inquire into or study the cost of Government at all levels with a view to determining its economy and its efficiency and with a view of investigating organized crime and also the investigation of riots and causes of riots, how they might be prevented.

That is a subject matter of this inquiry. Your client has information that is pertinent to this inquiry. He has been sworn.

I am going to insist with the approval of the committee, the members present, two of which constitutes a quorum, that he answer the questions, and I will ask you to take your seat and have your client take his seat and let the questions be asked.

Mr. PATNER. I appreciate the courtesy, Mr. Chairman.

Senator MUNDT. Mr. Chairman, before counsel speaks any further, I think he should be alerted to something he may not know.

As far as I know, this may be your first appearance before the committee.

Mr. PATNER. Yes, sir.

Senator MUNDT. There is only one manner in which your client can avoid testifying before this committee. He has the same right as any other citizen has: To take the Fifth Amendment on those questions which he thinks an honest answer might tend to incriminate him.

If he simply refuses to answer the questions that you now suggest he will be subject to a vote of contempt of Congress which provides a jail sentence of its own.

I think you should know that. A lot of witnesses have walked out of this committee and other investigating committees and have wound up in the Federal jail because of contempt of Congress.

This is an official proceeding. You have the right of the Fifth Amendment, of course, if the answers incriminate. You should know in advance if you walk out you have subjected yourself to contempt of Congress.

Mr. PATNER. I appreciate Senator Mundt's admonition. It is our position that the hearing cannot be a fair one without the remedies and rights afforded that we have requested and reserving all other rights. I must advise my client that we cannot participate.

Thank you, sir.

The CHAIRMAN. Just a moment. I don't think you want to show us a discourtesy.

Mr. PATNER. No, sir; I do not.

The CHAIRMAN. All right, be seated.

Your client may be seated, also.

Do I understand that you are advising your client, telling the committee and advising the client not to answer any questions that may be asked of him?

Mr. PATNER. I am standing and advising my client to stand, Mr. Chairman, on the requests that we have made. Unless those are granted so that we can have a fair hearing, we cannot participate.

The CHAIRMAN. I am asking you the question if you will permit your client to answer questions?

Mr. PATNER. If those requests were granted he would answer all questions.

The CHAIRMAN. I have told you certain parts of your request will be considered in due course when the occasion arises for them.

One of them will have to be denied under the Rules of the Committee.

Mr. PATNER. Yes, sir. It is upon the denial of that request that we cannot participate.

The CHAIRMAN. Your contention is because of denial of item number two you cannot proceed?

Mr. PATNER. That is correct.

The CHAIRMAN. Item number two which I read to you from your request which is: "That the undersigned counsel for Mr. Fort be permitted to personally orally cross-examine in a reasonable manner said persons described in paragraph 3, above."?

Mr. PATNER. That is correct. That includes the right to confront and cross-examine such witnesses who have made statements adverse as set out in Rule 13.

The CHAIRMAN. Very well. You acknowledge that your client was subpoenaed to be here and is now under subpoena before this committee?

Mr. PATNER. I do.

The CHAIRMAN. And that subpoena was duly served on him and he is here now in response to that subpoena?

Mr. PATNER. Yes. But I reserve questions about the sufficiency of the subpoena, itself.

The CHAIRMAN. I am going to ask your client two or three questions or a few questions. You can order him not to answer if you like but I want to make this record very clear.

I am not sure about your position. I don't need to advise you, you are a lawyer. If you advise him to place himself in contempt of the committee, that is a matter that addresses itself to you. You know what you are doing.

I will not attempt to advise you on that. I do want to make a record so that there will be no question on review of this matter as to what effort was made here to try to get the wintess to testify.

Mr. PATNER. Mr. Chairman, it may be understood that he will not answer any questions unless the request of number two be answered.

It may be so clearly understood in the record, if I may.

The CHAIRMAN. That is your statement. I am going to ask the questions and we will see whether he follows your advice.

State your place of residence, Mr. Fort.

Mr. PATNER. Mr. Chairman, I am sorry, we cannot participate.

The CHAIRMAN. I don't need you to tell me at this time. I am going to ask the question.

Mr. PATNER. Can I answer the question? We cannot participate any further.

The CHAIRMAN. You are walking off refusing to let him testify?

Mr. PATNER. On the conditions that I previously stated, Mr. Chairman.

The CHAIRMAN. Will you not permit this committee to make a record by asking questions and letting him determine whether he will answer them or not?

Mr. PATNER. The record is clear that he cannot testify on my advice.

The CHAIRMAN. Then I may say to you under these circumstances, as far as I know both of you are in contempt.

(The witness and his counsel withdrew from the hearing room at 11:27 a.m.)

Senator MUNDT. It is a clear case of contempt, Mr. Chairman.

The CHAIRMAN. Both the attorney and the witness.

Senator CURTIS. Mr. Chairman, I would like to have the record show that I was prepared to ask Mr. Fort several questions.

I wanted to ask him whether or not he was a paid employee of the OEO project, by whom he was employed, when; if he was appointed when his service was terminated.

If he is still on the payroll, what his duties were, and what was his salary.

He perhaps would have the right to claim the Fifth Amendment against answering but he has no right to walk out of the committee room and neither answer nor raise his objection.

I think that he needs a new lawyer.

The CHAIRMAN. Let the record show that the witnesses would have been asked by the chair, if he is the same Jeff Fort who was center chief of Center No. 1 of the Woodlawn project from July 1, 1967, to 10-25-67.

He held this position as center chief, Center No. 1, at $6,000 a year.

Mr. DUFFY. This is the OEO-funded project from OEO.

The CHAIRMAN. Woodlawn Project. He would have been asked that.

Let the record show he would have been asked about the salary he received from the Federal Government.

Let the record show that he would have been asked the question of whether he performed any services for that salary.

Let the record show that he will be asked whether he actually gave any supervision over the project in that center or if he gave any instruction to any of the proposed students who attended, trainees who attended the training program.

Also he would be asked whether he was a member of the Blackstone Rangers and whether in that capacity he had a duty to make reports as a member of the Rangers and also primarily as a member, as a Federal Government employee acting in the capacity of supervisor, director or instructor of one of these centers.

He would have been asked whether as a center chief or in his official capacity in connection with this project if he submitted pertinent reports to the project director.

He would have been asked whether he offered direction or gave direction to instructors when he felt it was appropriate, instructions in the project.

He would have been asked about the record-keeping system of the project which was under his jurisdiction and a part of his duties.

He would have been asked about staff reports, whether he made any staff reports on the project as required as part of his duties.

He would have been asked about making evaluations of the staff, whether he did that in performance of his duties.

He would have also been asked regarding conduct that was carried on in the center.

He would have been asked regarding the activities of the gangsters—of the Blackstone Rangers with respect to compelling trainees to give a kickback to the Blackstone Ranger organization out of their salaries.

He would have been asked whether he attended the meetings, attended the school and actually performed his duties or whether, as some testimony indicates, he spent much of his time away from the school without giving it any attention or supervision.

He would also have been asked about the Ranger organization, whether any of these Federal funds that were paid to him as salaries, he and other members of the Ranger organization who were on the Federal payroll in connection with this project, whether they used that money and money that they received from kickbacks from trainees, whether they used that money to purchase marijuana, whether they used that money to purchase guns and ammunition or other explosives, and whether they engaged, the Rangers, to his knowledge, any members of it, any of those identified with this Federal project within his knowledge, while working for this project, engaged in blackmailing merchants, extorting money from merchants, and whether the Rangers during the course of this project and whether he participated in such practices, required school children going to public school in the Woodlawn area, to pay a stipend each week so that they could cross what is alleged to be so-called Ranger territory to get to public schools.

He would be asked whether money in the nature or guise of dues to the organization was extorted from members by threats, intimidation and by violence or wheher members of the public school were compelled to drop out of public school, cease attending the public school and attend this so-called Federal project training course.

And if they refused, whether they were threatened with violence, whether violence was actually inflicted upon them, and if by those tactics they did succeed in having a number of students drop out of the public school and attend this so-called training program and then require them while attending the program to give a kickback out of their salary, money they were paid for attending the school, back to the Rangers for its fund and for personal and private use.

He would also be asked about the story of guns in the center, particularly in the First Presbyterian Church, in the loft of it, and in the tunnel of it.

He would also be asked about the purchase of guns in Circle Pine, Mich., which guns reportedly were returned to and placed in the First Presbyterian Church, one of the centers of this organization.

Senator MUNDT. On the trip he is alleged to have made he was an employee at the time, he was being paid a salary by the Federal Government.

The CHAIRMAN. Yes.

Senator MUNDT. I would like to add, Mr. Chairman, one other question I expected to ask.

In view of the fact that one of the functions of these hearings is to determine whether or no this particular OEO project should be refunded—counsel tells me the trip made to Circle Pine was before he was on the OEO payroll—I want to ask you whether or not in view of the fact that Reverend Fry was asked the question if there were any of the Blackstone Rangers in the Main 21 in whom he had sufficient confidence so that if the project were re-funded he felt that they were the kind of young men who should head it, he singled out Engene Hairston and Jeff Fort as the two in whom he had the most confidence.

He was again going to have leadership role in the OEO program if in fact it was going to be funded.

This is a valid point in determining whether or not this is a wise and judicious expenditure of taxpayers' money.

How in the world we can discover whether or not a program should be re-funded when the people at the head of it refuse to go ahead and testify will be out of my power to comprehend because he has been singled out by Reverend Fry, a gentleman whose judgment we would have to respect in a matter of this kind, as the type of young man in Main 21 in whom he has the maximum confidence.

Senator CURTIS. Mr. Chairman, I would like to inquire of the chairman and the staff whether or not Mr. Jeff Fort or his counsel have submitted any questions to the com-

mittee pursuant to Rule 13 for the consideration of the committee?

Mr. ADLERMAN. They have not submitted any questions whatsoever. I might point out also that Mr. Patner, the counsel to Mr. Fort, is the same gentleman that Reverend Fry stated he contacted when he wanted an attorney for Mr. Martin.

I would also like to point out that in my arrangements for him to appear, whether or not he would be called on a certain date, I would tell the counsel for Mr. Fry or one of the gentlemen who was in the room who was going to be Washington counsel for Mr. Fry, and he would tell me, "I will see to it that Fort will be notified that he has to testify on this particular date."

So there seems to be a close connection between Mr. Fry's counsel and Mr. Fort's counsel.

Senator CURTIS. Mr. Chairman, has Rule 13 been printed in today's hearings in its entirety?

I know it has been referred to and read.

Mr. Chairman, in order to make this record of today abundantly clear for the consideration of the Senate should they decide to consider it, I ask that Rule 13 in its entirety be printed at this point in the record.

The CHAIRMAN. I think I read it all in.

Senator CURTIS. That was my question.

The CHAIRMAN. I read it into the record but it may be printed in the record.

Senator CURTIS. Mr. Chairman, I would like to point out I was particularly anxious to make inquiry of Mr. Jeff Fort concerning the operation of this particular OEO project because he was so highly recommended to this committee by Reverend Fry of the First Presbyterian Church in Chicago.

I refer to the record of these hearings on June 25, 1968, page 4077.

Senator MUNDT. Go back to page 4076 when the chairman asked him whether he recommended the project and who he would like to have in charge of it.

* * * * *

Senator CURTIS. I am going to read portions of it first.

On page 4077, the chairman addressed Reverend Fry as follows: "I didn't ask you if you were on the advisory board. I am asking you, you are recommending the project. You know these people. You have been their legal adviser. Would you recommend that a single one of them be retained and used in this program? If so, name them.

"Reverend FRY. I would name two immediately and thereafter claim not sufficient competence.

"The CHAIRMAN. What two would you name?

"Reverend FRY. Eugene Hairston and Jeff Fort.

"The CHAIRMAN. Let us take Jeff Fort. You would name him."

"Reverend FRY. Yes, sir.

"The CHAIRMAN. What specific qualifications do you think he has?

"Reverend FRY. He has the love and the respect and the friendship of the people who would be in the program."

Mr. Chairman, it is apparent there was close acquaintanceship, if not close association, between Jeff Fort and Reverend Fry.

Serious implications have been made concerning the number of individuals. I think that our investigation will be incomplete unless we can ask Mr. Jeff Fort if he frequented the First Presbyterian Church of Chicago, whether or not he ever observed any unlawful acts there such as gambling, use or distribution of narcotics of any kind, sexual misbehavior, and whether or not he ever observed any guns and under what conditions.

That is all, Mr. Chairman.

The CHAIRMAN. Very well.

The chair would like to also make the record clear that in addition to the statements that have been made here as to the questions that would have been asked the witness, he would have been asked a number of other questions pertaining to the subject matters under inquiry, questions about eliciting information that the committee believes was within his knowledge which would be essental for this committee to have in conducting a thorough investigation of the issue involved.

The chair would also like to observe upon his failure to answer these questions that have been stated here by the chair and by other members of the committee, that he refused to answer these questions.

He would have been ordered to answer and he would have been directed to answer unless he took the Fifth Amendment and made the statement that he believed that a truthful answer to the question might tend to incriminate him.

Unless he exercised the Fifth Amendment privilege he would have been ordered and directed by the committee to answer the questions that have been related here and others that are pertinent to this inqury.

Senator MUNDT. Let the record clearly show that both he and his counsel were clearly and adequately warned in advance that he had a right to take the Fifth Amendment but he did not have the right to defy the committee, the Senate and the Government of the United States by refusing either to answer or to take the Fifth Amendment.

The CHAIRMAN. Very well. Is there anything further on that?

Call your next witness.

Mr. ADLERMAN. I would like to recall Houtsma and Doyle.

The CHAIRMAN. Proceed, Mr. Counsel.

EXHIBIT 4

PERMISSION FOR THE SUBCOMMITTEE TO MEET

[Extract of page 20423, the Congressional Record, July 10, 1968—Senate]

* * * * *

SUBCOMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Executive Reorganization of the Committee on Government Operations and the Permanent Subcommittee on Investigations of the Committee on Government Operations be authorized to meet during the session of the Senate today.

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

EXHIBIT 5

PERMISSION FOR THE COMMITTEE TO MEET

[Extract of page 21751, the Congressional Record, July 17, 1968—Senate]

* * * * *

COMMITTEE MEETING DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Government Operations be authorized to meet during the session of the Senate today.

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

The PRESIDING OFFICER. The Senate is operating under limited time. How much time does the Senator yield?

Mr. MCCELLAN. I yield myself 5 minutes.

Mr. President, as Senators know, and as is known to the public at large, the Senate Committee on Government Operations has a Permanent Subcommittee on Investigations which, under the rules of the Senate and special resolutions enacted each year by the Senate, is empowered and directed to conduct certain investigations. Primarily, one of those responsibilities is to study government at all levels, with a view of determining its efficiency and economy, and to that responsibility has been added the duty to investigate organized crime, and also to investigate rioting, civil disturbances, the causes thereof, and to report the findings to this body. The Permanent Subcommittee on Investigations, as Senators know, has been in existence now for several years—more than a decade—and has conducted many investigations.

Recently, in the course of investigating riots and disorders that have occurred in this country, and in pursuit of its responsibility to investigate organized crime and to study government at all levels, with a view to determining its efficiency and economy, the subcommittee received information that a Government agency, the Office of Economic Opportunity, had made a grant to another organization—not a Federal organization, but a community organization—in the city of Chicago, of almost $1 million for the ostensible purpose of setting up training schools or centers to accommodate, in the vernacular, two Chicago street gangs.

The grant was made. Four centers were established—two primarily to serve the members of one gang, the "Blackstone Rangers," and two to serve another street gang, the "Disciples." The committee has found that one of these gangs, the Blackstone Rangers, has a group known as the "Main 21" which constitutes the governing body of that gang. The gang—it also is called "the Blackstone Ranger Nation"—claims a membership of several thousand, primarily on the South Side of Chicago. I am unable to state exactly the number of persons who belong to the Rangers, but it has quite a large membership.

The Federal money was used to set up four training schools. One of the schools for the Rangers was established in a church and another at a neighboring location. It is very difficult to describe all the activities which took place in these training centers, but I can give this illustration.

Presumably, the schools were established to train youths so that they could get jobs, and there were provisions in the Federal grant to find jobs for them.

The PRESIDING OFFICER (Mr. TYDINGS in the chair). The 5 minutes of the Senator has expired.

Mr. MCCELLAN. I yield myself an additional 5 minutes.

The trainees were to have instructors, and there were supervisors and center chiefs. Nearly every member of the "Main 21" has a long criminal record, and many of them were employed as the teachers and supervisors. Some of them could hardly read or write. None of them was a professional educator. Their only claim to recognition is that they are gang leaders and members—that they are gangsters. They were put in charge of teaching the youths. Some of the youths were compelled to attend the schools by coercion, intimidation, threats, and by use of violence, as the testimony in the subcommittee's hearings shows.

Those who attended were paid $45 a week, plus certain allowances for dependents and for carfare. The Rangers demanded a kickback from the youths,

and that money went into the Rangers' treasury. The amount of the kickback for trainees was $5 a week, I believe, and for the instructors and supervisors the amount was greater. The vice president of the Rangers, Jeff Fort, was a center chief drawing $6,000 a year, or $500 a month. The testimony before the subcommittee is that he was taught to read and write while he was in jail during the past year, after he was given this assignment.

The president of the Rangers, a man named Eugene Hairston, has recently been convicted for the crime of soliciting some youths aged 13, 14, and 15 to take a gun and go to a car and murder the occupants of the car. All of them were not murdered. I believe one person was murdered and the other two, as I recall, escaped with injury.

This president of the Rangers has been convicted and is on bond for that offense which happened during the time these schools were in operation.

The subcommittee called Jeff Fort as a witness. We had subpenaed him and we had him ready to testify. He was administered the oath and then he was asked his name. He gave his name. Then, his lawyer advised him not to testify because the attorney had filed with the subcommittee a request that all witnesses who had testified and who had reflected in any way in their testimony derogatorily toward his client, Jeff Fort, be recalled, and the opportunity given to the attorney to cross-examine them. If this was not done and if the attorney was not given the opportunity to cross-examine any other witnesses, they would not participate in the proceedings.

It was on that basis they refused to participate, and after every proper effort was made by the chairman and other members of the committee to get Fort to testify and answer questions about Government funds that had been paid him, what they were paid for, what services he had rendered, how his school had operated, and to testify among other things, about the storing of weapons, the sale of narcotics, the shakedown of merchants and other persons in the community, and blackmail. He would have been asked whether those things had gone on. He was a proper witness.

We sought to interrogate him. His counsel instructed him not to answer, and without permission of the committee they departed from the hearing chamber.

Those are the facts. There is involved a challenge to the power of the Senate to carry on its functions and adequately to protect the taxpayers of this Nation in the expenditure of the revenues which we exact from them in taxes to support the Government.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

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

Mr. McCLELLAN. Mr. President, in my opinion, this is a case of flagrant contempt of this body. I ask favorable action on the resolution of citation.

Mr. LAUSCHE. Mr. President, will the Senator yield to me for 3 minutes?

Mr. McCLELLAN. Will the Senators on the other side of the aisle yield to the Senator? They have 15 minutes remaining on that side.

Mr. PEARSON. Mr. President, I yield 5 minutes to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I rise to commend the Senator from Arkansas in the very effective and patriotic work he has done in conducting the investigation dealing with the expenditure of $1 million of taxpayer funds under the direction of the Office of Economic Opportunity.

The Senator has just related how this money was spent. The Blackstone Rangers, the Main Committee of 21, made up of young men who belonged to gangs, committed blackmail, murder, sale of drugs, thuggery, and thievery. They were placed on the payroll as the directors of the program. They earned $6,000 and $7,000 a year paid by the taxpayers.

Based upon what I have read in the newspaper, it appears that the quarters in which these operations were carried on were used to cache guns, to sell drugs, and to plan operations that extorted moneys and properties from the businessmen and citizens of the community.

To me the revelations are of double significance because they reveal what happens when Government surrenders to thugs and thieves, drug addicts, rapists, and murderers.

Someone gifted with peculiar knowledge conceived the idea that if they put these criminals in charge of schools to which others who were innocent might come, they would produce a better citizenry. It is just unbelievable that taxpayers' money in the amount of a million dollars was given to an agency, the head of which hired 14- and 15-year-old boys to go out and murder a man.

Is it that man who came before the committee that the committee wishes to interrogate?

Mr. McCLELLAN. The man who was convicted for solicitation of murder was the president. This is the second in command, the vice president.

Mr. LAUSCHE. The second in command, the vice president.

Mr. McCLELLAN. And he was on the payroll at $6,000 a year.

Mr. LAUSCHE. He has been summoned by a committee of the U.S. Senate to testify. He has declined to do so except to give his name and address. Is that correct?

Mr. McCLELLAN. He did not give his address.

Mr. LAUSCHE. I do not think there is any question about what the Senate will do with regard to the resolution of the Senator from Arkansas, but I submit to Senators that we had better understand that when thugs, thieves, murderers, and drug addicts are placed in Government operations to become the teachers of youth, the product will be criminals and not law-abiding citizens.

The time has come when we had better quit surrendering to the criminal and begin exercising the power of Government to put criminals in their places, and that would be the penal institutions, and not placing them in charge of agencies that are supposed to be teachers of morality.

Mr. President, I should like to say a further word about a significant development in the District of Columbia. I think it was about a week or 10 days ago that two policemen were shot. One died, and I do not know what the state of health of the other is, but he was on the verge of death.

An organization in the District of Columbia condemned the policemen and exculpated those who perpetrated the killing.

That same organization is now demanding that the assignment of policemen be taken away from their superiors in the Police Department and placed in the hands of a separate agency.

All that that can be interpreted to mean is that this group wants to obtain domination over what the nations of the world consider to be the Department of the Interior, with the police and enforcement officials in control.

Communist policy has always been to get control of the law-enforcement officials and then they can impose their tyranny, oppression, and brutality in any manner they desire.

If things move in the future as they have moved in the past, I suppose this organization will get the control they are demanding, and we will find that control of the District of Columbia Police Department will not rest with the police authorities but in those who, just as in Chicago, became teachers in what are supposed to be Government schools, instead of being sent to prison as just punishment for their crimes.

Mr. McCLELLAN. Mr. President, I suggest the absence of a quorum, with the understanding that the time will be charged to neither side.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. PEARSON. Mr. President, I yield to the Senator from South Dakota [Mr. MUNDT] such time as this side has left, which I believe is 7 or 8 minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. MUNDT. Mr. President, I shall not take that much time.

I support the presentation which has been made by the able chairman of the committee, the Senator from Arkansas [Mr. McCLELLAN], who endorses this resolution for citation of contempt. It has passed through the regular processes of the legislative mechanism of the subcommittee and the full committee, all the way through by unanimous vote. I would hope that the vote would be unanimous, or certainly nearly unanimous, on the part of the Senate at this time.

Let me say that in the long history of this Republic, the investigative power of Congress has served the people exceedingly well.

Many who have written about the functions of Congress, including the late

and beloved President, Woodrow Wilson, a great Democratic leader of our Nation, said in one of his scholarly books that he considered the investigative power of Congress to be one of the most important and fruitful functions of the legislative body. I share that opinion.

At stake here, of course, is the simple issue of whether Congress shall have an effective capacity to investigate whatever comes before the Senate or House in terms of something which indicates that an investigation should be made.

Without the power to be able to summon witnesses, without the power of subpena to get them before a committee and the authority to get them to respond to appropriate questions, the whole investigative procedure of the Senate would become a fruitless farce. Nothing effective could be accomplished. We might as well turn over to agencies of the Government, the private sector, or anyone else who may have done something which requires investigation, the complete authority to build a great big Chinese wall around themselves and keep from Congress and the public the pertinent facts which are necessary.

I repeat, the issue is simple. At stake is not whether this particular witness shall have the power to refuse to answer questions without taking recourse to the fifth amendment or without providing any extenuating circumstances. But here is a man who has been a Federal employee, drawing in the neighborhood of $6,000 to $7,000 a year. Certainly, if Congress does not have the right to investigate what he has been doing with the money and what kind of program he has been running, then Congress would have the right to investigate no one and the right to investigate nothing, because without the power of subpena and the right to compel testimony, the investigative procedure, of course, would come to naught.

Thus, I strongly recommend to the Senate that in the forthcoming rollcall vote, we overwhelmingly reaffirm the investigative power of Congress by citing Jeff Fort for contempt of the Senate.

Mr. CURTIS. Mr. President, will the Senator from South Dakota yield?

Mr. MUNDT. I am happy to yield to the Senator from Nebraska such time as he may desire.

Mr. CURTIS. I thank the distinguished Senator from South Dakota.

Mr. President, there is no alternative to a citation for contempt in this case. It is my hope that it will be prosecuted and sustained by the court. If anything less than that occurs, the investigative power of the Senate and the House—Congress as a whole—will be greatly impaired.

Mr. President, I have observed the conduct of the investigative committee under the chairmanship of the distinguished Senator from Arkansas [Mr. McCLELLAN]. I have found that he has operated fairly and judiciously. The committee has operated under written rules. The written rules provide that a witness may submit questions to the committee to be propounded by the committee to any witness he feels has maligned or adversely affected him.

The committee has also honored the right of a witness to decline to answer because of self-incrimination. As a matter of fact, the committee has refrained from asking questions when it knew that the subject matter involved a pending criminal action.

In this particular case, the witness, Jeff Fort, did not even remain in the committee room. He did not exercise his right to decline to answer because his answers might tend to incriminate him. After giving his name, his attorney announced in substance that unless the committee changed its written rules of many years standing, they would refuse to answer and would leave the room.

His attention was called to the fact that he might be cited for contempt. Two or three times the chairman asked the witness and his attorney to pause for a moment so he might inform him of the seriousness of the situation. The rules were referred to and read into the record. He knew he had a right to submit questions to the committee to be propounded to other witnesses. His attorney said: "No. We ask that you change the rules and permit the attorney for the witness to cross-examine other witnesses"—not just other witnesses who happened to be there. His request was that all witnesses in the past be resubpenaed and brought there for the attorney for the witness to conduct his own investigation. And on such a demand, the witness turned and walked out of the room, following his attorney.

Mr. President, if witnesses before congressional committees can just turn and walk away, the power of congressional committees has come to an end.

The PRESIDING OFFICER. All time of the Senator has expired. The Senator from Arkansas [Mr. McCELLAN] still has 3 minutes remaining.

Mr. McCLELLAN. Mr. President, for the RECORD, I would like to state that the Permanent Subcommittee on Investigations is composed of nine members. Subsequent to the contempt committed by the witness, the subcommittee met, and with eight of the nine members present, voted unanimously for this citation. Thereafter the full Committee on Government Operations, now composed of 14 members met. Eleven members were present, and all 11 voted for this citation.

Mr. President, I share the views expressed by the distinguished Senator from Nebraska [Mr. CURTIS]. If the Senate cannot require a witness to testify under the circumstances attending this inquiry and the occasion when this witness walked out, if the authority of the duly constituted committees of this body can be flouted with impunity and with contempt such as the action and conduct that occurred in this instance, then the Senate of the United States, whenever that happens, will have become impotent to discharge its functions properly and adequately.

I hope the Senate will vote unanimously for adoption of the resolution.

I yield back the balance of my time.

I understand a rollcall has been ordered. I am ready for the call of the roll.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to Senate Resolution 379. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Hawaii [Mr. INOUYE] is 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 Arkansas [Mr. FULBRIGHT], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. McCARTHY], and the Senator from Wyoming [Mr. McGEE] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], and the Senator from Maryland [Mr. BREWSTER] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Colorado [Mr. DOMINICK], the Senator from Michigan [Mr. GRIFFIN], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. MURPHY], the Senator from Illinois [Mr. PERCY], and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

The Senator from Tennessee [Mr. BAKER] and the Senator from Texas [Mr. TOWER] are detained on official business.

If present and voting, the Senator from Tennessee [Mr. BAKER], the Senator from Utah [Mr. BENNETT], the Senator from Colorado [Mr. DOMINICK], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. MURPHY], the Senator from Illinois [Mr. PERCY], the Senator from Vermont [Mr. PROUTY], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 80, nays 0, as follows:

[No. 223 Leg.]

YEAS—80

Aiken	Harris	Moss
Allott	Hart	Mundt
Anderson	Hartke	Muskie
Bible	Hatfield	Nelson
Boggs	Hayden	Pastore
Brooke	Hickenlooper	Pearson
Burdick	Hill	Pell
Byrd, Va.	Holland	Proxmire
Byrd, W. Va.	Hollings	Randolph
Cannon	Hruska	Ribicoff
Carlson	Jackson	Russell
Case	Jordan, N.C.	Scott
Church	Jordan, Idaho	Smathers
Clark	Kuchel	Smith
Cooper	Lausche	Sparkman
Cotton	Magnuson	Spong
Curtis	Mansfield	Stennis
Dirksen	McClellan	Symington
Dodd	McGovern	Talmadge
Eastland	McIntyre	Thurmond
Ellender	Metcalf	Tydings
Ervin	Miller	Williams, N.J.
Fannin	Mondale	Williams, Del.
Fong	Monroney	Yarborough
Gore	Montoya	Young, N. Dak.
Gruening	Morse	Young, Ohio
Hansen	Morton	

NAYS—0

NOT VOTING—19

Baker	Griffin	McGee
Bartlett	Inouye	Murphy
Bayh	Javits	Percy
Bennett	Kennedy	Prouty
Brewster	Long, Mo.	Tower
Dominick	Long, La.	
Fulbright	McCarthy	

So the resolution (S. Res. 379) was agreed to.

LISTER HILL NATIONAL CENTER FOR BIOMEDICAL COMMUNICATIONS—SENATE JOINT RESOLUTION 193

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

The PRESIDING OFFICER. Is there objection?

There being no objection, the joint resolution (S.J. Res. 193) was read the first time by title, and the second time at length, as follows:

S.J. RES. 193

Whereas, during his long and distinguished career in the Congress, Senator Lister Hill has achieved more forward-looking legislation relating to improved health and educational opportunities for the American people than any other individual in the history of this body; and

Whereas, Senator Hill's legislative interests in health, in education, and in libraries are epitomized in the National Library of Medicine, to whose establishment and development Senator Hill has paid particular attention during the course of his career; and

Whereas, a National Center for Biomedical Communications to be constructed and located as a part of this Library has been proposed by two legislators of the House, the late John E. Fogarty of Rhode Island, and Paul G. Rogers of Florida; and further that this Center has been strongly endorsed by representatives of the scientific community as an urgently required facility for the improvement of communications necessary for health education, research, and practice; and further that this Center would function to contribute enduringly to the life-long objectives of Senator Hill's legislative career: Be it therefore

Resolved, That this Center be named and designated as the Lister Hill National Center for Biomedical Communications, thus perpetuating the name of the distinguished Senator from Alabama, and the legislative interests of his long and fruitful career in the U.S. Senate.

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

There being no objection, the joint resolution (S.J. Res. 193) was considered, ordered to be engrossed for a third reading, read the third time, and passed.

THE DANGER IN JUSTIFYING EXCESS FEDERAL EXPENDITURES ON THE BASIS OF A HIGHER GROSS NATIONAL PRODUCT

Mr. SYMINGTON. For several years now, in testimony before various Senate committees, we have heard numerous officials of this administration defend their ever-increasing budget requests on the grounds that the increased amount involved nevertheless represents a no greater percentage of the in-turn increased gross national product.

This justification for these steadily growing expenditures—more than $80 billion this year for defense alone—is now cause for serious apprehension; because followed to its logical conclusion, this theory means the Federal Government can spend an unlimited amount on its programs, so long as the expenditure in question represents a no greater percentage of the total GNP.

The present economic predicament of this Nation, however, demonstrates that even a country as strong as the United States cannot continue with such a heavy program of guns and butter, all at the same time.

It has now become clear also that the relative share of the gross national product devoted to defense in the national income accounts budget is an inadequate measure of the impact of these expenditures on the economy at any given time; and this is true for a variety of reasons.

The state of resource use in the economy is a critical factor; and if the economy were plagued with both serious unemployment and considerable excess capacity, defense expenditures as a share of GNP might be maintained, or even increased, with little or no inflationary effect on the economy.

The situation is far different, however, when the economy is operating close to, or at capacity, with low rates of unemployment and developing inflationary pressures.

In the latter situation, any increase in autonomous expenditures could well add to inflationary pressures, particularly if the rate of increase in spending is more rapid than the economy can sustain.

In other words, defense expenditures could be growing at a slower rate than total GNP, or even declining as a share of GNP, but they could still be contributing to an unsustainably high rate of growth of the economy, with the attendant increase of inflationary pressures.

The inadequacy of measuring the impact of defense expenditures on the economy in terms of its relative share of GNP is clearly evident in the experience of 1965–66, with the subsequent economic development.

Defense expenditures began to rise in the second half of 1965. Between the second quarter of 1965 and the first quarter of 1966 they were up about $6 billion.

As a share of GNP, these defense expenditures rose only from 7.3 to 7.6 percent. But this increase was a prime factor in the initiation of a serious overheating of the economy. Industrial production rose sharply, a capital equipment boom gained momentum, wholesale prices began to rise sharply, unemployment dropped to under 4 percent, labor shortages began to appear, and strong wage pressures began to develop in some sectors of industry.

As a result, strong measures of monetary restraint became necessary; and at that time also we should have established measures of fiscal restraint.

Even when defense spending maintains only the same percentage of the GNP, it frequently absorbs resources needed for other sectors of the economy, sectors which have high economic and social priorities.

When the economy is operating at close to full employment, further expansion is limited by both the labor force and productivity growth; and if defense expenditures keep pace with expansion of the GNP, the increase in real resources available to other sectors of the economy can only be such as to permit them to maintain their present shares of GNP. But our national goals call for the reverse; namely, an expanded share of resources to other sectors we now know only too well must be expanded.

As but one example, the housing sector has been severely squeezed over the last several years; and to expand housing expenditures so as to meet the pent-up demand and population shifts would require an increase in its relative share of the GNP.

A greater share of the total output as represented by the GNP is also required for urban renewal, for income programs for the poor, and for comparable programs. All these programs become that much more difficult if defense expenditures are maintained at a constant share of that output.

In addition, the percentage of GNP devoted to defense expenditures may be a most misleading indicator of the amount of resources devoted to military purposes, particularly when expenditures increase, because the impact of new military orders on additions to business inventory, along with capacity expansion programs, is often felt long before higher military outlays actually appear in the GNP.

This is but part of the reason why the movement of defense expenditures from 7.3 to 7.6 percent of GNP in late 1965 and early 1966—in itself a small increase—was associated with such large secondary impacts; because it is obvious that heavy drafting of young men from the civilian labor force involves a loss of productive resources, along with, in many cases, a decline in the productivity of the civilian economy.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is hoped that we can complete action today on the pending business, the agricultural bill, but that is doubtful. If we do not finish with it today, we will, of course, continue with it tomorrow. Completion of action on the pending bill, today or tomorrow or whenever, will be followed by the public works appropriation bill.

AGRICULTURAL ACT OF 1968

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3590) to extend and improve legislation for maintaining farm income, stabilizing prices, and assuring adequate supplies of agricultural commodities.

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

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

Mr. ELLENDER. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be considered as original text for the purpose of amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

Mr. AIKEN. Mr. President, all of the committee amendments are subject to amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. AIKEN. Mr. President, I will devote a very short time to a discussion of the bill itself. The bill, as we know, extends, and to some extent amends the Agricultural Act of 1965. The Agricultural Act of 1965, I must say, has not been an unqualified success insofar as raising the income of the farmer has been concerned.

In 1965, the farmers of the United States were receiving an average of 80 percent of parity for their production. After about 3½ years under this law, they are now receiving 73 percent of parity for their crops.

I might say the pending bill is probably not absolutely necessary because the provisions which it purports to extend do not expire, any of them, until July 1, 1969. However, on the other hand, I believe it will help maintain a continuity between this program and the next program, whatever that may be, if the 1965 law, or the provisions of it, particularly as they pertain to grain and wheat, can be extended for 1, 2, or even 3 years.

The administration has been rather insistent that we extend this for 4 years. Four years would bring the expiration of it near the expiration of the next 4-year term of the incoming President, whoever he may be.

I do not think it is a good idea to start our 1972 presidential campaign at this point. And I think it is rather amazing that the administration is so concerned about this matter that it is virtually admitting the loss of the coming election several months in advance of the election; because if it felt confident of winning the election in November, it certainly would not be asking for this 4-year extension at this time.

However, be that as it may, we do have an agricultural bill before us, and some extension of the 1965 act is desirable.

There are a couple of new features in this bill. They authorize producer checkoffs for promotion and research programs for milk and advertising programs for apples in certain parts of the country. The authorization for deductions for the promotion of the consumption of milk extends through the entire country.

Title I of this bill relates to the dairyman's base plan authority. That is a provision of the law which never should have existed at all. It provides that in a marketing order area, the milk producers can in effect divide the production among themselves, and they cannot increase their individual production unless they can purchase production rights from somebody who already holds the right to produce. I am sorry that this provision is in the bill. Only one of approximately 80 marketing order areas in the United States has availed itself of this provision, and I understand that, as a result, in this particular marketing order area they make Las Vegas look like a rather amateurish community, since the going price of producing a pound of milk per day is now, I understand, $13. In other words, if I want to increase my production a thousand pounds a day, I would have to buy the right to produce that thousand pounds from someone who already holds an official base and pay about $13,000 for it. I am told that almost $4 million in cash changed hands because of the speculation in the sale of the right to produce milk.

I do not approve of requiring farmers to buy the right to produce milk or any other crop, but this is now in the law. There is no indication that any other marketing order area will try to avail itself of these provisions, so I am not objecting strenuously to leaving it in there as it is now.

The base plan proposal, if it goes far enough, as one can see, could easily lead to a monopoly of production of a particular crop in a few hands. That is something we certainly do not want.

A 1-year extension for crops would be preferable to none at all. But, I would go as high as a 3-year extension, because then we could go to conference with the House and decide what length of time would really be advisable and would be in the best interests of American agriculture.

At this point, Mr. President, I would like to correct an error on the part of myself or somebody else which appears on page 20 of the printed hearings on this bill. I am quoted as saying, in questioning the Secretary of Agriculture:

> Do you not agree that the Extension Service has had its day and might be reduced or abolished?

That certainly is not what I intended to say. I do not think I said it, but the reporter understood it that way, and it got by everybody and was printed that way, much to the consternation of my friends in the Extension Service who have always regarded me as one of the best friends they had anywhere.

What I said—what I think I said—was:

> You do not agree that the Extension Service has had its day and might be reduced or abolished?

But it got into print as "do you not agree," which made it entirely different.

I am glad to make the correction at this time, and I am going to see that some of my friends in the Extension Service get a copy of the RECORD of today, so that they will see that it was in error on my part. And I want to assure them that I am just as strong for the Extension Service today as I ever was, and that is very strong.

I have said, Mr. President, that I just cannot go along with a 4-year extension of this bill because, as I have said, I do not want to start the 1972 election campaign yet. So I am willing to go further than I think advisable, and I send to the desk an amendment, and ask to have it made the pending business. This amendment would reduce the 4-year extension to 3 years.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. AIKEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 1, line 9, strike out "1973" and insert in lieu thereof "1972".

On page 4, lines 5 and 19, strike out "1973" each time it appears, and insert in lieu thereof "1972".

On page 5, lines 7, 10, 14, and 22, strike out "1973" each time it appears, and insert in lieu thereof "1972".

On page 6, line 17, strike out "1974" and insert in lieu thereof "1973".

On page 6, lines 21 and 23, strike out "1973" each time it appears, and insert in lieu thereof "1972".

On page 7, line 18, strike out "1973" and insert in lieu thereof "1972".

On page 8, lines 10, 16, and 22, strike out "1973" each time it appears, and insert in lieu thereof "1972".

On page 9, lines 2, 6, 10, and 13, strike out "1973" each time it appears, and insert in lieu thereof "1972".

On page 9, line 18, strike out "five calendar years" and insert in lieu thereof "four calendar years".

On page 10, line 7, strike out "1973" and insert in lieu thereof "1972".

On page 11, lines 5, 12, and 18, strike out "1973" each time it appears, and insert in lieu thereof "1972".

On page 11, lines 17 and 18, strike out "1972" each time it appears, and insert in lieu thereof "1971".

On page 12, lines 18 and 24, strike out "1973" each time it appears, and insert in lieu thereof "1972".

On page 13, line 17, strike out "1973" and insert in lieu thereof "1972".

Mr. AIKEN. The amendment simply would reduce the extension of the 1965 act from 4 years to 3 years. That is all it is intended to do. It changes the numeral "1973" to "1972." So that it will expire just before the next presidential election, not after.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. YOUNG of North Dakota. Mr. President, while I would much prefer a 4-year extension, I would gladly support the 3-year extension. This is undoubtedly more than we will get the House to agree to.

I commend the Senator from Vermont for offering this amendment. He has been a leader in agriculture for longer than I can remember—long before I began my service in the Senate. He has always taken a reasonable position and attitude toward agriculture, not only in his own State but also in the entire country. I commend him for offering the amendment.

Mr. AIKEN. Mr. President, I thank the Senator from North Dakota, with whom I have worked on the Committee on Agriculture and Forestry, along with the Senator from Louisiana, ever since we have been Members of the Senate together, and the Senator from Florida [Mr. HOLLAND], who I note is listening expectantly or avidly.

Mr. PASTORE. Attentively.

Mr. AIKEN. That is the word I was trying to find.

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

Mr AIKEN. I yield.

Mr. HOLLAND I am glad the Senator has realized that I do listen expectantly and attentively to everything he says.

If I may be allowed to say so, I was present when the question was asked by the Senator from Vermont of the Secretary of Agriculture, and I recall perfectly well that the question was one of great approval of the Extension Service and not of disapproval. I am rather shocked, as is the Senator from Vermont, that the question was turned around in the report so as to indicate his disapproval of the Extension Service, as it apparently does in the record.

The Senator from Vermont is one of the great friends of the Extension Service, and is properly recognized as such; and if he had said anything along the line that is quoted in the record, the Senator from Florida would have been shocked beyond expression and would certainly have remembered it. To the contrary, the Senator from Florida remembers that the attitude and expression and question of the Senator from Vermont was most friendly to the Extension Service.

Mr. AIKEN. Mr. President, it is very good to have a favorable witness, as the Senator from Florida has proven to be.

My purpose in asking that question of the Secretary of Agriculture was to give him an opportunity to dispute those people in and out of Government who claim that the Extension Service has had its day and ought to be reduced or abolished altogether.

I yield to the Senator from Kansas.

Mr. CARLSON. Mr. President, I appreciate very much the offering of the amendment by the distinguished Senator from Vermont, which would place a 3-year limitation on the extension of the present agricultural program.

I sincerely hope that no action will be taken in the Senate that will in any way endanger the extension of the program.

The question as to time, whether it is 4 years, 3 years, 2 years, or 1 year, no doubt will be brought up. I believe the distinguished Senator from Vermont has been very helpful in offering this 3-year amendment.

Is the amendment for future consideration or is it now the pending business?

Mr. AIKEN. The amendment has been made the pending business.

The PRESIDING OFFICER. The amendment is pending.

Mr. AIKEN. The amendment provides for a 3-year extension of the law as it relates to wheat, feed grains and other farm commodities, rather than a 4-year extension.

Mr. CARLSON. I support an extension of the program for all grains, and I shall give further consideration to the 3-year extension with the hope that nothing occurs to endanger the extension.

Mr. AIKEN. I feel, with a new administration, a new President and new Congress coming to Washington, this would be an opportunity for them to make recommendations and express their opinions, and not have the legislation locked up before they get here.

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

Mr. AIKEN. I yield.

Mr. PASTORE. The Senator from Rhode Island is one of those Senators who have been listening attentatively to the Senator from Vermont. I was very much intrigued by the political slant given with respect to the 4-year term that would have brought it beyond a new President. I would like to know why the 3 years would not put us in the same position. As far as I know, and I have been reading the newspapers, every candidate for the Presidency has been talking about the farm situation. I think the new President, whether he be a Republican or a Democrat, should have the opportunity to place his position before the Congress with respect to what we are going to do about farm products, subsidies, and so forth, without being impeded or blockaded with an extension which takes the program beyond 1972.

I think the Senator's proposal of a 3-year extension would do as much harm to the new President that comes in as would be done with a 4-year extension.

I do not see why 1 year would not be all right, because it would take us to 1970. The present law takes us to December 31, 1969, and an additional year to December 31, 1970. Even then, the new President would have to wait 2 years before he could do anything about it. I am wondering if there is a good and logical reason for it; and that is what I am asking the Senator. Why is it so importat to give this matter such a broad extension of 4 more years, when the term of the President is only 4 years?

Mr. AIKEN. Does not the Senator think that Mr. HUMPHREY or Mr. MCCARTHY should have the opportunity to make their recommendations to the incoming Congress, which may or may not be of the same opinion; or that Rockefeller or Nixon may have recommendations?

Mr. PASTORE. That is correct; but the point is, as I understand the amendment, if it passes, they would have no jurisdiction until 1972.

Mr. AIKEN. If a 4-year term is approved.

Mr. PASTORE. No if a 3-year extension is approved?

Mr. AIKEN. No. It would be up for approval during the next administration.

Mr. PASTORE. No. Of course not. As I understand it, the present program, if we do nothing at all, expires December 31, 1969. That means the new President will have to wait 1 year, anyway. By making the extension 3 years, the Senator would take it 3 years beyond December 31, 1969.

I do not see how a new President will have a chance to look at this program or do anything about it. That is what disturbs me, because I think the farm problem is one of the big problems in the country today. The farmers have to be helped and the consumers considered. I do not think we should handcuff the President.

Mr. MILLER. Mr. President, will the Senator yield to me for a comment?

Mr. AIKEN. I yield to the Senator from Iowa.

Mr. MILLER. Mr. President, in response to the comments by the Senator from Rhode Island, I would like to point out that I have pending at the desk a substitute for the amendment offered by the Senator from Vermont [Mr. AIKEN] which would extend the program for 1 year. My reasons are largely those which the Senator from Rhode Island so ably stated.

This would carry the program through December 31, 1970, and it would give the new administration and Congress more than ample time to legislate if legislation were deemed prudent.

So at an appropriate time I propose to call up my substitute. I have discussed the matter with the Senator from Vermont and he knows I am planning to follow that course. I thought the Senator from Rhode Island should know I plan to take that action so he will have an opportunity to vote on that point.

Mr. AIKEN. I should oppose the amendment of the Senator from Iowa which would extend the provisions for only 1 year. At this point, I think 2 years should be the minimum, 3 years would be preferable, and 4 years would be too much.

As everyone here knows, we usually enact permanent farm legislation every year, anyway. We are always getting proposals to undo what we have done and to do something differently. I say the act of 1965 has not increased real farm income, although the result has not been wholly the fault of this legislation. However, the fact is that where farmers were getting 80 percent of parity for their crops in 1965, they are now getting only 73 percent for this year, and that includes the first 6 months of this year.

Mr. PEARSON. Mr. President, will the Senator yield for a question?

Mr. AIKEN. I yield.

Mr. PEARSON. The Senator from Rhode Island indicated that with a 3-year extension, the incoming administration or President would be—I think he used the term—"locked in." Actually, he is correct in this, is he not? Even though a new Congress could come back and amend laws, and pass new laws, if we go under this new extension for 3 years and set the pattern and give notice to the farmers and permit them to do advance planning, we are pretty well laying it down pretty certain that we are going to have a 3-year extension. Is that not the practical effect of these extensions?

Mr. AIKEN. Will the Senator repeat his question please?

Mr. PEARSON. Even though the Congress can come back with a new administration and repeal any law or put in another law, whether it be a 2-year

or a 3-year extension, it still serves notice on the farmers that they can do the planning for 2 or 3 years.

Mr. AIKEN. It would do that, and, of course, an incoming President, while he might not be able to get the legislation he recommends himself, always has the power to veto any act of Congress which would rescind legislation on the books. So there is some political involvement.

Mr. PASTORE. Mr. President, will the Senator yield on that point?

Mr. AIKEN. I yield.

Mr. PASTORE. We keep talking about the President, and that is very important. Let us talk about Congress. A 3-year extension would put it beyond the next House of Representatives. I think that is a deplorable situation. In other words, the next House of Representatives, which is comprised of the direct representatives of the people, and which comes in for a term of 2 years, would be precluded from touching this program, unless they wanted to amend it, which, of course, is more dangerous because then you throw off this assurance given farmers, and the farmers are placed in a more uncertain situation. A 3-year extension puts it beyond the reach of the next House of Representatives. I think that is going too far. We should at least use 2 years and not have any wrangle, and rather than making it 4 years, 3 years, or 1 year, let us get together on a 2-year extension, and not have too much talk about it and do it.

Mr. AIKEN. I think the Senate should agree to 3 years because we have to go to conference with the House of Representatives. Has the Senator ever been to a conference with the Agriculture Committee of the House of Representatives? If the Senator has not done so, he has missed a real experience.

Mr. PASTORE. I know of other conferences where the situation was the same.

Mr. AIKEN. There is no committee like the Agriculture Committee of the House to go into conference with.

Mr. PASTORE. In the House of Representatives they have the Subcommittee on Foreign Aid Appropriations. The Senator has not heard anything yet.

Mr. AIKEN. I have nothing more to say.

Mr. PEARSON. Mr. President, will the Senator yield for an observation?

Mr. AIKEN. I yield.

Mr. PEARSON. I take note that the Senator from Iowa says he has a substitute amendment of 1 year. The amendment of the Senator from Vermont is for 3 years. I therefore think it is proper to indicate at this time that I have consulted with my senior colleague and I have an amendment for 2 years. Thus, we will get a shot at this thing all the way down the line before we get through this afternoon.

Mr. AIKEN. Let me say to the Senator from Rhode Island that authority for this program does expire on December 31, 1969, so I accept his correction. That was an inadvertence on my part.

Mr. MILLER. Mr. President, I offer my substitute amendment and ask that it be printed in the RECORD but that reading thereof be dispensed with.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the RECORD, without being read.

The text of the amendment is as follows:

On page 1, line 9, delete "1973" and insert in lieu thereof "1970".

On page 4, lines 5 and 19, delete "1973" and insert in lieu thereof "1970".

On page 5, lines 7, 10, 14, and 22 delete "1973" and insert in lieu thereof "1970".

On page 6, lines 21 and 23, delete "1973" and insert in lieu thereof "1970".

On page 7, line 18, delete "1973" and insert in lieu thereof "1970".

On page 8, lines 10, 16 and 22, delete "1973" and insert in lieu thereof "1970".

On page 9, lines 2, 6, 10, and 13, delete "1973" and insert in lieu thereof "1970".

On page 10, lines 7 and 8, delete the clause "years for the 1970 through 1973 wheat crops" and insert in lieu thereof the clause "year for the 1970 crop".

On page 11, lines 5, 12, and 18, delete "1973" and insert in lieu thereof "1970".

On page 11, lines 17 and 18, delete "1972" and insert in lieu thereof "1969".

On page 12, lines 18 and 24, delete "1973" and insert in lieu thereof "1970".

On page 13, line 17, delete "1973" and insert in lieu thereof "1970".

Mr. MILLER. Mr. President, as I have stated, my amendment calls for a 1-year extension which would extend the program through December 31, 1970. I point out that even with that extension, it will fairly well inhibit the next Congress from acting. Certainly, whatever the next Congress does will not be effective until following the next Congress. My problem with the 2-year extension is that they would extend the programs through December 31, 1971, which not only would block the next Congress, as the Senator from Rhode Island has already pointed out, but would also block the following Congress for 1 year.

A 3-year extension of the program through December 31, 1972, which would be the end of the next two Congresses, and the pending 4-year proposal which is contained in the bill and which I might point out was voted out by a narrow margin, would scrap the next two Congresses and the first year of the third Congress to come.

As I detect the argument for an extension beyond December 31, 1969—which in my opinion would still be adequate—it is that the farmers need more time for planting.

It is possible that the wheat farmers do need more time for planting. Some of the equipment of farmers in other types of commodities is very expensive; but I suggest that the need for planting beyond December 31, 1970, is not present. Certainly the need for planting into 1971, 1972, and 1973 is even less pertinent.

There is another argument which has been brought to my attention, that there are some farmers who are genuinely concerned that if there is no extension whatsoever of present farm programs, there will be no follow-on farm program when the present one expires on December 31, 1969. My consistent answer to these people has been that I know of no Member of the Senate who does not support a follow-on farm program. If there are any, I have not heard from them.

In my judgment, this is scare talk which has no substance. There may be some argument about one kind of follow-on farm program, just as there are always arguments about some kind of farm program that we will legislate. That is understandable. But when we get down to the point of deciding whether it will be a follow-on farm program, the Senate will see to it that there is one, and so will the House of Representatives.

Thus, I think that that argument does not stand up in the face of the realities of the political climate of House and Senate. There will be a follow-on farm program.

As to the kind of follow-on farm program we would have, I do not believe that we are in a position at this time to make a sound determination. We are already protected until December 31, 1969, with the 1-year extension, and that will give us another year.

Mr. President, there are all kinds of studies being made of alternative kinds of farm programs, how the present program can be improved, and whether a different farm program can be substituted for it.

Iowa State University has the best facilities to provide an objective analysis of the various farm proposals of any place in the United States. I emphasize "objective," because they have a computer program and an extensive research division which is presently engaged in reviewing, computerizing, and analyzing about 15 different types of farm programs ranging all the way from a nonvoluntary program with variations to a voluntary program with variations.

Iowa State University made a study of about 15 different farm programs 3 years ago and it was the best study I think anyone has ever seen. They are now updating that study to take into account what has actually occurred under the present farm program, laying out their assumptions and pointing out the results in terms of cost to the taxpayers, in terms of quantities of carryover stocks, and in terms of net income to the farmers.

These are all critical items in evaluating new farm programs. We are not going to have the benefit of this extensive research until near the end of this summer. I said that I feel I would be legislating in the dark unless I could wait until the results of this study were made available, and then I might agree with the results and I might not; but I would be in a far better position to evaluate the present programs and alternative types of programs than I could possibly be now.

There is no one in the Senate who wants to see net farm income improved more than the Senator from Iowa. I would guess that most of my colleagues in the Senate, even though they may not come from a rural area, even though they may have a limited number of farmers in their particular State, are well aware of the fact that the agribusiness is a giant in the United States and gets into every city and town in the United States, from New York to the smallest hamlet. Thus, even though some of my colleagues are from large metropolitan areas, they well know the im-

portance of the agribusiness industry and the value of a good net income for our farmers.

I would think they would want to have the benefit of this Iowa State University study, too, before they go legislating, certainly beyond December 31, 1970.

Accordingly, Mr. President, that is the reason for my substitute amendment, to extend the program for 1 year beyond December 31, 1969.

I repeat, in my judgment, allowing the present program to continue through December 31, 1969, would still give Congress ample time to legislate prudently and wisely early next year. With the view of reaching a compromise, my 1-year extension beyond that time has been offered. I might add further, if my reading of the other body is correct, that the House is definitely not going to go for more than a 1-year extension. If we send over to the House a program which will go beyond one year, we will run the risk that there will be no extension whatsoever.

If we use the 1-year approach, we may well avoid a conference altogether.

I think, in the interest of expediting this legislation, in the interest of a compromise, in the interest of assuring the farmers that a follow-on farm program will be prudently legislated, a 1-year extension is the method of approach we should take.

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

Mr. MILLER. I yield.

Mr. PEARSON. I understood, from the very able comments and remarks of the Senator from Iowa in support of his amendment, that if this amendment providing for an extension were not adopted, there would be no farm program or follow-on program. Perhaps I misunderstood him. Actually, we would revert to the old farm act, which would require a referendum in August of 1970. Is that not correct?

Mr. MILLER. May I say to my colleague that when I was talking about assurance that the farmers will have a follow-on program, I was talking about assurance that a follow-on program will be legislated, and not a reversion to what is, one might say, a sort of last-gasp effort.

Mr. PEARSON. My point is that there is a farm program underneath this particular bill that we seek to extend here.

Mr. MILLER. The Senator is correct. I appreciate his bringing that fact out. However, that program is not very satisfactory in the minds of most farmers I have talked with. Some agree with it, but I would say most of them do not.

Mr. PEARSON. If the Senator will yield further, I would say this program is not very satisfactory to a great many farmers I have talked with, and I am sure to those that the Senator from Iowa has talked with, also.

Mr. MILLER. The Senator is right on the target with that statement. That is why I think we can give assurance to any farmer that if he will have a 1-year extension at the most, the farmers can be assured of a better follow-on program than they have now. If we cannot legislate a follow-on program which will give the farmers a better share of the Nation's economy than they have been receiving under the present program, then there is something wrong with us. That is another reason why the farm program we now have should not be extended beyond December 31, 1969, and at most, for another year beyond that.

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

Mr. MILLER. I yield.

Mr. CARLSON. Mr. President, I share the concern of other Members of the Senate with regard to the extension of the program. As we have all heard already, we have had a 4-year extension and a 3-year extension proposed. My colleague from Kansas is suggesting a 2-year extension. It was mentioned before that the House committee has reported a 1-year extension. My sincere hope is that we do not get so involved that we do not get any extension. I think it would be most tragic if we did that.

The distinguished Senator from Iowa mentioned that we might well wait on a study from Iowa University. If I remember correctly, the university has made previous studies, which I have read, in regard to the improvement of agriculture. They are good studies and worthwhile projects, but we have not always followed them in the past. I am not sure we will in the future. Therefore, we could not rely on them.

I sincerely hope, as I stated earlier, that we do not get so involved in these various dates that we do not extend this program. Therefore, I think my colleague from Kansas has made a good suggestion in proposing that it be 2 years. At the present time, I am going to support him, with the hope that we can get that, but I am certainly going to vote for some extension of this farm program before we get through.

Mr. MILLER. I appreciate the comments from my able friend from Kansas. First of all, I want to reiterate that the benefits from the Iowa University study on 15 alternative farm programs certainly would not bind any Member of the Senate, including the Senator from Iowa, to swallow them without evaluation. After evaluation, the Senator from Iowa might not agree with any of them. But I think our colleagues ought to have the benefit of that study. It is the best they will be able to get anywhere in the world. On something as deeply important as the agribusiness, it seems to me prudence would dictate that we take the benefits of such study before we go too far in the extension of a farm program, especially one under which farmers have not received anywhere near a fair share of the Nation's economy.

As far as concerns the thought of the Senator from Kansas about not getting too involved in extensions, this is another point the Senator from Iowa wishes to make: We know the House is strong on a 1-year extension. If it is, let us legislate a 1-year extension, and have done with it, instead of running the risk of having a conference squabble which may result in no bill. I think prudence dictates a 1-year extension if we really want to expedite this matter, and have a program which will give the next Congress an opportunity to study it and act on it.

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

Mr. MILLER. I yield.

Mr. LAUSCHE To what year will a 1-year extension bring the operation of the act? To December 31, 1970?

Mr. MILLER. The Senator is correct.

Mr. LAUSCHE. That is, it will operate until December 31, 1969, under the present law, and a 1-year extension would the act? To December 31, 1970?

Mr. MILLER. The Senator is correct. I recognize that if a 1-year extension is adopted, the Congress coming in January next year is not going to be able to legislate a farm program which will become effective during its tenure. It will not become effective until January 1, 1971, with the second new Congress. I personally think that is unfortunate, but, at the same time, it will give some farmers the planning opportunity which they say they need, and it will give the new Congress more than ample time to legislate prudently on a follow-on program.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. YOUNG of North Dakota. Mr. President, I would be happy to go along with a 1-year extension if there were any assurance at all that we could get a better program next year; but of all the witnesses who appeared before the Committee on Agriculture and Forestry in opposition to a 4-year extension, not one of them wanted higher price supports; they wanted no price supports at all. That was the view of most of those who wanted no more than a 1-year extension.

Mr. MILLER. May I say that the Senator from North Dakota knows the Agriculture Committee far better than does the Senator from Iowa. I know the Senator from North Dakota is just as concerned about an adequate net income for farmers as any Member of the Senate possibly could be. For this he has my utmost respect. I would merely say to him that we have many witnesses come before our committee. They are entitled to come there and to be heard. Some of them can benefit the committee very much. But when we get down to deciding what we are going to do, we make up our minds, based upon our own best thinking on a program. It may agree or it may differ with some of the testimony we have received.

Whether high price supports are the key to an adequate net income for farmers is a subject that is open to considerable controversy, but I want to point out to the Senator from North Dakota that when witnesses come before our committee, every member of our committee receives the testimony politely. At the same time, when we make up our minds, we do so on the basis of our own best judgment, based very often on the excellent work of a very capable staff of the Agriculture Committee.

So I do not think we need to worry about what witnesses have been saying before our committee, though I think it is quite proper that they be there. We know we have derived considerable benefit from them. We do not agree with some witnesses. At the same time, they keep us on our toes. I do not always agree with the Secretary of Agriculture when he testifies, but at the same time I benefit from some of his testimony, too. So I think the answer is that, regardless of what the witnesses have been saying before our committee, we are quite capable and ready, willing, and able to legislate on a farm program.

Mr. AIKEN. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. MILLER. I ask for the yeas and nays on my substitute.

The yeas and nays were ordered.

Mr. ELLENDER. Mr. President, I regret that members of the Committee on Agriculture and Forestry are offering amendments, one to extend the present law for 1 year, and another for 3 years.

In the early part of this session, I felt that we should hold hearings early in the year in order to be able to formulate a bill for the next year, which would have been 1969. I presented my thoughts to the committee, and there was no opposition. All felt at the time that it might be best to consider extension of the farm bill next year, instead of this year.

We held the hearing to which I have alluded, and during the hearing, there was abundant testimony that we should extend the bill this year instead of next year. I received letters from all over the country, from farmers, and farm organizations, that we should take action this year instead of next year.

After we held the first hearings, which were preliminary hearings, I submitted to the committee the proposal as to whether or not we should consider the bill this year or next year. At that time all but, I think, two or three members of the committee agreed that we should attempt to extend the bill this year. Subsequently additional hearings were held.

Mr. President, I am depending on the testimony that I heard. I was there every minute of every hour that the testimony was being presented to the committee. A vast majority of the witnesses were for a permanent bill, instead of merely an extension of 4 years as incorporated in S. 3590.

I am somewhat disappointed that the members of the committee did not raise the question of the time limitations before the committee when the bill extending the act was considered, instead of raising it here on the floor. Of course, I realize they have that right, because all of them reserved their right to do what they pleased after voting out the bill. But, Mr. President, now that we have gone so far—we have held hearings and as I say, every farm organization that I know of except the Farm Bureau was for a 4-year extension or a permanent extension—it is my belief that we should have a 4-year extension, and I hope that the Senate will sustain the committee on that point. I really and truly did not expect any floor amendment on the time limit, but the matter is before us, and I hope that the substitute as well as the original amendment of the Senator from Vermont [Mr. AIKEN] will be defeated, so that we can have a 4-year extension of the present law.

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

Mr. ELLENDER. I yield.

Mr. BURDICK. I associate myself with the remarks of the chairman. I certainly hope the two proposed amendments will be rejected. If the farmers are to be able to do any long-term planning, a 4-year extension is the minimum.

Mr. ELLENDER. Mr. President, I do not know what will happen when we send the bill to our friends at the other end of the Capitol. They are insisting on a 1-year bill. My fear is that in order to obtain a bill, we may have to decrease the 4-year provision. I shall fight as strongly as I can to keep it at 4 years; but if we now start whittling down the length of time, seeking to make it 3 years or less, it strikes me that we will be harming our chances in conference; and personally I would rather have no bill at all than make it for 1 year.

It is my belief that if the Senate does sustain the committee on a 4-year extension, we might be able to get by the conference with a bill that will be effective. I am not telling the Senate that the House of Representatives will agree to a 4-year bill, but we would be in a better bargaining position by leaving the bill at 4 years than by making it three or making it one.

Mr. MILLER. Mr. President, I merely wish to make one point. Our able chairman has well stated the way this matter developed. He has been very fair with us. He knows that I was one of the members of a minority of the committee, of which he himself was also a member, who originally thought that it would be better to legislate on this matter next year; but, being the able chairman that he is, he went along with the will of the majority of the committee.

I wish to make this point very clear: When we talk about a follow-on program that would be an improvement over what we have now, I do not think anyone is talking about coming in here after a 1-year extension and attempting to legislate a follow-on program to start January 1, 1971, which would only last for 1 or 2 years. I think prudence indicates that a new and improved farm program ought to be legislated for 4 or 5 years.

The trouble is, we now have a program under which farmers have, in many cases, come to disaster. Parity prices are bad. Even adjusted parity, taking into account the payments farmers receive from the Federal Government, is horrible. Why compound that problem by saddling them with a program for 2 or 3 or 4 years beyond December 31, 1969? I do not think that would be fair to them.

Moreover, we are not being fair to ourselves. If the Senate is, as it is supposed to be, a great deliberative body, one would think we would want to wait until next year, evaluate all of the statistics and studies that will by then have been made available to us, including a very important one that will not come out until the end of this summer, and legislate a program under which farmers will, in fact, receive a fair share of the national net income.

I do not think we should be thinking about a 1-year or a 2-year new farm program. I think a new one ought to be for 4 or 5 years. But I think farmers will have ample opportunity to plan if they have a 1-year extension of the present program, followed by an improved program that we can legislate next year.

The PRESIDING OFFICER. Does the Senator from Wyoming seek recognition?

Mr. HANSEN. Yes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. HANSEN. Mr. President, I have been very much interested in the comments that have been made today on the farm bill. I respect the good judgment and experience of the distinguished Senator from Louisiana. I simply wish to make a few observations.

First, I agree completely with the distinguished junior Senator from Iowa that with farm parity down as low as it is now, I cannot see that we are placing the farmers and ranchers of this country in too much jeopardy if we extend for a shorter period of time a program that has been such a dismal failure.

I am aware of the fact that farm parity now is about 73 percent without the extra increment that would go to it with the payment program. If we add those together, it is about 79 percent.

I am aware of the fact that about 1 out of every 4 farmers who were engaged in the business of farming or ranching in 1960 has now left the business during that period of time.

I am aware of the fact that livestock prices today are lagging far behind the corresponding increases in the costs of raising livestock.

With these facts facing us, and because we are approaching another national election, I hope that the amendment proposed by the distinguished junior Senator from Iowa prevails, because in my mind, all we are saying is that we are willing to wait to hear from the people and the farmers and the ranchers. I doubt very much that they will approve of an extension of a law which has been so damaging to them.

I am aware that most of the farm organizations, except the Farm Bureau, have testified in support of an extension of the program. However, I remind the distinguished Members of the Senate that the Farm Bureau does speak with a great deal of authority. It is the larg-

est single farm organization in the country, and it does speak for a lot of farmers. I think that the logic of its observations should be considered and heeded.

I will support the amendment of the distinguished Senator from Iowa, because I think the farmers and the ranchers of this country deserve to be listened to at this time, in this year of a national election and on the basis of those returns and on the basis of the kind of farm representation that will then be reflected by the membership of the Senate and of the House of Representatives, they should be given an opportunity to be heard.

Mr. AIKEN. Mr. President, will the Senator yield so that I may make a correction?

Mr. HANSEN. I yield.

Mr. AIKEN. The Farm Bureau opposed the 1-year extension.

Mr. HANSEN. Mr. President, I appreciate the correction. I thank the distinguished Senator from Vermont. I am aware of that.

I would like to associate myself with the position of the Farm Bureau. I do not think the present farm program should be extended at all. But I appreciate the arguments that have been made here and the sincere beliefs of a great many people that a little bit more time will be necessary in order to make the adjustment.

With that in mind, I support the 1-year extension.

Mr. HRUSKA. Mr. President, the farm programs being administered by the Johnson administration under the Food and Agriculture Act of 1965 are intricate and complex. They have been operated now for almost 3 years, and both good and bad features have become apparent. On balance, however, it is my considered opinion that the shortcomings outweigh the advantages. This has been my opinion for some time.

I predicted in 1965 that for any prospect of improvement a different approach was required. I repeat the prognosis today. The reason is simple. The facts are evident. The administration farm programs are not working and have not worked for the past 8 years.

Under this administration the parity ratio today stands at 73. This is an alarming low compared to the average parity ratio of 84.5 during the Eisenhower administration. Even in 1934, in the midst of the Dust Bowl days, the parity ratio was two points higher at 75.

During the last decade, the number of farms fell about one and a quarter million.

During the same 10 years, 6 million men, women and children left their farm homes in rural America to depart for an uncertain future in the already overcrowded and sprawling cities.

Realized net farm income was little better in 1967 than it was in 1965. The farmers of our Nation were receiving a total realized net income in 1965 of $14.2 billion, and in 1967 were still receiving only $14.5 billion. If this is progress, during a period of skyrocketing inflation and escalating production costs, then I fear for the future of our Nation's farmer.

Farm debt in our Nation has more than doubled under Secretary of Agriculture Freeman. From 1961 to 1968, farm debt increased from $24.773 billion to $48.981 billion. This has been true in my own State of Nebraska. In Nebraska, farm debt has gone from $705 million to $1.5 billion.

Agricultural exports for the full year of 1967 were little better than for 1964. These exports were vital to our economy, but yet are stagnating under Secretary Freeman.

Mr. President, I ask unanimous consent that documentation of this sorry record be placed in the RECORD at the conclusion of my remarks.

Farm programs are too vital to our economy and to our Nation to be handled summarily. Another 4-year extension of the same programs which have failed the farmers for 8 years would just repeat the mistakes of the past, and continue to worsen the farmer's economic position.

I cannot in good conscience so neglect and further abuse the American farmer. Farming and ranching is a dominant feature of the Nebraska economic landscape, and as a Senator from Nebraska, I find it my duty to resist this attempt to impose further austerity in the midst of plenty, and stagnation in the midst of growth.

A presidential election approaches this November, in which the people of our Nation will express their voice and their will on national issues. This voice will include a firm protest of the American farmer on the decline and fall of rural America during these 8 years of Democratic administration. The Congress should not now commit the farmers or the Nation to 4 more years of the same programs without hearing that voice of the people. The Congress should now wait to consider the farm programs of the next President and to have the help of a new Secretary of Agriculture. There should be reserved for President Johnson's successor a maximum of option on this important subject.

If a short-term extension of these existing programs, however, is necessary in order to permit the legislative program of the new President to be considered and to give the farmers some leadtime to plan their 1970 crops, this Congress can certainly provide a 1-year extension. I do not oppose that. In fact, I would support such a 1-year extension. It would be especially helpful in the case of wheat. A longer extension, however, will not receive my concurrence.

I ask unanimous consent that there be printed in the RECORD at this point, statistical tables bearing on some of the aspects of farms and farm populations in the United States.

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

NUMBER OF FARMS AND FARM POPULATION IN THE UNITED STATES

[In thousands]

Year	Number of farms	Farm population
1957	4,372	17,656
1967 [1]	[2] 3,146	11,000

[1] Preliminary.
[2] Includes Alaska and Hawaii.

SPECIFIED PRICE, INCOME, MARKETING, AND RELATED INFORMATION, ANNUALLY, 1955–67

Year	Realized gross farm income (billions)	Farm production expenses (billions)	Realized net income		Parity ratio		Consumer expenditure for food as percent of disposable income		Owners' equities in farm assets, Jan. 1 (billions)	Percent return on investment [4]	Number of milk cows [5] (thousands)	Farmers' share of consumers' food dollar (cents)
			Total (billions)	Per farm	Actual [1]	Adjusted [2]	Total	Farm value [3]				
1955	$33.1	$21.9	$11.2	$2,417	84	85	21.1	6.8	$147.5	7.6	21,068	41
1956	34.3	22.4	11.9	2,636	83	84	20.6	6.5	150.8	7.9	20,519	40
1957	34.0	23.3	10.7	2,449	82	85	20.7	6.6	158.5	6.7	19,833	40
1958	37.9	25.2	12.7	2,994	85	88	20.9	6.7	165.4	7.7	18,737	40
1959	37.5	26.1	11.4	2,773	81	82	20.3	6.2	178.8	6.3	17,909	38
1960	37.9	26.2	11.7	2,956	80	81	20.0	6.2	178.6	6.5	17,519	39
1961	39.6	27.0	12.6	3,299	79	83	19.8	6.0	177.7	7.1	17,247	38
1962	41.1	28.5	12.5	3,401	80	83	19.3	5.8	183.7	6.8	16,870	3
1963	42.1	29.6	12.5	3,497	78	81	18.9	5.6	[6] 188.9	6.6	16,279	37
1964	42.3	29.4	12.9	3,716	76	80	18.3	5.4	[6] 195.1	6.6	15,702	37
1965	44.9	30.7	14.2	4,210	77	82	18.2	5.4	[6] 201.0	7.1	14,998	39
1966 (preliminary)	49.5	33.2	16.3	5,024	80	86	18.1	5.5	[6] 214.1	7.6	14,124	40
1966 (revised)	49.7	33.3	16.4	5,049	80	86			214.3	7.7	14,093	
1967 (preliminary)	48.9	34.4	14.5	4,573	74	79	17.7	5.1	223.8	6.5	13,534	38

[1] Index of prices received by farmers divided by parity index.
[2] Parity ratio adjusted for Government payments to farmers.
[3] Farm value of civilian expenditures for U.S. farm foods.
[4] Percent that realized net income is of Proprietors' equity of farmers.
[5] Number of milk cows on farms, June of each year.
[6] Revised.

Source: Economic Research Service, USDA, Feb. 27, 1967.

Agricultural exports by calendar year 1954–67

[In billions]

Year:	
1954	$3,054
1955	3,199
1956	4,170
1957	4,506
1958	3,855
1959	3,955
1960	4,832
1961	5,024
1962	5,034
1963	5,584
1964	6,348
1965	6,229
1966	6,879
1967 [1]	6,386

[1] Preliminary.

Source: Economic Research Service, USDA, Feb. 27, 1968.

The PRESIDING OFFICER. The question is on agreeing to the Miller amendment as a substitute for the Aiken amendment. On this question the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Hawaii [Mr. INOUYE], the Senator from New Jersey [Mr. WILLIAMS], the Senator from Alaska [Mr. GRUENING], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Wyoming [Mr. MCGEE] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. GRUENING], the Senator from Missouri [Mr. LONG], and the Senator from Louisiana [Mr. LONG] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Colorado [Mr. DOMINICK], the Senator from Michigan [Mr. GRIFFIN], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. MURPHY], the Senator from Illinois [Mr. PERCY], and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

The Senator from Tennessee [Mr. BAKER] is detained on official business.

If present and voting the Senator from Tennessee [Mr. BAKER], the Senator from California [Mr. MURPHY], and the Senator from Illinois [Mr. PERCY] would each vote "yea."

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from New York [Mr. JAVITS]. If present and voting, the Senator from Utah would vote "yea," and the Senator from New York would "nay."

On this vote, the Senator from Colorado [Mr. DOMINICK] is paired with the Senator from Vermont [Mr. PROUTY]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Vermont would vote "nay."

The result was announced—yeas 33, nays 45, as follows:

[No. 224 Leg.]

YEAS—33

Anderson	Fannin	Morton
Boggs	Fong	Mundt
Brewster	Hansen	Pastore
Brooke	Hartke	Pell
Byrd, Va.	Hickenlooper	Ribicoff
Byrd, W. Va.	Holland	Scott
Case	Hruska	Smathers
Clark	Jordan, Idaho	Spong
Cotton	Lausche	Tower
Curtis	McIntyre	Tydings
Dirksen	Miller	Williams, Del.

NAYS—45

Aiken	Hatfield	Moss
Allott	Hill	Muskie
Bible	Hollings	Nelson
Burdick	Jackson	Pearson
Cannon	Jordan, N.C.	Proxmire
Carlson	Kuchel	Randolph
Church	Magnuson	Russell
Cooper	Mansfield	Smith
Dodd	McClellan	Sparkman
Eastland	McGovern	Stennis
Ellender	Metcalf	Symington
Ervin	Mondale	Talmadge
Gore	Monroney	Thurmond
Harris	Montoya	Yarborough
Hart	Morse	Young, N. Dak.

NOT VOTING—21

Baker	Gruening	McCarthy
Bartlett	Hayden	McGee
Bayh	Inouye	Murphy
Bennett	Javits	Percy
Dominick	Kennedy	Prouty
Fulbright	Long, Mo.	Williams, N.J.
Griffin	Long, La.	Young, Ohio

So Mr. MILLER's amendment was rejected.

Mr. PEARSON. Mr. President, I call up my amendment in the nature of a substitute for the Aiken amendment.

The PRESIDING OFFICER (Mr. HART in the chair). The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment in the nature of a substitute.

Mr. PEARSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, in the nature of a substitute for the Aiken amendment, is as follows:

On page 1, line 9, strike out "1973" and insert in lieu thereof "1971".

On page 4, lines 5 and 19, strike out "1973" each time it appears, and insert in lieu thereof "1971".

On page 5, lines 7, 10, 14, and 22, strike but "1973" each time it appears, and insert in lieu thereof "1971".

On page 6, line 17, strike out "1974" and insert in lieu thereof "1972".

On page 6, lines 21 and 23, strike out "1973" each time it appears, and insert in lieu thereof "1971".

On page 7, line 18, strike out "1973" and insert in lieu thereof "1971".

On page 8, lines 10, 16, and 22, strike out "1973" each time it appears, and insert in lieu thereof "1971".

On page 9, lines 2, 6, 10, and 13, strike out "1973" each time it appears, and insert in lieu thereof "1971".

On page 9, line 18, strike out "five calendar years" and insert in lieu thereof "three calendar years".

On page 10, line 4, strike out "beginning".

On page 10, lines 7 and 8, strike out "years for the 1970 through 1973 wheat crops" and insert in lieu thereof "year for the 1971 wheat crop".

On page 11, lines 5, 12, and 18, strike out "1973" each time it appears, and insert in lieu thereof "1971".

On page 11, lines 17 and 18, strike out "1972" each time it appears, and insert in lieu thereof "1969".

On page 12, lines 18 and 24, strike out "1973" each time it appears, and insert in lieu thereof "1971".

On page 13, line 17, strike out "1973" and insert in lieu thereof "1971".

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

Mr. PEARSON. I yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 20 minutes on the pending amendment, the time to be equally divided between the distinguished Senator from Kansas [Mr. PEARSON] and the distinguished chairman of the committee, the Senator from Louisiana [Mr. ELLENDER].

Mr. MUNDT. Mr. President, reserving the right to object, I should like to inquire of the Senator as to the demands he has on time.

Mr. PEARSON. Mr. President, let me say to the distinguished Senator from South Dakota that I intend to take approximately 5 minutes, and I wish to yield to my distinguished senior colleague. Will 3 minutes be satisfactory to the Senator from South Dakota?

Mr. MANSFIELD. Mr. President, I change my request to a half hour on the pending amendment, 15 minutes to a side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PEARSON. Mr. President, the Senate has just voted on an amendment to extend the present farm program for 1 year. My amendment would extend it for 2 years rather than 4 years, as provided in the pending bill.

Mr. President, I fully agree with the need to extend the present program beyond its scheduled expiration date of December 1969. Because the program has such a major impact on the individual farmer's operations, he must—for planning purposes—know what type of program will be in effect in the near future. If we allow the present program to expire with the 1969 crop, I think we would be subjecting the farmers to a type of uncertainty which simply is not justified.

This argument is offset to some extent by the fact that if we allow the 1965 act to expire we would revert to the programs in effect prior to that date. Thus the expiration of the 1965 act would not mean that we would be faced with no farm program whatsoever. However, while I detect no universal enthusiasm in the present program, I certainly detect no widespread desire to return to the program in effect prior to the 1965 act. In the case of wheat for example, reversion to the old law would require the holding of a farmer referendum by August 1970 the outcome of which would not be predictable, thus adding a new element of uncertainty for the farmer.

However, Mr. President, while I fully concur with the necessity of extending the present program, I cannot accept the

argument that this must be a 4-year extension.

I would have no objection to a 4-year extension if it could be demonstrated that the present program is universally and enthusiastically supported by farmers, and if there were widespread agreement that the present program was actually accomplishing what we all desire for agriculture; namely, a stable, sound and prosperous farm economy.

But no such universal support exists among farmers; and as most of my colleagues are fully aware, the farm economy today is depressed and in trouble.

I think we desperately need a new and searching debate over the future direction of our farm policies. With a new administration coming into power next year, whether it be Republican or Democrat, we will have just such an opportunity. But if we act now to extend the present program for another 4 years this opportunity may well be lost.

If the present program is extended 4 years, the first real opportunity to write a new program may not occur until 1972, the last year of the new administration which the country will elect this fall.

Therefore, Mr. President, I propose that we extend the provisions of the Food and Agriculture Act of 1965 for 2 years. Such a 2-year extension will allow the new administration sufficient time to develop its own farm policy proposals and sufficient time for Congress to consider and debate those proposals and give certainty and planning time for our farmers.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

(At this point, Mr. HART assumed the chair.)

Mr. CARLSON. Mr. President, will the Senator yield to me for 2 minutes?

Mr. PEARSON. I yield.

Mr. CARLSON. Mr. President, I wish to associate myself with the comments made by my distinguished colleague from Kansas. I support the amendment he has offered.

We have just defeated a 1-year extension of this farm program. As I stated earlier, I am so concerned that we are getting into a situation here with these various proposals for extensions of 1 year, 2 years, 3 years, and 4 years, that we may finally wind up in the conference between the House of Representatives and the Senate in a situation where we might get no extension.

I believe with the House committee action wherein a 1-year extension has been approved they will be adamant. If the Senate agrees to a 2-year extension, and I hope it will, the conferees could go into the conference and hopefully get 2 years. That would be of great help to agriculture and give the farmers security. With the program that is in effect at the present time, we all agree changes are needed, and there would be 2 years in which to do it.

I hope the Senate gives consideration to a 2-year extension.

Mr. President, I have before me an editorial written by Clifford Hope, who is one of the greatest friends of agriculture in the United States. The editorial is entitled "Dollars and Cents Case for the Farm Program," and was published under date of April 28, 1968, in the Salina Journal. In the article, Mr. Hope stresses the need for the program, and I shall not go into detail because of the limitation of time.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial entitled "Dollars and Cents Case for the Farm Program."

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

DOLLARS AND CENTS CASE FOR THE FARM PROGRAM

(By Clifford Hope)

A recent report from the Kansas Crop and Livestock Reporting Service on Kansas farm income for 1967 is not too reassuring. It shows that total cash receipts from farming for that year were $1,711,000,000. Broken down, it shows gross realized income per farm of $18,681 and net income of $5,259. This compared with $1,758,000,000 in 1966 when the gross realized income per farm was $18,772 and the net was $6,036.

The figures for cash receipts include government payments of $212,000,000 in 1967 and $225,000,000 for 1966. Converting this into average net receipts per farm we get a figure of $2,281.00 for 1967 and $2,375.00 in 1966.

Most of these payments were made under the wheat and feed grain programs. Had they not been in effect the average net income per farm would have been $2,978.00 in 1967 and $3,661.00 in 1966.

This matter takes on an added significance when it is considered that the legislation under which practically all these payments are made will expire in 1969. From the standpoint of time alone, the extension of this legislation could go over until that year. But time is only one element in the situation. It will take a hard fight to extend the program in either 1968 or 1969. But on the basis of all known factors there is reason to believe that the chances are better in 1968 than they may be in 1969.

For one thing the Johnson administration favors the extension and has asked this Congress to pass it. But President Johnson will be heading back to the ranch on January 20, 1969. A new Congress will come into existence on January 3, 1969. At this stage not even the seventh son of a seventh son can foretell who the next President may be or the political and economic complexion of the new Congress. And no matter how favorably the new President and the new Congress may look upon agriculture, he may want to start from scratch when it comes to legislation.

The present wheat and feed grain programs originated in the Senate. The legislation had bipartisan support. Among its leading sponsors were Senators Carlson, Young and McGovern, all representing Great Plains states. Senator Carlson will not be a member of the next Senate. Both Senators Young and McGovern will be running for reelection. I hope they are reelected and they should be, but in times like these nothing is certain.

At this time many farmers and farm leaders are urging that this extension be acted upon by the present Congress. Irrespective of the considerations already mentioned it would add stability to agriculture and strengthen the national economy if this program were extended by the present Congress for at least five years from its expiration.

Mr. CARLSON. Mr. President, all I can say is that I think here is a fine solution, a good way to end a difficult problem facing agriculture in this Nation by extending the program for 2 years, in the hope that the House and the Senate can reach an agreement in conference.

Mr. PEARSON. Mr. President, I thank my distinguished senior colleague from Kansas.

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

Mr. PEARSON. I yield 5 minutes to the Senator from South Dakota.

Mr. MUNDT. Mr. President, I voted to hold the extension to 1 year on the previous rollcall primarily because I consider a 4-year extension of this matter unrealistic and totally unfair to the agricultural economy. I think had I known that we have a chance for a 2-year program instead of a 4-year program I might have supported that instead of a 1-year program, although I prefer either a 1-year or 2-year extension of this program to a 4-year extension of a farm program which has been disastrously inadequate, and which has totally failed to meet the basic price problems of our farm economy.

Mr. President, I simply cannot understand the reasoning of any friend of the farmer who wants to marry this country and this Government to that kind of subparity program for agriculture for 4 more years. I shudder to think about what is going to happen to our American agriculture if it is the same for another year. But we have to act, because the program is running out. I do not want to continue it for 4 years if we have the alternative of a shorter extension and a quicker improvement of our farm programs.

We recognize that parity is at 73 percent, and it is at 73 percent under the very same program that is proposed to be extended for 4 more years—4 more years of the toboggan ride, 4 more years of slipping down the slopes of disaster, 4 more years of a program which is expensive, on the one hand, to the taxpayers, and totally inadequate and inequitable to the farmers of America on the other hand.

A 2-year extension would give a new administration and a new President, time whether he be Republican or Democrat, not only time to get developed a new program, but a mandate from the Congress and the country to do something better and not to settle for what we have.

At the end of 2 years he would have to come up with some new ideas, some new programs, and new concepts of justice for agriculture.

I reject the idea that all creative thinking and all of our collective capacity to come up with good ideas and new concepts on agricultural programs dropped dead two decades ago and that we must continue to merely renew programs which are 20 years old. They are better than nothing, but that is all one can say for them. They are totally unjust and they are totally unfair. Farmers by the hundreds of thousands are moving from the farms and ranches into the city because of the paucity of economic opportunity provided by a program which we are now asked to continue for 4 more years.

It can be argued that during 4 years we might amend it or approve it, but the lethargy of Congress is such, the busy

lives we lead are such, and the tendency to wait and see is such that in all likelihood we will continue 48 months more under a program that is failing to provide for the American farmer the opportunity he is entitled to in the economic system of whch we are all a part.

A 2-year extension would provide an imaginative time to study and prepare for something better. Two years would give a new President and a new Secretary of Agriculture an opportunity to review loopholes to find out why this system is failing. Perhaps it is mismanagement. If it is, then a new Secretary of Agriculture can correct that. I believe, in addition to bad management, our subparity farm economy results from the fact there are a lot of attendant economic circumstances not covered by this farm program. There are many new elements creeping into the situation as we go from an economy of surplus products to an economy where there is a growing demand for the products of the farm.

We should not marry ourselves for 4 more years to a program which is unlikely to change, which is unlikely to improve. If we now say by our rollcall vote that is good enough for 4 more years, we weaken our efforts to improve it. In my opinion, it is not good enough for another day, it is not good enough for another month, and it is not good enough for another year—but we must extend it to avert even worse conditions in the farming areas. However, a 2-year extension of a program which is manifestly not good enough is certainly better than a 4-year extension of such a disappointing program.

Our southern friends have to start farming the day after Christmas, and when the new Congress comes into being we have to have a program for that crop year, so we must now extend this for 1 or 2 years. But a year or two is long enough. Four years is too long to continue a program producing 73 percent of parity when we have the option of a shorter extension now before us.

I say to my colleagues, I hope they will accept the 2-year amendment of the Senator from Kansas.

Mr. PEARSON. Mr. President, how much time do I have left?

The PRESIDING OFFICER. Three minutes remain to the Senator from Kansas.

Mr. PEARSON. I reserve the remainder of my time.

Mr. ELLENDER. Mr. President, as I stated a moment ago, the Committee on Agriculture and Forestry gave considerable thought to the extension of this program and it voted for a 4-year program. I never witnessed more enthusiasm for a program than that which came from the witnesses who appeared before the committee.

Mr. President, this is a good program. It is true that it can be improved. A lot of flexibility is left to the Secretary of Agriculture. I admit that the prices of wheat may not be what they should be, but what causes this great difficulty as to wheat for this year is the fact that the Secretary of Agriculture saw fit to increase the acreage in wheat by about 30 percent, because he thought at the time he did it that there would be a world food shortage. But he was in error. Just before the Secretary of Agriculture had announced the 30-percent increase, the price on wheat certificates was $1.32, as I recall, which would give to the farmers about 82 or 83 percent parity.

Now, Mr. President, the distinguished Senator from South Dakota [Mr. MUNDT] states that the parity is low. I admit that it is low, but if we add to the parity what the farmer pays by way of Government payments, the parity is almost 80 percent.

I hope that we can improve the program further. The Committee on Agriculture and Forestry worked hard to improve it. If we had complete cooperation, we might be able to improve the program further. I have been on the committee now for almost 32 years, and all of the legislation which is now on the statute books pertaining to farming, and particularly to these programs, I have had a hand in.

Personally, I would not know how to improve this program except to provide for higher Government payments. The program has cost a little more than I anticipated, but the original purpose of the program was to rid ourselves of enormous surpluses that we then had and that has been done. There is no question that the enormous surpluses that dangled over the market for years had the effect of reducing the prices on all commodities.

As I said, this, in my opinion, is one of the best programs we have had. The Secretary of Agriculture has a lot of flexibility in the program as to its operation and administration. He can take at one time, say, 20 million acres out of corn so as to reduce production to the point that whatever is produced will meet market requirements both for domestic and export.

I am certain if it had not been for the error—I call it that—which the Secretary made when he increased the acreage in wheat by 30 percent, that we would not have the present trouble with low prices as to wheat. I do not blame my good friend from South Dakota for complaining about it.

Mr. President, I have before me the income of the farmers which preceded the passage of this act. It amounted to $13,863,000,000. The first year this program was on the statute books—for a whole year—farm income increased from $13,863,000,000 to $16,420,000,000. During the 1967 year, it was around $14.5 billion. That decrease for 1967 was partially due, as I pointed out a while ago, to the fact that the price of wheat went down because of world production which exceeded the imagination, I may say, of my good friend, Orville Freeman.

The Russians produced many more thousand tons of wheat than we anticipated and that same thing prevailed in other wheatgrowing countries. That, in my opinion, is what affected the price of wheat.

There is no doubt in my mind that Congress would review or revise the bill next year if it thought that something could be put into the bill to get a better return to the farmer. I want to say that that can be done whether we have a Democratic or a Republican administration, because I do not know of any committee on the Hill which is more bipartisan than the Committee on Agriculture and Forestry. It tries to take care of the farmers whether they are Republicans, Democrats, or what have you.

It is my sincere belief that the program should be renewed for the full 4 years, as recommended by the Committee on Agriculture and Forestry.

Mr. YOUNG of North Dakota. Mr. President, I think that my friends on this side of the aisle, as well as the other, would agree with me that this program is a great improvement over what is now on the statute books as permanent legislation.

When this program expires, we go back to the compulsory wheat certificate program with all its quotas and rigid controls. If that is what the Senate wants, then the best thing to do is not to extend the program.

In corn, we go back to the lower price supports, and we abolish the diversion payments and we abolish the production payments. Thus, in my opinion, I do not think that anyone can argue this is a better program than we would have in effect if we do not expect to extend it.

Mr. AIKEN. I want to say that I do not object to the amendment proposed by the Senator from Kansas, although I cannot vote for it.

Two years would be a very fair solution, but we should remember that we have to go to conference with the House. When anyone goes to conference with the House Agriculture Committee, he had better have some material to work with. We could wind up with a very short end of the stick.

So I am going to stick to a 3-year extension of the program in the hope that we can get at least 2 years out of it. I believe that would be about the right length of time necessary in which to formulate a good program for the future.

Mr. LAUSCHE. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield.

Mr. LAUSCHE. If the program has helped the farmer, can the Senator tell me why the House feels it ought to be extended only for 1 year? Arguments have been made that the price of wheat has dropped every year; the cost to the Government has gone up; the contribution of the Government is now 25 percent of what the farmer gets. And yet the small farmer is in a worse position than he has been in the past.

My question is, If the program is good, why does the House say, "Extend it only for 1 year"?

Mr. ELLENDER. The Senator can find that out by asking the House Members. I do not know. The House of Representatives is representative more of city folks than the Senate is, in proportion, and they want cheap food. I do not, because if the farmer is not protected, what is going to happen in years to come? We have a good farm machine. We can produce all that we need and all that we can export.

The original purpose of this act was to put production in keeping with our consumption requirements and what we can sell abroad. It is my judgment that, through proper management of this act,

with the flexibility the Secretary has, we can reach that goal. But if we fail in extending this act, we are going to have to go back, as my good friend from North Dakota has said, to the control program.

It is said that under that program we had better parity prices. Why? Because the Government paid the difference. The support prices on cotton, on wheat, and on other commodities were fixed sometimes at 79 percent and sometimes at 82 percent of parity. What happened was that we sold the cotton and sold the wheat at world prices, but the taxpayers paid the difference between the support price and what we got abroad.

Under this bill and under the law, the farmers who produce wheat get full parity for what is consumed in this country; and on the rest of it they get world prices. If the two are added together, the price today is about $1.85 or so a bushel. That is the average price.

I would certainly regret ever having to go back to the former program we had, wherein we could not get the full cooperation of all producers of grain.

As I have said here on many occasions, the corngrowers benefited a good deal, but the corngrowers were never under a control program.

I am certain this law, which is a voluntary program so far as corn is concerned, as well as wheat, cannot be improved unless we want to put more money in the kitty to pay the farmer. Unless we can keep our production in keeping with our own requirements and our exports, we are going to have low farm prices. I think that with this program we will reach our goal.

Mr. PEARSON. Mr. President, I shall be very brief. I simply want to conclude by saying that I have the greatest respect for the chairman of the Committee on Agriculture and Forestry and the greatest confidence in that very committee, so much so that I think if we extend this program, not for 4 years, but for 2 years, that very committee can bring back a farm bill which will not, in the words of the distinguished chairman, be left to the judgment based on imagination of the Secretary of Agriculture.

To my very able and most respected and leading Republican expert, I would say no one resists the extension of this bill or resists the extension this year, but I think within that committee there was a great divergence of opinion as to how long the extension should be. I do not recall the vote. I think it was very close. Someone advises me it was 8-to-7.

This is a matter that ought to be seriously considered so we are not locked in and tied for 4 long years to this program.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. Two minutes remain to the Senator.

Mr. PEARSON. I yield to the Senator from South Dakota.

Mr. MUNDT. I thank the Senator.

Mr. President, I shall address myself to two points made by my distinguished friend, the chairman of the Committee on Agriculture and Forestry, who is indeed a great farm leader, but who lives in an area where crop conditions are somewhat different than they are in the northern part of this country.

He says total farm income has been going up. But these are highly inflated dollars. There is no use trying to deceive ourselves, because we cannot deceive the farmer, that the dollars the farmers are getting in bigger numbers have the same purchasing power they used to have, because the purchasing power of the dollar has been going down.

There is only one fair yardstick to measure farm opportunity and that is parity. How much can the farmer buy with the bushel or the pound of his produce? He can buy 73 percent of parity. That means he is operating at a 27 percent discriminatory purchasing ratio. He is operating with that kind of drag on his income. Under the old program of the 8 Eisenhower-Nixon years, whatever else can be said about it, the farmer averaged 85 percent of parity. Today he averages 73 percent of parity. That is a 12 percent net loss to the farmer that I do not want to see us carry into the future.

As to the other argument that if we do not do this we will go back, nobody wants to go back. We want to go ahead. We want to go forward. We want to crank in some new concepts and new imagination with the advice of a new President and a new Secretary of Agriculture. If the best thing we can do is continue to handicap the agricultural sector of the United States, we will have to continue to extend this program again 2 years from now, but we have everything to gain and nothing to lose by taking a new look at it long before 4 more years have elapsed. The farmer is entitled to justice, and that is 100 percent, and not 80 percent or 73 percent. So let us not extend this same inadequate farm program for 4 more sorrowful years when to do so for 1 or 2 years by our action in this Congress protects what we have and requires Washington to try to come up with something better or sooner than 4 long years from now.

The PRESIDING OFFICER. One minute remains to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, I yield back my time, unless a Senator wants to be heard.

The PRESIDING OFFICER. All time is yielded back. The question is on the amendment of the Senator from Kansas [Mr. PEARSON] as a substitute for the amendment of the Senator from Vermont [Mr. AIKEN]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Hawaii [Mr. INOUYE], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [BAYH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Indiana [Mr. HARTKE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], and the Senator from Minnesota [Mr. MCCARTHY] are necessarily absent.

I further announce that, if present and voting, the Senator from Missouri [Mr. LONG] and the Senator from Louisiana [Mr. LONG] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Colorado [Mr. DOMINICK], the Senator from Michigan [Mr. GRIFFIN], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. MURPHY], the Senator from Illinois [Mr. PERCY], and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. MURPHY], and the Senator from Illinois [Mr. PERCY] would each vote "yea."

On this vote, the Senator from Colorado [Mr. DOMINICK] is paired with the Senator from Vermont [Mr. PROUTY]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Vermont would vote "nay."

Ths result was announced—yeas 36, nays 46, as follows:

[No. 225 Leg.]

YEAS—36

Allott	Clark	Morton
Anderson	Cotton	Mundt
Baker	Curtis	Pastore
Bible	Fannin	Pearson
Boggs	Fong	Pell
Brewster	Hansen	Ribicoff
Brooke	Hickenlooper	Scott
Byrd, Va.	Holland	Smathers
Byrd, W. Va.	Jordan, Idaho	Smith
Cannon	Lausche	Spong
Carlson	McIntyre	Tower
Case	Miller	Williams, Del.

NAYS—46

Aiken	Hollings	Muskie
Burdick	Hruska	Nelson
Church	Jackson	Proxmire
Cooper	Jordan, N.C.	Randolph
Dirksen	Kuchel	Russell
Dodd	Magnuson	Sparkman
Eastland	Mansfield	Stennis
Ellender	McClellan	Symington
Ervin	McGee	Talmadge
Gore	McGovern	Thurmond
Gruening	Metcalf	Tydings
Harris	Mondale	Williams, N.J.
Hart	Monroney	Yarborough
Hatfield	Montoya	Young, N. Dak.
Hayden	Morse	
Hill	Moss	

NOT VOTING—17

Bartlett	Hartke	McCarthy
Bayh	Inouye	Murphy
Bennett	Javits	Percy
Dominick	Kennedy	Prouty
Fulbright	Long, Mo.	Young, Ohio
Griffin	Long, La.	

So Mr. PEARSON's amendment was rejected.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, before we vote on my amendment which would provide for a 3-year extension of the program, I would like to say I have made the amendment provide for 3 years, not that I object to a 2-year program, but I think it would be much better to make it a 3-year extension in the Senate because the House certainly will not go beyond a 1-year extension, and they will vote for 1 year very reluctantly. Then the question could be resolved in conference.

It appears to me that a 4-year exten-

sion would be carrying it too far into the next election. That is why I think 3 years would be the best extension of time we could approve.

Mr. President, I am ready for a vote.

Mr. ELLENDER. Mr. President, I hope the Senate maintains the committee action.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BAKER (after having voted in the negative). On this vote I have a pair with the junior Senator from Colorado [Mr. DOMINICK]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Hawaii [Mr. INOUYE], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Indiana [Mr. HARTKE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], and the Senator from Minnesota [Mr. MCCARTHY] are necessarily absent.

I further announce that, if present and voting, the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Missouri [Mr. LONG], and the Senator from Louisiana [Mr. LONG] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Colorado [Mr. DOMINICK], the Senator from Michigan [Mr. GRIFFIN], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. MURPHY], the Senator from Illinois [Mr. PERCY], and the Senator from Vermont [Mr. PROUTY], are necessarily absent.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. MURPHY], the Senator from Illinois [Mr. PERCY], and the Senator from Vermont [Mr. PROUTY] would each vote "yea."

The pair of the Senator from Colorado [Mr. DOMINICK] has been previously announced.

The result was announced—yeas 40, nays 40, as follows:

[No. 226 Leg.]

YEAS—40

Aiken	Curtis	Muskie
Allott	Dodd	Pastore
Anderson	Fannin	Pearson
Boggs	Fong	Pell
Brewster	Hansen	Ribicoff
Brooke	Hickenlooper	Scott
Byrd, Va.	Holland	Smathers
Byrd, W. Va.	Jordan, Idaho	Smith
Cannon	Kuchel	Spong
Carlson	Lausche	Tower
Case	Mansfield	Williams, Del.
Clark	McIntyre	Young, N. Dak.
Cooper	Morton	
Cotton	Mundt	

NAYS—40

Bible	Hruska	Nelson
Burdick	Jackson	Proxmire
Dirksen	Jordan, N.C.	Randolph
Eastland	Magnuson	Russell
Ellender	McClellan	Sparkman
Ervin	McGee	Stennis
Gore	McGovern	Symington
Gruening	Metcalf	Talmadge
Harris	Miller	Thurmond
Hart	Mondale	Tydings
Hatfield	Monroney	Williams, N.J.
Hayden	Montoya	Yarborough
Hill	Morse	
Hollings	Moss	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Baker, against.

NOT VOTING—18

Bartlett	Griffin	Long, La.
Bayh	Hartke	McCarthy
Bennett	Inouye	Murphy
Church	Javits	Percy
Dominick	Kennedy	Prouty
Fulbright	Long, Mo.	Young, Ohio

So Mr. AIKEN's amendment was rejected.

Mr. WILLIAMS of Delaware. Mr. President, on behalf of the Senator from Maryland [Mr. BREWSTER] and myself, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read the amendment, as follows:

On page 14, between lines 12 and 13, insert the following:

"SEC. 806. Notwithstanding any other provision of law, after January 1, 1969, the total amount of payments which may be made to any single recipient for any one year as (1) incentive payments, (2) diversion payments, (3) price-support payments, (4) wheat marketing certificate payments, (5) cotton equalization payments, and (6) cropland adjustment payments, shall not exceed $25,000."

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

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the distinguished Senator from Delaware yields to the distinguished Senator from Kentucky such time as the latter desires, there be a 30-minute limitation on the amendment, the time to be equally divided, 15 minutes to the Senator from Delaware and 15 minute to the Senator from Louisiana.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I change my request to a time limitation of 1 hour, 30 minutes to each side.

Mr. FONG. Mr. President, reserving the right to object, I would like to have 12 minutes on this side.

The PRESIDING OFFICER. The request is that the time be limited to 1 hour, 30 minutes to each side.

Mr. FONG. May I have 12 minutes of the 30?

Mr. ELLENDER. Yes.

Mr. BREWSTER. Mr President, reserving the right to object—and I do not propose to object—I would like to have 15 minutes in support of my amendment

Mr. WILLIAMS of Delaware. That is correct.

Mr. STENNIS. Mr. President, reserving the right to object, I did not hear all of the unanimous-consent request.

Mr. MANSFIELD. The request is for 30 minutes to each side on this amendment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. HOLLAND. Mr. President, what is the request?

The PRESIDING OFFICER. The request is that on this amendment the time be limited to 1 hour, 30 minutes to each side. Is there objection?

Mr. FANNIN. Mr. President, reserving the right to object, I would like to have 10 minutes in opposition to the amendment.

Mr. ELLENDER. Yes.

Mr. FANNIN. I have no objection.

Mr. RUSSELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that I may yield to the Senator from Kentucky, who I understand wishes to offer an amendment he has worked out with the chairman, without losing my right to the floor.

Mr. PASTORE. Mr. President, we cannot hear.

The PRESIDING OFFICER. The Senate will be in order.

Mr. WILLIAMS of Delaware. Mr. President, I understand that the Senator from Kentucky has an amendment which he has discussed with the chairman of the committee. The Senator from Kentucky believes he can work it out in a few minutes, and I ask unanimous consent that I may yield to him, without losing my right to the floor. I also ask unanimous consent that my amendment be temporarily laid aside so that the amendment of the Senator from Kentucky may be considered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Delaware? The Chair hears none, and it is so ordered.

Mr. RUSSELL. Mr. President, I regret I did not hear what was being said.

The PRESIDING OFFICER. The unanimous-consent request was made by the Senator from Delaware that he yield to the Senator from Kentucky, who has an amendment to offer, which it is anticipated will be agreed to, without the Senator from Delaware losing his right to the floor.

Mr. RUSSELL. There is no limitation on debate?

Mr. WILLIAMS of Delaware. No.

Mr. RUSSELL. I have no objection.

Mr. MORTON. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 10, strike out lines 2 through 14, and substitute the following:

"SEC. 404. Section 379e of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out '1969' and substituting '1973'."

Mr. MORTON. Mr. President, section 404 deals with what is known as wheat

certificates. All that I seek to do by this amendment is to continue the present law as it is. The complicated formula in section 404 has to do with a change in parity, a change in the loan rate, and other factors. What I am trying to do is to let the present law stay as it is for 4 years regardless of whether we continue the bill for 1, 2, 3, or 4 years. It would not upset it.

For once the wheatgrowers of this country, the wheat processors of this country, and the bakers of this country are in agreement, and when we get those three groups in agreement, we should accede to their wishes.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. MORTON. I yield.

Mr. YOUNG of North Dakota. Mr. President, ordinarily I would be on the other side of the Senator from Kentucky with respect to this amendment, but the provision in the bill which the Senator seeks to strike is highly controversial. To keep it in the bill is not important to agriculture, and would involve only a small amount of money. I believe we would have a better chance with the House if we did not keep this controversial provision in the bill, which the Senator from Kentucky seeks to strike.

I hope the chairman of the committee, the Senator from Louisiana, will agree to the amendment proposed by the Senator from Kentucky.

Mr. MORTON. I might say to my friend from North Dakota that I appreciate his remarks. The Secretary himself said that this would not mean an extra penny to any wheat farmer and it only complicates the matter.

Mr. ELLENDER. Mr. President, I am in agreement with what the Senator from Kentucky has said.

The only thing that happened here is that the price of certificates to millers would be increased, which would affect the price of a loaf of bread. The amendment would correct this and is concurred in by the distinguished Senator from North Dakota, and inasmuch as he agrees, I have no objection.

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

Mr. ELLENDER. I yield.

Mr. PASTORE. Did I understand the Senator to say that this would have increased the price of bread?

Mr. ELLENDER. No. I said, if it stays in the bill.

Mr. MORTON. I am trying to keep that from happening.

Mr. PASTORE. We have bread eaters in my State.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky [Mr. MORTON]. [Putting the question.]

The amendment was agreed to.

Mr. LAUSCHE. Mr. President, will the Senator yield to me briefly?

Mr. WILLIAMS of Delaware. Mr. President, I yield to the Senator from Ohio on the same basis that I yielded to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. LAUSCHE. Mr. President, I send to the desk an amendment on behalf of the Senator from Illinois [Mr. DIRKSEN] and myself.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 14, line 2, strike out "and New Mexico".", and insert in lieu thereof "New Mexico, Illinois, and Ohio"."

Mr. LAUSCHE. Mr. President, under the law, market agreements between producers and processors on apples cannot be made unless the States are particularly identified in the law.

At present, the States of Washington, Oregon, Idaho, New York, Michigan, Maryland, New Jersey, Indiana, California, Maine, Vermont, New Hampshire, Rhode Island, Massachusetts, and Connecticut have been given permission to allow their producers and processors of apples to come under the marketing law.

My amendment requests that the States of Illinois and Ohio, and New Mexico, which is also in the bill, be permitted to develop marketing procedures.

Mr. ELLENDER. Mr. President, the committee amended the present bill only as to New Mexico, Utah, and Colorado. This amendment would merely add two more States. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio (putting the question).

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. WILLIAMS of Delaware. Mr. President, the pending amendment is offered by the Senator from Maryland [Mr. BREWSTER] and myself. The purpose of the amendment is to place a $25,000 limitation on the total amount of all payments combined which can be made to any one individual or any one farming operation that is covered under the pending bill.

Mr. President, this proposal would not affect the price support loans, but it would affect all payments in cash or kind made to these individuals on all agriculture commodities under this bill.

The Senator from Maryland and I have offered this amendment previously on the basis of a $10,000 limitation. An argument could be made for limiting the payments to $10,000, but realizing that we do not have the votes for $10,000 we have agreed that we are going to try to prevail on this amendment for $25,000.

Mr. President, surely this is the very least the Congress should do, and the estimate we have is that by enacting the amendment we would save between $200 and $225 million a year in payments. At a time when we are establishing priorities I think this is the minimum step Congress can take.

I yield to the Senator from Maryland who wishes to make a statement in support of the amendment. Following that, unless the chairman wishes to accept the amendment, I will ask for the yeas and nays.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I yield.

Mr. HOLLAND. Mr. President, I note there are two different amendments by the Senator from Delaware printed on this subject matter. Which amendment is the Senator offering at this time?

Mr. WILLIAMS of Delaware. This is the amendment which would restrict the provision to those agricultural commodities which are covered under this bill, and it would not extend it over to the Sugar Act, which is not covered in the bill.

Mr. HOLLAND. Am I correct that this does not apply to incentive payments which go to the two deficit crops of sugar and wool?

Mr. WILLIAMS of Delaware. That is the intention. It would apply only to those commodities which are in the bill, and particularly it would not apply to sugar.

Mr. HOLLAND. How about incentive payments on sugar?

Mr. ELLENDER. The amendment provides that it would cover incentive payments and it would be my judgment that it would cover sugar crops and wool production.

I wonder what the Senator meant by the word "incentive."

Mr. WILLIAMS of Delaware. This amendment was drafted by legislative counsel, and it is not intended to cover payments under the Sugar Act. We are limiting it intentionally at this time to cover those commodities under the bill. This is the so-called Findley amendment that was introduced in the House of Representatives.

Mr. HOLLAND. Mr. President, there are two amendments, and since the Senator has changed slightly the wording I wonder if the Senator would yield to me so that I might suggest a short quorum so that we can get together to determine exactly what it is that he proposes.

Mr. WILLIAMS of Delaware. We could do that or, inasmuch as the Senator from Maryland is going to make an address, we could do it while he is speaking.

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees of the Senate be permitted to meet tomorrow.

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

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, which I imagine will be around 7 o'clock or so, it stand in adjournment until 10 a.m. tomorrow.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House insisted upon its amendment to the 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, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BLATNIK, Mr. JONES of Alabama, Mr. WRIGHT, Mr. EDMONDSON, Mr. JOHNSON of California, Mr. CRAMER, Mr. HARSHA, and Mr. DON CLAUSEN were appointed managers on the part of the House at the conference.

AMENDMENT NO. 883 TO S. 3590, TO BRING FARM EMPLOYERS AND EMPLOYEES UNDER THE NATIONAL LABOR RELATIONS ACT—JURISDICTIONAL STANDARD (NLRB NONRETAIL STANDARD OF $50,000) WOULD COVER 3.5 PERCENT OF ALL FARMS IN NATION—THIS 3.5 PERCENT OF ALL AMERICAN FARMS EMPLOY A MILLION AND A HALF FARMWORKERS, OR 45 PERCENT OF THE TOTAL FARM WORK FORCE

Mr. WILLIAMS of New Jersey. Mr. President, amendment 883 to S. 3590, the Agricultural Act of 1968, would bring farm employers and employees under the National Labor Relations Act.

Since its passage over 30 years ago, the National Labor Relations Act has expressly excluded agricultural employees. Amendment No. 883 simply corrects this inequity by eliminating this discriminatory exclusion from the act.

Unlike the farm measure, S. 3590, which requires several billion in taxpayers' revenue, amendment No. 883 imposes no additional burden on the American taxpayer.

Mr. President, in our rich and abundant society we can no longer delay removing this legislative discrimination against farmworkers. The farmworker who seeks protection in his struggle for recognition and collective bargaining is not in the mainstream of American life. Instead, the farmworkers are on the bottom rung of our economic ladder, the poorest people in America, specifically excluded from every major social and economic program, and disenfranchised because of their nomadic travels to keep body and soul together by working to harvest our food and fiber.

We must not delay any longer. These are not people making a moderate living that want to better their conditions; there are human beings making below poverty level wages, living in the worst of conditions that need help to be able to eat to allay their hunger.

And while these people are living a life of hunger, we are today acting to extend the farm subsidy programs—which for many years has made extremely generous cash payments to farm owners throughout the Nation. Looking at the 1967 payments—just on those farms receiving $10,000 or more in ASCS payments, we find that over $1 million was paid to each of five farms; between $500,000 and $1 million to each of 15 farms; between $100,000 and $500,000 to each of 388 farms; between $50,000 and $100,000 to each of 1,290 farms; between $25,000 and $50,000 to each of 4,881 farms; and between $10,000 and $25,000 to each of 6,579 farms.

Let the record show that I am not attacking the need for the Agricultural Act of 1968. The merits and demerits of that act are being adequately discussed by my colleagues. But I do think it highly important to remind ourselves of the inequities and economic flaws in our current farm policies, which has historically favored the farmowner exclusively and has given little or no concern to the farm employees.

In 1967, ASCS payments totaled $3.4 billion. This is higher than the $2.8 billion total farm labor wage bill for the same year. While I realize that ASCS's payment is not a direct wage subsidy, it is an unwise policy, indeed, to expend such huge sums of taxpayers revenue to benefit only the farmowner segment of the industry without providing assurance that some part of this large public subsidy benefit the workers also.

Some of the greatest citizens of our Nation—Government officials, church groups of many denominations, labor leaders and others—have expressed their strong support for collective bargaining for farmworkers.

The First Lady of the land for more than a decade, Mrs. Eleanor Roosevelt appeared at our Senate legislative hearings in 1959. In highlighting the pernicious contrasts between the generous Federal policy toward farmowners, on the one hand, and the Federal denial of equality of opportunity and justice toward the farmworkers on the other, Mrs. Roosevelt said:

> Government agricultural policies appear to favor the large growers at the expense of the small family farmer and the farmworker. In 1954, about 12 percent of all farm operators controlled more than 40 percent of all farmlands, grossed almost 60 percent of all farm product sales, and accounted for more than 70 percent of all expenditures for farm labor. The current wheat price support program costs the taxpayers $1,500,000 a day. This would seem to be an example of lopsided aid. Certainly, a small proportion of large growers are receiving protection denied millions of workers. (This is from the New York Herald Tribune of November 11, 1959.)

Mrs. Roosevelt's statement of almost a decade ago has just recently been updated and reaffirmed by the President's National Advisory Commission on Rural Poverty. One of its findings is that:

> Our current farm policies tend to focus strictly upon the economic well-being of commercial farm operators and landowners, to the exclusion of the interests of farm laborers, tenants, rural communities, and society at large.

The President's Advisory Commission also formally recommended extension of the National Labor Relations Act to the agricultural industry.

Vice President HUMPHREY, in a recent letter to the editor of the New York Times, put himself clearly and unequivocally behind the need for action now. The Vice President said and I quote him:

> It is now time—indeed, it is long overdue—for farm workers to have full rights of organization and collective bargaining guaranteed under the National Labor Relations Act. As I have stated in the past—and I reaffirm now—Congress should act this year to provide this protection.

The President's Commission on Food and Fiber has called for the enactment of collective bargaining rights for farmworkers. This high level Presidential Commission evaluated "the national interest, the welfare of rural Americans, the well-being of farmers, the needs of our workers and the interests of our consumers." Issued in 1968, their report states that:

> There seems to be no justification for treating farm labor differently than other workers in the labor force. Therefore, the Commission recommends that farm workers should not, by Federal or State exemptions, be denied the benefits of policies and standards that are deemed to be in the interest of other wage earners.
>
> Rural workers must also have the same rights to bargain collectively for wages as urban workers. The Commission recommends that farm workers be included under the provisions of the National Labor Relations Act, to the extent feasible and wherever necessary to achieve equivalence of personal and social protection for the rural work force.

In Senate hearings during this Congress, Secretary of Labor Willard Wirtz put the case this way:

> S. 8 simply gives farm workers—on large farms—the protection of collective bargaining which other workers have. . . .
>
> I do not . . . believe there is a person in the country who could look in a mirror, look himself in his own eye, and argue against these bills. It is just that right, and I think the arguments against them are all reducible in the end to this absurdity; that in this industry as in no other, whatever costs there are, whatever perils of unusual operation—the fact that weather may be a factor or, the fact that they need workers part time—ought not to be borne by the workers who cannot pay these costs instead of being passed on to the employers who can pay them.
>
> . . . It is clear that the one point of largest significance before you is reflected in S. 8. It is perfectly clear that nothing else will really cover this situation until this group of people have the equality of representation which is so important. I think there are two basic equalities. One, in educational opportunity and the other in the opportunity to be represented. This group does not have it. The purpose of S. 8 is to give it to them and it is just that simple.

The American labor movement has voiced its strong support for farmworkers collective bargaining rights. Mr. George Meany, president of the AFL–CIO has declared and I quote him:

> We in the AFL–CIO believe that the only effective farm worker union will be one built by the farm workers themselves. . . .
>
> We recognize that the struggle to organize farm workers is just beginning. We are determined not to permit these workers to be starved into submission by their powerful and giant employers. . . .
>
> Even as the battle in the field continues, the AFL–CIO is pledged to eliminate exploitation of the farm workers at the legislative level. . . .
>
> Agricultural workers must have the right to organize and to bargain collectively. There

is no logical reason for their continued exclusion from the protection of the National Labor Relations Act.

Mr. Walter Reuther, president of the United Automobile Workers International Union, in his statement before the subcommittee on this legislation, noted that the 1967 violent farm labor strife in Texas is but a prophecy of things to come. President Reuther said:

What has happened in southern Texas is but a whiff of the social explosion which is sweeping American agriculture. On one side are agricultural giants grown rich on government cash subsidies and government irrigation water. On the other side are farm workers—thousands of them living on the thin edge of human existence. . . .

All of us as consumers of food have a moral responsibility to correct this human injustice. . . .

No one thing Congress or anybody else does can overnight transform the bleak lives of America's farm workers, but it is my conviction that farm worker unions will hasten the day when farm workers can toil with a greater semblance of human dignity and America's marvel of abundant agriculture will not be based on the misery of a few.

One of the most eloquent, penetrating statements in support of collective bargaining rights for farmworkers was delivered in our California hearings on March 16, 1966, by Bishop Donohoe, Northern Diocese, St. Mary's Assumption, Stockton, Calif. The statement had the approval of all Catholic bishops in the State of California.

In his hearing statement Bishop Donohoe took the position, and I quote:

When disputes cannot be settled in the private sector, it is the proper responsibility of government to protect the rights of the disputants and the public by judgment and, in some matters by law.

The following points, then, seem clear to us:

(a) Any group in society has the right to form an association to foster its own well-being. It is understood that this association acts within law and therefore is concerned with the general welfare as well as with its own.

(b) Applied to farmers, this principle justifies their membership in any legitimate organization of their own choosing. Those who seek to promote the organization of farmers are not to be looked upon as outside agitators.

(c) Applied to farm laborers, this principle justifies their membership in any legitimate organization of their own choosing. Those who seek to organize farm laborers are not to be looked upon as outside agitators.

(d) Such organizations must be protected by law, and where necessary, criteria and procedures established to determine the legitimacy of particular efforts to organize such associations.

. . . it is not sufficient to recognize the right to organize in theory only. In order that this right be recognized in fact it is of crucial importance for the various governments to legislate criteria and techniques for determining the legitimacy of a particular effort to organize workers and to protect these workers from reprisals for joining in these organizing efforts.

This is of particular relevance to farm labor organizing. Without these criteria farmers have no reasonable way of knowing who legitimately represents their workers, and the workers themselves may have doubts about the legitimacy of a particular organizing effort.

. . . We look to the day when farmer and farm worker, united by honorable contracts binding agricultural employer associations and farm labor unions, will work together with common purpose to win from the whole economy their proper recompense for their most essential contribution to our well-being.

Strong support for farmworkers' basic rights has been expressed by the Central Conference of American Rabbis and the Union of American Hebrew Congregations. Rabbi Richard G. Hirsch, speaking for these groups in public hearings, made this statement:

Jewish tradition has always stressed the imperative of economic justice for the laborer . . . We believe that men are servants of God and not of other men . . . The employee is, above all else, a human being and as such is entitled to associate with others, if he so desires, to achieve encouragement, assistance, and strength in the pursuit of the means to sustain and enable human life.

. . . There is no issue I can think of that is more of a moral issue than this one which we are discussing, because the great tragedy of America has been that the least protection has been given to those who need it the most.

The spokesman for the National Council of Churches, Mr. Kenneth G. Neigh, made this statement in our hearing record:

It has . . . long been a matter of serious concern of the National Council of Churches and many of its constituent denominational bodies that agricultural workers have been seriously limited in the exercise of the right to organize under law . . . We hold that such restriction infringes upon the general right of association which should include the right to organize into labor unions and bargain collectively and responsibly with employers under the provisions of the NLRA . . . On December 3, 1966, the General Board of the National Council of Churches stated: "Several aspects of the seasonal farm labor problem require legislative action . . ." The first listed is as follows: "Inclusion of farm workers under the provisions of the National Labor Relations Act . . ." Add to these similar and perhaps even stronger statements by six of the major Protestant denominations quite apart from the National Council position. They have been issued by the American Baptist Convention, The United Presbyterian Church, USA, United Lutheran Church, United Christian Missionary Society of the Disciples of Christ, The United Church of Christ.

It is entirely appropriate that collective bargaining rights for farmworkers be considered during deliberations on S. 3590 for this farm bill has as one of its purposes "to assure adequate supplies of agricultural commodities." In this legislative context it would be wise indeed to remind ourselves that today's agricultural scene is becoming increasingly characterized by strikes, violence, boycotts, and other disruptive conditions. In short, conditions are developing that have the certain potential for directly and materially affecting food production, farm profits, workers' earnings as well as the general flow of farm produce to the consumer.

Application of the collective bargaining laws to farm employers and employees would provide an orderly process for resolving these problems. The first and most important step would be to provide a legal basis for the conduct of elections by the National Labor Relations Board to permit employees freely and democratically to choose whether they wish to be represented by a union or not. Should a majority wish union representation, the employer and the majority representative are thereafter both obligated to bargain collectively and discuss grievances. By coverage under the act, protection of the rights of employees to join, or not to join, a labor organization is guaranteed, and the NLRB investigates and decides cases involving unfair labor practices of unions and employer on charges presented by workers, unions or employers.

As I have indicated farm employees and employers have been excluded from the National Labor Relations Act since the original enactment of the Wagner Act in 1935. Farm employers throughout the Nation, as a result, have enjoyed almost total power of decision over wages and working conditions of farmworkers. Consequently, the farmworker has become the lowest paid worker in America's work force and, hence, his dependents and children the most deprived in regard to housing, education, health and other basic human needs. The average wage in 1967 climbed to $1.33 hourly, while all other manufacturing production workers average over twice as much: $2.83. Construction workers averaged $4.09. Four States paid their farmworkers an average wage below the $1 minimum wage for farmworkers—in one State, workers averaged 89 cents in the fields. In 10 States the average was below $1.10. The average year's wage for farm employment, including only those who worked over 25 days in agriculture, was under $1,200 in 1966.

The National Labor Relations Board's nonretail standard of $50,000 will be the minimum coverage under the amendment and, therefore, the collective bargaining provision would apply to a maximum of only 3.5 percent of all the farms in the Nation; however, since these 3.5 percent of all farms employ 45 percent of all farm employees, substantial coverage of the farm work force would be achieved. In short, the workers on large corporate farms would finally have the right to freely and democratically vote on whether they wish to join or not to join a union.

The small family farm will not be covered by this amendment. Over half the farms in the Nation use no hired labor at all, and, therefore, would not be affected by the amendment. Moreover, at least two employees are necessary under existing law to constitute a bargaining unit. Additionally, the existing law expressly excludes from the bargaining unit immediately relatives of an employer, managers, and supervisors.

The amendment also makes applicable to the agricultural industry certain of the seasonality provisions—in section 8(f) of the NLRA—now applicable to the construction industry. For example, the amendment permits, but does not require, employers in the agricultural industry to enter into an agreement with a union—commonly referred to as a prehire agreement—before employees are actually hired and before a majority status of a union is actually determined. This presents a maximum opportunity to the grower or farmer—presently available only in the construction industry—to stabilize his labor situation and

reliably estimate his labor cost in advance of planting and harvesting. This purely voluntary prehire procedure is particularly valuable to all parties in a seasonal industry, and, even if a contract is made, an election proceeding may always be held after all employees are hired.

Other provisions of section 8(f) permit arrangements for a union hiring hall, and union security agreements providing union membership 7 days after employment. The 7-day provision modifies the law under NLRA, that is, it allows a shorter grace period of 7 days as opposed to 30 days authorized generally under NLRA, primarily because of the seasonal nature of and short duration of employment. In a right-to-work jurisdiction, 19 States, the parties would be prohibited from entering into a union security agreement. Indeed, NLRA—section 705 (b), Public Law 86–257—expressly provides:

> Nothing contained in the amendment made by subsection (a) shall be construed as authorizing the execution or application of an agreement requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law.

This proposed amendment offers no subsidy to farmworkers. It carries no appropriation. It is not special legislation; on the contrary, it does away with special legislation. It offers the one simple proposition that the agricultural industry, which is affected by the Agricultural Act of 1968, ought to have the same responsibilities and protections for labor-management relations as all other industries have. It does not guarantee any success in organizing unions. It merely affords agricultural workers on the large farms the opportunity to help themselves within the framework of our Federal labor laws.

Surely, there can be no need to argue in July 1968 about whether any American worker deserves the right to bargain collectively. The principle has long been established. It guarantees the very right of contract, providing to the worker that "equality of bargaining position in which freedom of contract begins" referred to by Justice Holmes.

A fundamental function of the Government is to protect the weak from the strong. But the fact is that nowhere in our society is the disparity of power so immense as between the big business farms that are coming to dominate our agriculture and the powerless, anonymous, generally poorly educated men and women who work for them. We do not need to look at statistics, although there are plenty of them, to know that this worker is hopelessly out-bargained by his employer. He lives in the worst houses in America. His children go to the worst schools, when they go to school at all. All of the services that most Americans take for granted are inferior in the remote and disjointed communities inhabited by these workers and their families.

There is another aspect of the problem, and it concerns the nature of this large, corporate farm that holds its workers in economic bondage. This is the new economic force that is moving into rural America, causing alarm among many of our farm and small town leaders. Part of the leverage it uses to compete against family farmers is its power to dominate workers. This power should be matched at least by the legal right of these workers to bargain collectively.

I would hasten to point out that we are not talking only about bargaining for wages and working conditions, we are talking about bargaining for decency itself.

On June 9, 1968, a major feature story appeared in the Denver Post citing the absurd contention of some large farmers that migrant workers did not need field privies because they would not use them. They argued this in the face of the expert testimony by sociologists that the migrant workers as a group were not less modest than most middle-class Americans, but more so. However, officials observed that serious problems of health were occurring because of lack of privies and field privies could be built for only $2, $3, or $4, the story said.

It is one of the sad facts that we have learned in American life that we must protect the weak from the strong. Collective bargaining is one way to do it.

But more importantly, adding collective bargaining for farmworkers to this bill will serve also to equalize, in part, the benefits of the farm program itself, and should make it more acceptable to large numbers of our citizens who are concerned about big benefits that accrue to large farm operators.

It is singularly fitting that we consider the rights of farmworkers to have a union, if they wish, in the same context of this generous Federal policy which, I am sure, will authorize another multibillion-dollar subsidy to the farm-owners.

The crucial issue here today is simply this: Shall Congress continue its magnificent largess for the big farm of America without providing anything for the most deprived worker in our economy; or shall Congress balance the scales of justice by providing a small measure of help through collective bargaining rights to the poorest workers in America?

AGRICULTURAL ACT OF 1968

The Senate resumed the consideration of the bill (S. 3590) to extend and improve legislation for maintaining farm income, stabilizing prices and assuring adequate supplies of agricultural commodities.

Mr. HOLLAND. Mr. President, pursuant to the consent given by the Senator from Delaware, I would suggest the absence of a quorum and I assure the Senate I am only thinking of a short quorum so we can get together.

Mr. FONG. Mr. President, before the Senator makes his request, will the Senator from Delaware yield to me so I may ask a question?

Mr. WILLIAMS of Delaware. I yield.

Mr. FONG. Mr. President, as I understand the amendment, it would not supply the $25,000 limitation to compliance payments for sugar.

Mr. WILLIAMS of Delaware. The original amendment which I submitted to the Committee on Agriculture and Forestry would include all payments. In an effort to make progress in this direction, this amendment is confined to products other than sugar.

Mr. FONG. So that sugar would be excluded.

Mr. WILLIAMS of Delaware. That will be dealt with in a separate amendment.

Mr. FONG. I thank the Senator.

Mr. WILLIAMS of Delaware. I yield to the Senator from Maryland.

Mr. BREWSTER. Mr. President, I support the amendment offered by the Senator from Delaware and myself. I just cannot understand why the taxpayers of this country should give any one farmer more than $25,000 per year.

It is with much dismay that I find we are considering a renewal of our outdated agriculture policy when the 1965 Agricultural Act has another year to run. Earlier this year, the Congress approved a $6 billion cut in Government spending in an effort to economize. Yet, now we are asked to approve the extension of a program costing over $3 billion annually in spite of the fact that there is no particularly pressing need for an extension at this time, and without sufficient time to consider the alternatives. This seems highly inappropriate to me.

I have voiced my opposition to our agriculture policy on many occasions. It is a policy which was created in the 1930's as an emergency measure to help the small farmer. Year by year the evidence mounts that the effects of this outdated policy are exactly the opposite. It is a policy which mainly benefits the large, well-to-do farmer. It is a policy which is causing the small family farmer to flee to our already overcrowded urban centers. It is a policy which is a heavy burden to the taxpayer. It is a policy which should be relegated to history.

Most farm programs benefit the larger, more prosperous farmers and farm corporations. Less than 2 percent of the farmers in America gross more than $100,000 a year, yet they take home 20 percent of the farm subsidy program. A report by the President's National Advisory Commission on Rural Poverty points out:

> Currently the Federal Government spends more than a billion dollars a year to keep land out of production. This expenditure enables farmers to hold out of production about 40 million acres by programs of cropland diversion, conservation reserve, and cropland adjustment. The rural poor get very little direct benefit from these expenditures because they own such a small proportion of the farmland. For example, farms under 140 acres in size received only about one-fourth of the agricultural conservation program payments in 1964. Yet, farms under 140 acres in size comprise more than half the total number of farms.

Our agricultural program does more than merely profit the large farmers. It actually encourages their growth. Mr. John Fischer in Harpers magazine pointed out:

> When you offer a bribe for every acre taken out of cultivation, the men with the most acres naturally get the most money—in many cases hundreds of thousands of dollars every year. Typically they have used their loot in two ways: (1) To buy more

land from their smaller neighbors; and (2) to invest in tractors, cotton-pickers, fertilizer, weed-killer, six-row cultivators, and all the other devices of modern technology.

With a bigger farm, and more equipment, he can take even more acres out of production, and thus get even a larger payoff. This senseless spiral continues at the expense of the small farmer this program was once supposed to be helping.

Inevitably, the small farmer gets squeezed out. Without Government subsidies sufficient to modernize his farm, he simply cannot compete. Between 1965 and 1966, over 750,000 farmers were forced off the land and headed for the city to seek employment.

In addition to its failure to achieve its goal, the cost of this ludicrous program is enormous. The taxpayer pays once to bribe the farmer not to farm as much. He pays a second time in higher food prices. He pays still a third time for the cost of storing or giving away the surplus crop. Even the dairy, the beef, and the chicken farmer pays because of higher feed prices. It makes no sense for the taxpayers to give five producers over $1 million apiece annually, and 11 producers over $500,000 apiece, when the average farmer gets only $831 a year. It makes no sense for the taxpayers to pay hundreds of millions of dollars to "support" wealthy farmers who are receiving over $25,000 a year in payments.

At this point, Mr. President, I would like to place in the RECORD a table extracted from the hearings on the Agricultural Appropriations Act for fiscal year 1969, which lists by State the number of all payments in excess of $5,000.

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

PAYMENTS BY SIZE GROUP, ASCS AND GREAT PLAINS

1967 FARMERS' PAYMENTS BY SIZE GROUP, $5,000 AND OVER

State name and code	$5,000 to $7,499	$7,500 to $9,999	$10,000 to $14,999	$15,000 to $24,999	$25,000 to $49,999	$50,000 to $99,999	$100,000 to $499,999	$500,000 to $999,999	$1,000,000 and over
Alabama (64):									
Total (dollars)	6,124,324	4,006,286	5,404,605	6,253,030	5,054,655	1,938,996	268,873		
Number of payments	1,004	464	446	329	154	30	2		
Alaska (50):									
Total (dollars)									
Number of payments									
Arizona (86):									
Total (dollars)	1,185,812	1,236,056	2,430,586	4,475,884	9,796,150	10,487,421	11,794,213	554,817	
Number of payments	191	143	196	232	277	155	62	1	
Arkansas (71):									
Total (dollars)	8,498,676	6,877,640	9,884,150	12,767,481	15,213,551	8,809,959	3,627,129	619,489	
Number of payments	1,400	798	808	669	456	136	24	1	
California (93):									
Total (dollars)	6,065,869	5,372,726	8,534,005	12,326,094	16,574,425	14,178,357	18,746,262	3,552,019	8,259,579
Number of payments	991	618	702	630	484	207	111	5	3
Colorado (84):									
Total (dollars)	7,897,367	4,714,228	5,338,057	4,198,346	2,039,501	615,635	280,429		
Number of payments	1,305	550	443	225	64	10	1		
Connecticut (16):									
Total (dollars)	18,969	8,662							
Number of payments	3	1							
Delaware (52):									
Total (dollars)	82,436	26,945		19,959					
Number of payments	14	3		1					
Florida (59):									
Total (dollars)	669,730	513,670	603,770	718,380	1,047,334	739,263	1,269,826	610,923	1,275,687
Number of payments	112	59	50	36	29	11	7	1	1
Georgia (57):									
Total (dollars)	6,072,886	4,248,031	5,674,574	5,863,090	3,697,007	1,100,670			
Number of payments	998	490	465	314	113	17			
Hawaii (60):									
Total (dollars)	158,755	100,634	21,795	30,951	71,294	54,795	5,316,017	3,012,514	1,353,770
Number of payments	26	12	2	2	2	1	17	5	1
Idaho (82):									
Total (dollars)	4,938,531	2,968,673	3,100,186	2,042,004	1,395,099	371,106			
Number of payments	813	348	256	111	43	6			
Illinois (33):									
Total (dollars)	5,178,036	2,199,661	1,393,387	850,963	384,676	79,153			
Number of payments	871	256	118	47	12	1			
Indiana (32):									
Total (dollars)	3,159,026	1,423,664	1,034,759	700,792	264,511	114,932			
Number of payments	532	166	86	36	7	2			
Iowa (42):									
Total (dollars)	4,982,634	1,773,284	1,239,436	346,321	264,010	88,499	107,136		
Number of payments	839	208	105	18	7	1	1		
Kansas (49):									
Total (dollars)	27,144,739	13,359,820	12,039,993	7,221,459	3,270,376	534,598			
Number of payments	4,520	1,562	1,013	394	100	9			
Kentucky (61):									
Total (dollars)	808,808	295,750	285,832	186,449	84,644				
Number of payments	135	34	24	10	3				
Louisiana (72):									
Total (dollars)	3,910,558	3,092,455	5,254,164	6,780,899	7,042,148	2,683,671	1,540,673		
Number of payments	641	358	429	356	211	42	10		
Maine (11):									
Total (dollars)	21,801			38,835					
Number of payments	4			2					
Maryland (51):									
Total (dollars)	102,140	91,865	59,831	16,543					
Number of payments	17	11	5	1					
Massachusetts (14):									
Total (dollars)	12,534								
Number of payments	2								
Michigan (35):									
Total (dollars)	1,784,385	673,842	404,446	233,308	67,863				
Number of payments	300	79	34	13	2				
Minnesota (41):									
Total (dollars)	4,094,426	1,898,869	1,621,470	625,880	150,891				
Number of payments	687	223	136	36	5				
Mississippi (65):									
Total (dollars)	6,643,039	5,642,766	9,212,577	15,218,200	25,499,838	18,868,337	10,869,403	653,252	
Number of payments	1,086	655	753	781	742	286	83	1	
Missouri (44):									
Total (dollars)	8,027,294	4,476,656	4,994,327	3,572,324	2,295,406	896,483	103,271		
Number of payments	1,333	521	416	191	70	14	1		
Montana (81):									
Total (dollars)	12,430,928	7,702,245	6,589,221	3,929,802	1,266,896	115,141	166,336	553,358	
Number of payments	2,048	896	551	217	41	2	1	1	
Nebraska (48):									
Total (dollars)	11,966,409	4,682,724	3,262,707	1,817,613	739,913				
Number of payments	2,008	551	275	97	23				
Nevada (88):									
Total (dollars)	152,086	92,905	171,364	91,364	186,177		105,271		
Number of payments	26	11	13	5	5		1		

PAYMENTS BY SIZE GROUP, ASCS AND GREAT PLAINS—Continued

1967 FARMERS' PAYMENTS BY SIZE GROUP, $5,000 AND OVER—Continued

State name and code	$5,000 to $7,499	$7,500 to $9,999	$10,000 to $14,999	$15,000 to $24,999	$25,000 to $49,999	$50,000 to $99,999	$100,000 to $499,999	$500,000 to $999,999	$1,000,000 and over
New Hampshire (12):									
Total (dollars)									
Number of payments									
New Jersey (22):									
Total (dollars)	138,063	50,126	53,511						
Number of payments	23	6	4						
New Mexico (85):									
Total (dollars)	4,268,207	3,357,201	4,522,480	4,226,870	2,936,499	683,185	237,593		
Number of payments	701	391	375	227	89	10	2		
New York (21):									
Total (dollars)	348,366	162,508	76,042	53,543					
Number of payments	57	19	7	3					
North Carolina (55):									
Total (dollars)	2,536,153	1,575,519	2,025,318	1,609,908	1,288,982	368,879	445,913		
Number of payments	418	181	168	86	40	6	2		
North Dakota (46):									
Total (dollars)	16,313,100	6,363,762	4,542,805	1,712,639	605,070	121,737			
Number of payments	2,731	746	384	94	19	2			
Ohio (31):									
Total (dollars)	2,204,005	782,328	490,226	377,195	66,355	65,710			
Number of payments	372	91	40	21	2	1			
Oklahoma (73):									
Total (dollars)	15,095,671	7,667,762	6,686,572	3,557,676	1,655,517	332,321			
Number of payments	2,513	894	564	197	53	5			
Oregon (92):									
Total (dollars)	2,668,433	2,193,405	2,375,351	1,934,747	1,300,127	186,154			
Number of payments	442	253	198	102	41	3			
Pennsylvania (23):									
Total (dollars)	222,075	134,184	166,668	76,806	28,710				
Number of payments	38	16	14	4	1				
Puerto Rico (70):									
Total (dollars)	663,066	637,648	758,787	1,715,156	1,329,479	710,900	1,512,841		
Number of payments	109	73	61	89	40	10	5		
Rhode Island (15):									
Total (dollars)									
Number of payments									
South Carolina (56):									
Total (dollars)	4,377,396	3,168,004	4,591,511	4,957,228	4,196,464	1,624,733	296,327		
Number of payments	723	367	379	263	129	26	2		
South Dakota (47):									
Total (dollars)	5,861,725	2,562,054	2,064,335	861,296	352,007	54,432			
Number of payments	986	301	175	46	11	1			
Tennessee (63):									
Total (dollars)	4,675,223	3,044,954	3,448,331	3,203,187	2,147,453	568,721	105,309		
Number of payments	773	353	285	174	63	9	1		
Texas (74):									
Total (dollars)	51,954 255	41,984,504	59,164,777	67,084,729	46,845,437	17,968,450	7,832,314		
Number of payments	8,492	4,844	4,861	3,546	1,431	278	53		
Utah (87):									
Total (dollars)	972,523	464,342	379,404	418,227	207,679				
Number of payments	162	5		2	6				
Vermont (13):									
Total (dollars)	6,027								
Number of payments	1								
Virgin Islands (80):									
Total (dollars)									
Number of payments									
Virginia (53):									
Total (dollars)	320,522	170,510	96,068	71,330	62,486				
Number of payments	54	20	8	4	2				
Washington (91):									
Total (dollars)	7,949,452	5,845,797	7,667,848	5,977,142	3,016,512	660,831	289,126		
Number of payments	1,302	676	639	323	94	10	2		
West Virginia (54):									
Total (dollars)	12,750								
Number of payments	2								
Wisconsin (36):									
Total (dollars)	692,707	373,856	274,503	128,272	66,176				
Number of payments	117	44	24	7	2				
Wyoming (83):									
Total (dollars)	1,352,012	688,892	483,452	395,239	233,626				
Number of payments	224	80	41	22	7				
United States:									
Total (dollars)	254,763,929	158,707,413	188,423,272	188,687,210	162,744,944	85,023,069	64,914,262	9,556,372	10,889,036
Number of payments	42,146	18,426	15,585	9,984	4,880	1,291	388	15	5

Mr. BREWSTER. Mr. President, I can only conclude from the visible results that our agricultural subsidy program is a failure. Commenting upon our agriculture program, the citizens board of inquiry into hunger and malnutrition stated just this spring:

These controls and price support programs have not even attained their stated goals. Prices have not changed significantly so that the small farmer could secure an adequate income. Surpluses have not vanished, smaller acreage has only invited attempts at increased yield through technological advances—available only to those farmers with greater capital resources.

This is indeed a sad indictment of the 1965 Agriculture Act, the very same program we are now being asked to extend. Not even the farmers themselves favor this extension. A recent Farm Journal poll shows that 63 percent of the farmers favor an end to the costly and obsolete farm program. The Maryland Farm Bureau has recently written me stating:

Instead of continuing down the dead-end road of Government supply-management-with acreage limitations, stockpiles to depress market prices, price-fixing, and subsidies—farmers need a broad-based program to expand markets, increase prices, cut costs, and thus provide the basis for increased net farm income.

There is reason to believe that we have reached a point in time when our present farm policy can appropriately be reconsidered. This point was forcefully brought home by Harold B. Meyers in Fortune magazine. In part he said:

With the huge grain surpluses gone, now, if ever, is the time for a fresh look at U.S. agricultural policy. For many years the besetting problem of policy has been to deal with price-depressing overproduction, or the threat of it. Now at last a long-awaited opportunity is at hand—the opportunity to alter or abandon Government programs that have imposed complex restrictions on farmers and heavy costs on taxpayers.

Instead of extending our present program, we should dismantle many of our present programs with deliberate speed, ending government imposed restraints on production and eliminating the income-supplement payments that induced the farmers to accept the restraints. Farmers would then be free to make their own decisions regarding what and how much to grow. They would dispose of their output in the marketplace, and get their

just reward for it. American consumers would have ample supplies of food, and the prospects for easing world hunger would be greatly improved. Abundance, in short, need no longer be considered a burden. Surely world food demands are large enough that all farmers, large and small, would find a market for their crops, if we had sensible governmental management and programs.

At the very least, we should avoid hasty action on the proposal before us this afternoon. If ever the circumstances were favorable to changing our farm program, it is now. The present act has a year to run. Our surpluses are down. We should take advantage of this golden opportunity to save and change. During the coming months, we should carefully study the situation and develop a totally new approach aimed at effectively insuring the farmer his fair share of our abundance. Next year, we could adequately consider all proposals with sufficient time available to do a thorough job. But, Mr. President, if we must extend this program, let us at least place one all too small limitation upon it. Why, then, I ask, should the taxpayers give a man more than $25,000 a year? This is not helping the small family farmer. This unduly and unjustly further enriches the already rich. This Congress has already raised taxes. This Congress has already cut some vital and needed programs. This Congress should effect this one very small economy and saving.

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

Mr. BREWSTER. I am happy to yield.

Mr. LAUSCHE. I want to commend the Senator from Maryland for a very effective and constructive presentation of a problem confronting the people of the United States that ought to be solved. I wish to ask a question or two of the Senator.

Did I understand the Senator to say that when this support program was established, the purpose was to help the small farmer of the United States, primarily?

Mr. BREWSTER. The Senator is entirely correct. We began our present farm program in the 1930's to protect the small family farmer who was being driven from his land by the depression. We wanted to help him. In the 1930's this program, at far, far less cost than we now have, did protect the small family farmer. Today, in my judgment, it is having a contrary effect. The small family farmer does not really benefit from subsidy payments. Rather than that, the small farmer, in ever-increasing numbers, is being driven from the land to the big cities, which are already overcrowded, and the big and rich get bigger and richer, and they are the ones who truly benefit the most from this program.

Mr. LAUSCHE. In other words, the very opposite from what was intended when the program was adopted has been achieved? It was intended to help the poor farmer. It now helps principally the rich.

Will the Senator inform us how many supposed farmers are receiving more than $1 million under this program? I understood the Senator to say there are 10 or 11 receiving subsidies of more than $1 million a year.

Mr. WILLIAMS of Delaware. Mr. President, if the Senator will yield, I will inform him that there are five.

Mr. LAUSCHE. Five. How many are receiving more than $500,000?

Mr. BREWSTER. I believe there are 11 receiving over half a million dollars a year.

Mr. LAUSCHE. Now my question is, What is the urgency of helping those people by subsidies to be given from money of the taxpayers, in gifts of $1 million a year to five recipients and $500,000 a year to 11 recipients? Why? Whom does it serve? What good is there in that?

Mr. BREWSTER. There is absolutely no urgency. When the present program still has a full year to run, and if it does not accomplish what it originally set out to do, it seems to me that the proper thing at this time, when we do not have massive surpluses, when we need food, is to completely reevaluate and reassess the entire participation by the Federal Government in our farm economy. There is no urgency now. In fact, if there ever was a time to take another look, we have reached that point.

Mr. LAUSCHE. The Senator stated that the viciousness of what is happening is that with the huge bounties that some are receiving, the ability of the small farmer to survive grows weaker. I think the Senator pointed out that the man who gets $1 million buys bigger tractors and more efficient machinery and more fertilizer to produce more crops per acre, enabling him to take more acres out of production and still produce the same quantity or more of the products than he had in the past.

Mr. BREWSTER. The Senator is entirely correct. The fact of the matter is that the number of farms in America decreases every year. The number of farmers in America decreases every year. The size of individual farms grows every year. The result is that the people are being forced off the farm. The little, the poor, the needy leave the farms, and go to the cities. What would be best for America would be to reverse the trend and take the poor and the needy out of the cities and put them back on the land.

Mr. LAUSCHE. I concur completely in what the Senator from Maryland has said. I want to repeat my gratitude for his very excellent presentation of a cause that the taxpayers and the people of the United States ought to be made conscious of. They ought to come to the capital in numbers greater than the poor to stop this waste of the taxpayers' money.

Mr. BREWSTER. I thank the Senator.

Mr. WILLIAMS of Delaware. Mr. President, I concur completely in what the Senator from Ohio has said. Something must be done to restrict these subsidy payment to the corporate-type farmer or absentee farmers. Many of these farms are corporate-type operations, as the Senator has said. I do not see how we can possibly justify a continuation of this program under which we pay some operations over $1 million not to cultivate the land.

I call attention to the fact that the Arkansas State Penitentiary received $177,700 last year under this program. The Louisiana State Penitentiary was paid $89,697 not to cultivate its farm. The State of Montana as a State received $553,388 not to cultivate its farmland.

Similar payments were made to other large corporate operations. One payment of over half a million dollars was made last year to a farm operation owned entirely by British interests. Why should we pay a British-owned corporation over half a million dollars a year not to cultivate a farm in the United States of America? It does not make sense.

The small farmer cannot afford to participate in this program to the same advantage. He has an investment in a tractor, combine, planters, plows, and so forth. If he puts a portion of his land in the soil bank he loses his efficiency; he cannot operate efficiently. It is only the large, corporate type of farm or one that is owned by absentee ownership that can do so. They are the largest beneficiaries under this program.

Mr. President, I offered this amendment along with the Senator from Maryland to provide a limitation of payments for any commodity under this bill. It did not cover sugar payments. I agreed that that limitation on those payments could more appropriately be offered to the Sugar Act.

The Senator from Florida asked whether the language was clear enough. I consulted with legislative counsel. They thought it was clear; however, if there is any question about it I think adding the language, "The foregoing shall not apply to payments under the Sugar Act of 1948 or any other law," would clear up any misunderstanding. If it is acceptable to modify the language to make the intention clear I ask unanimous consent that I may so modify my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I yield.

Mr. STENNIS. This is general legislation.

Mr. WILLIAMS of Delaware. That is right.

Mr. STENNIS. The Senator's amendment is a general amendment.

Mr. WILLIAMS of Delaware. Yes.

Mr. STENNIS. Why not apply it to sugar?

Mr. WILLIAMS of Delaware. I see no objection to it. That amendment could come later as an amendment to the Sugar Act. Frankly, I thought we would have more support than if it were offered to this bill.

Mr. STENNIS. That is a frank answer. Is the Senator going to offer it?

Mr. WILLIAMS of Delaware. The first amendment that was proposed by the Senator from Maryland and myself did cover all payments, including sugar. But frankly, the point was raised that if we limited it to only those commodities covered by this pending bill we might pick up more support for its enactment.

I agree completely with the Senator from Mississippi that it should be equally applicable across the board, and if we can take this step the next amendment offered would be to cover the Sugar Act.

Mr. STENNIS. Will the Senator yield further?

Mr. WILLIAMS of Delaware. I yield.

Mr. STENNIS. The Senator has been

so frank about it. I ask him, what about leaving out cotton? He would leave out sugar. Why not leave out cotton as well?

Mr. WILLIAMS of Delaware. Mr. President, I will accept the proposal of the Senator from Mississippi if he will leave cotton out of the pending bill.

Mr. STENNIS. That, of course, is the basic question we are arguing about.

Mr. WILLIAMS of Delaware. The point is that cotton is under this bill, and therefore cotton payments are covered. I agree with the Senator from Mississippi that there should be equal treatment on all of them, but since we are dealing with these basic commodities specifically I agreed that it might be well to confine the amendment to just those commodities dealt with in the bill.

Mr. ALLOTT. Mr. President (Mr. SPONG in the chair), will the Senator yield?

Mr. WILLIAMS of Delaware. I yield to the Senator from Colorado.

Mr. ALLOTT. I ask the distinguished Senator from Delaware whether his amendment would also cover wool incentive payments.

Mr. WILLIAMS of Delaware. It would.

Mr. ALLOTT. May I inquire of the distinguished Senator, in view of the fact that the wool industry in the United States is probably in the worst condition it has ever been, and is beset by competition from artificial fibers and by competition from cheap production abroad, where wages are extremely low in comparison with ours, why he would take this step to try to force out of competition and out of economic existence a man who produces wool, and whose particular operation happens to bring him an incentive payment of more than $25,000?

In my own State, the situation which I have mentioned exists. Competition from artificial fibers and from foreign wool, has brought our entire wool industry to the lowest ebb in its history. In fact, it well may be almost beyond the point of recovery.

I ask the Senator why, under those circumstances, he includes wool.

Mr. WILLIAMS of Delaware. I think the Senator from Colorado has answered his own question. This wool program has been in effect for many years, and the Senator just admitted, and he is correct, that the wool producers are in worse shape today than they were before the program started. It has not worked.

I recall several years ago when the question arose in connection with the extension of the 90-percent support prices on cotton and wool and the level to which those commodities should be supported. One of the manufacturers of these so-called synthetic fabrics asked me, "What chance do you think you have got of limiting these payments on wool and cotton?"

I asked him, "Why are you interested?"

He said, "If the Government is going to hold the price supports at those high levels we can afford to build an extra plant or two and still sell cheaply enough to take over further the markets for cotton and wool."

Synthetic fibers have largely taken over the markets. I do not think we will, in the long run, help the producers by holding these prices at an artificially high level and by continuing to subsidize and support a high-cost producer, whether the product be wheat, corn, cotton, or whatever.

Mr. ALLOTT. The Senator may subscribe to the theory that we should let low wages in foreign countries decimate our own industries.

Mr. WILLIAMS of Delaware. Not at all.

Mr. ALLOTT. I do not subscribe to that, if I may say so. I do not think the wool industry would be in even as good a situation as it is today if it had not been for the incentive payments.

Does the Senator from Delaware have any figures on how many people in the wool industry are paid more than $25,000?

Mr. WILLIAMS of Delaware. No; I do not have such a breakdown. But I wish to say to the Senator from Colorado that I am not suggesting we turn the American farmer or wool producer loose without a program. We do have other methods under our law where we can take care of the difference in the cost, taking into consideration the high domestic labor costs.

This amendment does not affect the support price on any of these commodities.

Mr. ALLOTT. Let me say this to the Senator, on that point: The wool people, the lamb people, and the sheep people have been up the hill and down again 50 times with the tariff people, and have not received any protection or any help. This is one way I think we can help them.

I understand the Senator's motives. I do not think he is just trying to build up the synthetic fiber industry of his own State. I am sure he would not do such a thing. But I am also from a State which has been one of the great livestock producers of this country. I frankly do not know, and I checked with the staff a few moments ago and they have no figures on the amounts over $25,000 that have been paid to wool producers. Without that information available, I simply could not support the Senator's proposal.

Mr. WILLIAMS of Delaware. Perhaps the Senator misunderstood what I said about the producers of synthetic fibers. The producers of synthetic fibers in this country would be far better off if my pending amendment were rejected, because to the extent that we have these high supports for producers of natural fibers we are, in effect, holding an umbrella not only over the producers of cotton and wool but over the producers of synthetic fibers as well.

I do not suggest we turn the American farmer loose. I am not suggesting that. But I raise the question, Can we afford continuously to make these large payments to these larger operations?

We have a Small Business Administration designed to provide incentives for the small manufacturer but we have no such incentive for the small farmer. Quite the contrary, the farm program as set up today is of greater financial benefit to the large producer, as I think the Senator from Colorado will agree, because the small producer, who is operating a one-man farm, must fully utilize his tractors, combines, pickers, et cetera. It costs a minimum of $35,000 or $40,000 for a farmer to get started in a one-man operation. If he lets one-fourth of his land lie idle he is not using that equipment efficiently, and his cost of production rises.

The fellow with several thousand acres can drop a part of his acres out of production, put a tractor in the barn, lay off a couple of employees, and it is pretty well all profit to him; or, if he is an absentee owner he can put all his land in the soil bank.

Those are the type operations, the corporation and the absentee ownership, which I think we have got to stop subsidizing in this country if we are to do anything to protect the individual operator and the small farmer.

Mr. ALLOTT. Mr. President, I may say to the Senator before he gets too far on the subject, that I cannot agree with his analysis of the economics of the situation. Without these particular incentive payments with respect to wool the industry would probably have been forced to its knees. We would then be in the unfortunate position of depending entirely on the foreign countries. These people have been almost forced out of business even with the assistance they have received.

Last spring, I believe, the Senator had considerable figures on the incentive payments on wheat. I am not unsympathetic, frankly, with the ultimate purpose the Senator has in mind. To the extent that these incentive payments have helped to finance and make extremely profitable the huge corporations, I am sympathetic with the Senator.

In my area of the country, however—and this is true with respect perhaps to California and, to some extent, it is true with respect to Iowa, Kansas, Texas, Oklahoma, New Mexico, Arizona, Montana, North Dakota, South Dakota, and Wyoming—very large amounts of land have to be farmed in order to make farming a feasible operation.

The Senator said a moment ago that it costs $35,000 to $40,000—and he is putting the figure low—for a man to go into a single-family farming operation.

The truth of the matter is that what has killed off our small family farmers as much as anything is the constant policy of inflation that our country has pursued in the last few years.

One used to be able to pay $1,500 to $1,700 for a tractor. However, one can go and look at a tractor comparable in size and weight—and of course they are much improved 10 years later—and find that he now has to pay $7,000 or $7,500 for the same tractor. It is not hard to figure what has happened to our farmer.

In our country, we have to farm very large acreages in order to make it an economical farming operation in the production of wheat even for a single family unit.

In this case, frankly I do not think that $25,000 is an unusual or an excessive amount. As I recall the figures of last spring, we have several farm groups, not over perhaps half a dozen or a dozen, in Colorado that draw well in excess of $100,000. What would the Senator think about changing his figure to $50,000?

Mr. WILLIAMS of Delaware. I think the $25,000 figure is reasonable. Of course, a $50,000 limitation would be better than nothing at all.

I would like to say to the Senator from Colorado that his State had one operation that was drawing $280,429 based on the report last year.

There are several smaller ones. I do not have the figures for the ones between $50,000 and $100,000, but there would be more of them. Nevertheless, I think the $25,000 figure as a limit is reasonable.

I point out to the Senator from Colorado that he had 10 farmers in his State that were drawing between $50,000 and $100,000.

Mr. ALLOTT. That is about the area of my recollection from the figures which were presented earlier this spring.

Mr. WILLIAMS of Delaware. That is correct. The Senator mentioned the fact that he has not experienced a sympathetic consideration for the wool growers from the Tariff Commission. I appreciate and understand the problem.

Members of the Tariff Commission argue before our committee that when they consider the need for relief for these commodities they take into consideration the incentive payments that the Senator is speaking about, the incentive payments which the farmers are receiving.

They then proceed on the premise that our farmers do not need the relief because they are getting the subsidy payments.

If the amendment is agreed to, perhaps we need an examination of the tariffs and other areas. However, I feel that at some point, somewhere we have to stop these large payments.

I shall be very frank. The pending amendment would give a definite cash advantage to these smaller producers in that they would be subsidized to a larger extent than would the large operations. When one speaks of the large operations, as the size increases the amount of the subsidy becomes proportionately smaller, because the $25,000 would be more of a reduction for the operator who is now getting $250,000 than it would be for the man who was only getting only $30,000.

A decided advantage is being placed with the smaller farming operation, and that is the basis of the farm program, that we help the bona fide farmer.

To be frank, I question the wisdom of these payments to the absentee owner. Why should we subsidize absentee ownership by a man living in the city? There is nothing wrong with anyone owning a farm. However, why should we subsidize the doctor, lawyer, or any other type of professional man who is in competition with the bona fide farmer who is trying to produce crops and support his family and send his children to college?

I think such a man needs an advantage and should have all of that advantage if we are going to have a program subsidized by the taxpayers.

Mr. ALLOTT. If the Senator would leave out wool and raise the amount to $50,000, I would be ready to support him. I cannot agree with his analysis of the economics of the wool situation. So, there is no particular point in hashing that all over again.

I think that even in a family sized operation, as it is in my area of the country—including all of the Great Plains area in the West and the Mountain States, including the State of the distinguished majority leader—that the $25,000 would not cover what I would consider to be reasonable and proper for a family sized farm.

Mr. WILLIAMS of Delaware. I appreciate and understand the position of the Senator. If this amendment is rejected we could consider the other suggestion.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. COOPER. Mr. President, having served on the Committee on Agriculture and Forestry for several years, and having heard this problem discussed again and again, and having also voted on the matter every year because of the amendments of the distinguished Senator from Delaware, I would like to discuss for a few minutes the rationale of the program.

I know that a vote against this type of amendment is not a very popular position, because it might be said that one is voting to make these larger sums available to individuals.

I think the Senator will agree that the purpose of these farm programs is to assure controlled production.

Mr. WILLIAMS of Delaware. That is the purpose, but it has not achieved that objective. I think the Senator from Kentucky will admit that with all of the, not millions, but billions of dollars that we paid out last year under the farm program, we are confronted with a staggering surplus as a result of the carryover of the various basic commodities this year. At the same time, the price of many of these commodities—corn, feedgrains, and wheat—are at a 20- to 25-year low because the farm program has not worked.

Mr. COOPER. Of course it has not worked perfectly. Yet, we have to think of the alternatives.

The Senator will recognize and remember that over a period of 10 or 15 years, control program after control program has been tried—under the administration of President Eisenhower, with Mr. Benson, and now the latest program, which was inaugurated by Secretary Freeman in the Kennedy administration.

The old programs called for acreage allotments with support prices, and then if the product did not bring the support price, the Government would purchase the product and store the surplus accumulated; storage costs were large and there were often heavy losses in disposing of the surplus stocks. More recently, the Government would pay the producer the difference between the support price and the market price, and the cost would come out of the operations of the Commodity Credit Corporation.

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. COOPER. So each year there were losses to the Government of a billion or a billion and a half dollars. The farmer, though, would get up to the support price, a percentage of so-called parity.

This program, however, is a combination of support prices and payments to withdraw land from production. To attempt to make it work, it was thought that all producers would have to be brought into it—large and small—or else there was no possibility of it working. That meant the large producers had to come in as well as the small producers.

The Senator said the program did not help the small farmer. If it helps prices, it helps the small farmer, just as it helps the large farmer.

Mr. WILLIAMS of Delaware. To the extent there is a support price in agriculture, it helps the small farmer just as much as the large farmer. But to the extent we are dealing with these subsidy payments, they do not help the small farmer as much as they do the large farmer, because the small farmer, who has a one-family operation and $40,000 or $50,000 of equipment—and that is a low estimate—cannot afford to idle one-fourth of his acreage. If he does he loses his efficiency in operating his equipment. But a man who has three times that acreage and perhaps two or three times as much equipment can discharge his labor, put his oldest equipment in the barn, and to that extent the payments for diversion represent a larger percentage of profit. Those are the facts of life.

By the same token, a man who owns 1,000 or 2,000 acres of farmland and wants to retire can sell his equipment, put it all under the soil bank, and to that extent it represents a still larger percentage of profit. We cannot get away from those economics.

Mr. COOPER. The Senator from Delaware does not address himself to the real problem. That is the problem of whether you have control, and an attempt to limit production and thereby assure a reasonably fair price, or whether you turn production loose. If you turn it all loose, without any controls, we could find ourselves in the same shape we found ourselves after World War I, when the prices were driven down so disastrously low. Many people believe that led to the depression.

The Senator cannot argue that with some of the farmers left out of the control provisions and some left in, that there would still be an effective control system. I must say that the Senator is really arguing against the farm production control program. That is the part of the farm program which makes the price support workable.

Here is what I believe should be done. I wonder if the Senator has ever suggested this; I must say that I have not. I wonder if it has been considered in the Committee on Agriculture and Forestry.

Suppose the Department of Agriculture should make a study, take every payment from $75,000 up and determine how many acres had been taken out of production by reason of those payments. It could do the same for payments of $50,000 and up, and payments of $25,000 and up. Having done that, it could be determined what percentage of production had been taken out for cotton, for corn, for wheat, for rice, for any basic commodity. Then I believe a reasonable determination could be made as to whether payments could be cut off at, say, $75,000, $50,000, or $25,000, without

destroying the production control program.

Would the Senator agree that there is some sense to that proposal?

Mr. WILLIAMS of Delaware. I was a member of the Committee on Agriculture and Forestry several years ago, and I tried to get the committee to consider this matter then.

Mr. COOPER. Before we get away from this point, does the Senator agree that that would be a rational way to find out the effect of placing such limitations upon the production control and price support program?

Mr. WILLIAMS of Delaware. I have been debating this point for 15 years, and I am surprised that nobody in the department has studied it. They should have.

Mr. COOPER. We in the Congress have not, either.

Mr. WILLIAMS of Delaware. Perhaps the Senator has not, but it has been before the Senate every year.

Mr. COOPER. The Senator from Delaware offers it every year.

Mr. WILLIAMS of Delaware. That is correct.

Mr. COOPER. Has the Senator been able to determine—I have not asked, and I do not know whether the committee has—what effect the limitation of $75,000 or $50,000, or $25,000 would have upon production, percentagewise?

Mr. WILLIAMS of Delaware. I offered this amendment earlier this year as a rider on an appropriation bill. The suggestion was then made, very properly, by the chairman of the committee that this was something that should be studied by the committee. I did submit the amendment to the committee, and the committee considered it. I regret that they rejected it.

I emphasize that this does not stop the price support for the large farmer. This does not deal with the price support loans at all. It does enter into the incentive payments and the production payments, and I believe we should control them.

The Senator from Kentucky said this is an argument between controls or no controls on agriculture. To some extent that is true. But so long as you have a support price on any commodity in America—I do not care whether it is agriculture or some manufactured product—so long as you have a support price that is guaranteed by the Government, where that support price represents a profit, there is only one way to control it, and that is with mandatory production controls. And I do not mean voluntary controls. I do not want the mandatory controls, but the only way to make any program work with a support price above the cost of production, human nature being what it is, is to control that production. And I repeat, I do not want mandatory production controls.

The Senator said that we cannot afford to cut loose all supports. I agree with him. I was asked the question some time ago, "If you had a chance to vote to repeal the support program and abolish the Commodity Credit Corporation today, would you do it?" The answer was, "No."

This program could not be abolished overnight. Several billion dollars of commodities are on hand, and abolishing the program overnight and dumping the commodities on the market would have a demoralizing effect on the markets both at home and abroad.

I believe we can work our way out. I said that I do not believe the American farmer can be cut loose without any program. Agriculture is an operation that is different from manufacturing, and some type of support is needed.

Likewise, I point out that farming is not the only aspect of our economy that is being subsidized. With respect to any subsidy that is paid to any industry, before you go in to get that subsidy from the Government I believe you should have lost a little of your own money.

Mr. McGEE. Mr. President, title 5 of the bill we are considering extends the National Wool Act through 1973. In the 14 years that this wool program has been in operation, it has proven to be a sound program. Furthermore, it has worked better than previous wool programs; for example, the purchase program that was in effect in the early 1940's and through which the government acquired a stockpile of wool which in turn became a depressant when free market operations were resumed after World War II.

Under the National Wool Act, wool moves freely into the open market, selling at the best price obtainable. An incentive payment is made to growers when the market price falls below an incentive level which is regulated by a parity index formula reflecting costs of production, wages, interest, and taxes paid.

After an investigation completed in 1954, the Tariff Commission recommended to the President that the tariff duty on imported raw wool be increased to protect the price support program then in effect on our raw wool. The President felt it would be unwise to raise the tariff due to our close ties with wool-producing countries, such as Australia, that ship wool to the United States. In lieu of a tariff increase, the National Wool Act was evolved. The incentive payments made under the Wool Act cannot exceed 70 percent of the tariff duties collected on wool and wool manufacturers so that payments under the act are related to tariff duties collected.

Furthermore, under the National Wool Act, growers have instituted a self-help program to advertise and promote their products, lamb and wool. They are currently contributing 1½ cents per pound of wool sold to finance this worthwhile promotion program.

Last, but certainly not least, the National Wool Act is operated in such a manner that it provides an incentive to growers to improve the quality of their wool and thereby receive the best price possible in the open market.

Wyoming is the second largest wool-producing State of the Nation. However, all 50 States have wool production. The National Wool Act has worked well for our wool producers and I highly recommend that it be extended.

Mr. MANSFIELD. Mr. President, our colleague, Senator FULBRIGHT, is in Arkansas and cannot be here for the debate upon this important legislation. He has asked me to offer a statement in opposition to limitations upon payments to farmers as authorized in the farm bill. I ask unanimous consent that Senator FULBRIGHT's statement and an accompanying letter be printed at this point in the RECORD.

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

STATEMENT BY SENATOR FULBRIGHT OPPOSING LIMITATIONS ON PAYMENTS TO INDIVIDUAL FARMERS UNDER THE VARIOUS FARM PROGRAMS

Mr. President, for several years attempts have been made to impose limitations upon payments to which farmers are entitled under our various national programs to develop orderly markets in agricultural commodities. I have consistently opposed such efforts. Of the many statements which have been made on this issue, none has been more clear than a letter which I have received from the Secretary of Agriculture. I ask unanimous consent that there be printed at this point in the RECORD the letter dated July 17, 1968, addressed to me by Secretary Freeman.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, July 17, 1968.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR BILL: As the vote nears on the farm program, I want to make it clear that my opinion on the limitation of payments hasn't changed—I'm against it because I believe it is against the national interest.

In agriculture as in manufacturing the Nation has the capacity to produce about 12 percent more than markets will take without price-smashing effects.

Manufacturers readily regulate production to prevent price disasters. Farmers historically have not been able to do this without a farm program. Our farm commodity programs today—and they are voluntary programs—permit them to do this. They work because farmers cooperate in diverting acreages from surplus crop production into soil-conserving uses. Many do this at a financial sacrifice because they know balanced supplies are in the interests of all.

All who cooperate earn, and are entitled to, reasonable compensation for this acreage diversion. Nowhere have I heard of a limitation on payments when a city takes real estate for urban renewal, or when a state takes land for a highway.

The farmer who is asked to divert 100 acres from surplus production expects to be paid about twice as much as what his next door neighbor, with comparable land, earns for 50 acres of diversion. And why not? His investment is twice as great, his taxes are twice as great, and his risk is twice as great.

Commodity programs are not welfare grants. To be effective in balancing production they must fit into the free-enterprise concept that a man is rewarded in terms of the value of his contributions. Program payments reimburse farmers for income they forgo and expenses they incur when they divert land from crop production to carry out farm policy.

And to those who assume that money will be saved by limiting payments, I say that this is simply not true if the same result of supply management is to be achieved. If one large farmer who has been forgoing production on 1,000 acres doesn't cooperate in these programs, that means 100 small farmers will have to forgo production on 10 more acres each to maintain supply and demand stability—and I believe that this would cost more, not only in federal funds, but in fur-

ther curtailment of opportunity for smaller farmers.

The present farm programs have accomplished what would have been considered a miracle a few years ago. By encouraging the participation of producers, large and small, we have used these programs to work Commodity Credit Corporation inventories from their peak of $6.148 billion in October 1960 down to $896 million as of last May 31.

I would remind you that Agricultural production potential today is greater than it was in the days when those surpluses were piling up. It seems to me there are three alternatives: new and greater surplus inventories with higher federal costs; a glutted market with an economic impact far wider than farmers; or commodity programs with ample production at reasonable cost to the consumer and with reasonable returns to the farmer.

Sincerely yours,

ORVILLE L. FREEMAN.

Mr. RIBICOFF. Mr. President, I shall vote against this bill.

The proposed legislation would extend for another 4 years a program which has failed both the farmer and the Nation as a whole.

At a time when Americans are digging deep into their pocketbooks to pay the extra 10-percent surtax, I cannot vote for a program of such expense and inefficiency. Wheat and feed grain programs alone are costing the taxpayer close to $2 billion a year.

At a time when we must reorder our policies to meet new priorities, I cannot vote for programs of the past.

This is no time to tie the farmer and the consumer into a program which has amply demonstrated its failures in the past 3 years. This is no time to blandly perpetuate our past errors.

This legislation would extend, without major change, the subsidy and price support programs begun under the Food and Agriculture Act of 1965. But the 1965 act has reaped a grim harvest. Last year farm income fell $2 billion. Farmers and their families have been driven off their land and forced to migrate to our already overcrowded cities where they are ill-equipped to find jobs. The small farmer has been boxed in by a program which caters only to his large corporate neighbor. Parity for all farmers has dropped to its lowest point since 1933.

This record alone is hardly a recommendation for extending our present policies, and when coupled with the astronomic cost of our farm programs, it becomes a clarion call for agricultural reform.

Mr. President, the Food and Agriculture Act of 1965 is authorized to extend through the 1969 crop year. There is no need to authorize further programs at this time.

In 1969, a new administration will begin its work—an administration which will undoubtedly have a farm program of its own. This program along with other proposals should be reviewed and tested at length in both Houses of Congress. To act now would be to make a hasty and ill-advised end run around the next administration and the next Congress.

We have spent $12 billion in the last 5 years underwriting this expensive subsidy and support program. No one has gained from these policies except the handful of rich farmers who receive the lion's share of Government payments. It is time to reexamine our efforts and redirect our policies.

Mr. YARBOROUGH. There is much at stake in the question of renewal of the Food and Agriculture Act of 1965. Quite simply, what is at stake is the future of rural America.

So, in effect we chart today a course of action whose effect will be felt both far and wide. Will the future continue bright and vibrant? Will we continue to enjoy a full—yet even—flow of the world's best food from our more than 3 million commercial farms to the marketplace and on to the consumer? Or will we return to the agriculture of surplus piled high on the land—the agriculture of low profit and high despair?

A decade ago the tide of despair ran strong in agriculture. We have stemmed that tide. Look at what has happened: Per farm income—55 percent higher than at the beginning of the decade—exports, up 51 percent since 1960 to $6.8 billion—price-depressing surpluses virtually eliminated with CCC inventories down from $4.5 billion in 1960 to less than $1 billion today—and that is the lowest since 1953.

I say, let us continue with proven methods. A wise cook often experiments with a favorite recipe. But she never confuses salt with sugar, or substitutes one for the other.

Some needed refinements have been added in the case of this legislation. But basically, it is the same proven plan for building and maintaining a healthy agriculture industry throughout this land of ours—that we put into effect in 1965.

Let me share with my colleagues an example of what these programs mean in my own State.

Last year we were hit with abnormally bad growing conditions in Texas. Hurricane Beulah devastated 24 counties in the southern part of the State, severely damaging the citrus crop, and cotton and vegetable crops in that area.

Yet despite this adversity we actually had a small gain in income from cotton, a major crop. In 1966 the value of cotton production in Texas was $361 million. In 1967, despite the fact that the crop had been wiped out in a considerable area, we made a slight gain to $364 million. The reason is simple. We had an effective cotton program in operation and our Texas cotton farmers were taking advantage of it. Just over 100,000 farms participated in the cotton program last year. This involved 6.2 million acres of cotton, and program payments of $297 million—up from $242 million in 1966.

We had about 83,000 farms signed up last year for the feed grain program. These producers earned $61 million in 1967 and will earn about $118 million this year. More than 40,000 farms were signed up for the wheat program. Payments here totaled about $46 million and will be just about the same this year.

These are just a few examples of what the farm commodity programs mean to farmers in my home State. There are many others. And the examples are by no means confined to Texas; I look in any State where these basic commodities are grown and you will find farmers who are joining in a partnership with their Government that is sealed in plain commonsense—the commonsense of balanced production for a fair shared return. The farm program is working. It is a success.

I recommend that the Senate extend the legislation under which the program is operating. Let us extend it for 4 years as the bill provides. Let us do it now.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a 2-hour limitation on the pending Williams of Delaware amendment, the time to be equally divided between the Senator from Delaware and the Senator from Louisiana; that there be a limitation of 1 hour on all other amendments, and a limitation of 1 hour on the bill.

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

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Does the Senator mean 1 hour on each of the other amendments?

Mr. MANSFIELD. Yes.

Mr. HICKENLOOPER. Mr. President, reserving the right to object, does the Senator contemplate that the Senate will not vote tonight, but that the Senate will vote in the morning?

Mr. MANSFIELD. That is the way it is beginning to look to me, although I would like to get some of these matters out of the way tonight.

Mr. WILLIAMS of Delaware. Mr. President, I agree to the unanimous-consent request. However, having utilized as much time as we have on our side, the other side has not had a chance to present its position, and to the extent we could accommodate them, I am willing to.

Mr. MANSFIELD. We have provided for 2 hours on the pending amendment, to be equally divided.

Mr. HICKENLOOPER. Mr. President, I do not object but for personal reasons I wondered about voting first thing in the morning.

Mr. MANSFIELD. I understand the Senator's personal reasons. There will be further discussion on the proposals and I would like to get it out of the way. However, I want the membership to be sure of a vote on this matter tomorrow.

Mr. PASTORE. What is wrong with giving a 2-hour period tonight with the idea that we will have a vote at 10:15 tomorrow? The matter could be debated for 2 hours tonight.

Mr. MANSFIELD. I would like to see as much of the debate had tonight as possible.

Mr. PASTORE. All of it tonight.

Mr. MANSFIELD. In that case, it is the intention not to adjourn but to recess tonight and to immediately go into a time limitation at 10 o'clock tomorrow.

Mr. PASTORE. And vote tomorrow.

Mr. WILLIAMS of Delaware. Tomorrow we could have 10 minutes or 5 minutes remaining on each side.

Mr. PASTORE. And vote at 10:10 a.m.

Mr. MILLER. Or 10:30.

Mr. WILLIAMS of Delaware. We would continue the debate tonight.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, coming in at

10 a.m. tomorrow, the time be equally divided, 15 minutes to a side between the Senator from Delaware [Mr. WILLIAMS] and the Senator from Louisiana [Mr. ELLENDER], and that the vote on the pending amendment take place at 10:30 tomorrow; but, at the same time, I would like to have a 2-hour limitation for tonight also.

The PRESIDING OFFICER. Does the Senator from Montana wish to have the request in the usual form?

Mr. MANSFIELD. Yes; under rule XII.

Mr. MILLER. Mr. President, does the Senator add to that request the 1-hour time limitation on further amendments?

Mr. MANSFIELD. Yes, and 1 hour on the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, That during the further consideration of the bill (S. 3590) to extend and improve legislation for maintaining farm income, stabilizing prices, and assuring adequate supplies of agricultural commodities, debate on any amendment (except the pending amendment by Senators WILLIAMS of Delaware and BREWSTER of Maryland, on which there shall be 2 hours of debate to be equally divided and controlled by the mover of the amendment and Senator ELLENDER: *Provided*, That the time between 10 and 10:30 a.m., Saturday, July 20, 1968 be equally divided and controlled by the same Senators and that the vote on the said amendment come at 10:30 a.m. that day), motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from Louisiana [Mr. ELLENDER]: *Provided*, That, in the event the Senator from Louisiana is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him.

Ordered further, That, on the question of the final passage of the said bill, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in recess until 10 a.m. tomorrow. There will be no morning hour tomorrow and we will go immediately into the time limitation, and vote at 10:30 a.m.

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

AGRICULTURAL ACT OF 1968

The Senate resumed the consideration of the bill (S. 3590) to extend and improve legislation for maintaining farm income, stabilizing prices and assuring adequate supplies of agricultural commodities.

Mr. STENNIS. Mr. President, may we have order so we can hear the debate?

The PRESIDING OFFICER. The Senate will be in order. Attachés will retire to the rear of the Chamber. The Senator from Delaware has the floor.

Who yields time?

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 5 minutes and then I yield to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. MILLER. Mr. President, I would like to add a few comments to what the Senator from Delaware has said in response to the question raised by the Senator from Kentucky. The Senator from Kentucky has asked a question which has troubled me, and that question is whether or not there has been any research made to analyze the impact of some of these larger payments on the grain control program.

I wish I could say we have a tabulation from the Department of Agriculture showing the number of large farmers who are not in the program. My information is that there are a large number of large farmers not in the programs who do not receive payments.

Whether or not the Williams limitation would affect the total amount of grain produced, is something that nobody seems to be able to answer.

Mr. President, with a view of determining something along this line, in a recent committee meeting I persuaded the chairman of the committee, the distinguished Senator from Louisiana [Mr. ELLENDER] to see what the Department could come up with in connection with the Williams approach, possibly scaling the size of acreage so that a very large producer might be satisfied with a smaller payment than a smaller acreage farmer, and be satisfied enough to go into the program to help achieve the objective of the program.

As a result there was a letter sent by the Secretary to the chairman of the committee dated July 18, 1968. I wish to read from the letter received from the Secretary of Agriculture. I might say, Mr. President, that I have the permission of the chairman to do this:

With the basic fact that voluntary programs must obtain participation from large farms as well as small farms, it would be extremely difficult to find a formula or devise a program which would hold participation in the voluntary commodity program while at the same time limiting the returns to those farmers.

Mr. President, I would like to point out this paragraph especially to the Senator from Kentucky:

Due to previous requests, and also because of the harmful propaganda based on big payments, I have considered program modifications which limit payments. I have not yet been able to come forth with a satisfactory solution. In view of your committee's request, we will review and intensify our efforts in this direction.

That indicates this is an extremely difficult problem and that the Department does not have an answer to the Senator's question. If it did I think it would have gone into the matter long before now, but we have the assurance that the Department is trying to proceed in this direction.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. COOPER. Mr. President, I am very much interested in the Senator's comments. They have been helpful. They are also rather complementary to the position the Senator from Delaware has taken. However, it seems to me that in considering this amendment today these facts should be ascertained. For example, the Department of Agriculture knows the name of every individual that is receiving payments over $75,000. The Department would know the acreage that had been taken out of production through that payment of $75,000. Is that correct?

Mr. MILLER. Mr. President, as I said earlier, I do not believe they have the information regarding the number of these large farmers not in the program, but they should have the information the Senator from Kentucky has mentioned.

Mr. WILLIAMS of Delaware. They do have the information because they make the payments and they tabulate them and report to Congress. Under date of May 23 of this year, as appears in the RECORD of that date, I had printed a list of all those farmers receiving over $50,000, which information was furnished by the Department of Agriculture. There is a list of those receiving over $25,000, but I did not have that printed because it is so long. They have the names of all those persons receiving the payment.

Mr. MILLER. The gap is that they do not have the names and acreage of those not receiving payments and not in the program; and how much difference it would make to have these others who have not gone into the program is something that has not yet been worked out.

Mr. COOPER. They have the names of all those people and they know the number of acres taken from production on those farms. They know the total number of acres taken from production of wheat or cotton, for example. From that total acreage reduction they could determine what percentage of the control program is represented by the reductions on the large farms; is that not correct? That would give them some idea of what the effect on the control program would be if, say, it was limited to the payments under $75,000. At least, we could begin to look at this proposal on the basis of some reason, rather than just guessing.

Mr. MILLER. I think I understand what the Senator is getting at, but it is a little more precise than he has put it. What he is getting at is this: Suppose we draw the line at $75,000, with no payments over that, but here is a farmer with $100,000 and he will be told that he will get no more than $75,000 and he has got to be in the program to get the $75,000. Is he going to come in, anyhow, or is he not going to do so? If he does not, we know how much potential production he has from not diverting acreage and the Senator from Kentucky would want that computed.

Mr. FANNIN. May I interject here to say that if he comes in at all, he comes in at 100 percent. That is one of the great problems. So if he had 100 acres he does not divert and another farm has 50 acres he does not divert, the one that

had diverted the 50 acres under the formula, supposedly, could get the same amount of money as the one who diverted the 100 acres.

Mr. MILLER. We do not know whether the farmers cut off in the payments will say, "Well, the payments are still enough of an incentive for me to stay in." The man who gets the $100,000, who now would only get the $75,000 would say, "I would like to get the extra $25,000 but it is still a good deal for me to get the $75,000." That is the psychology of it, but I do not believe that they have been sampled out adequately. I do not believe that we have had enough statistics on it. That is why the chairman wrote to the Secretary to try to get a study going on it.

Mr. COOPER. Mr. President, no one knows. My idea is this: Assume 1,000 farmers in the United States get $75,000 or more. It may be more than that, I do not know. Perhaps there are 5,000. If we knew the acreage that had been taken out of production by those 5,000 farmers entering into the program and then, by ascertaining what percentage of the total reduction that amounted to, it would be my assumption that compared to the hundreds of thousands of small farmers who might have taken out 10, 50, 100, or 200 acres, the amount of production taken out by those 5,000 farmers would be relatively small. If that proved to be true, the Secretary of Agriculture, or the Congress, could then make a rational judgment. We could then say "it is not worthwhile. We do not have to go over $50,000, because we knew the amount of production taken out by that payment is small compared to the total reduction."

We might remove those payments, and that would remove a good deal of the criticism made of the program.

Mr. MILLER. The Senator's suggestion on that point is, indeed, one approach. There is an approach which the Senator from Delaware is using on an assumption basis, that if we take his amendment, then it is not going unduly to aggrevate the surplus situation. But no one knows the answer to that.

There is another approach, let me say to my good friend from Kentucky, and that is to scale down the payments as the acreage gets larger. That is an approach that we asked the Secretary to look at, and the best he was able to come up with was that he has not been able to come up with a determination. He will intensify his study on it. I think that has a possibility, too. Of course, the higher we get on the cutoff the less we will aggravate the surplus condition because there will be less farmers who will not participate, and the fewer farmers who do not, the less the impact on the surplus condition. Where the cutoff should be, whether $75,000 or $50,000, no one knows. The Senator from Delaware is making an effort to try to avoid this bad publicity which has taken place over the large payments. The answer to that, of course, is that we want to have them participate and have big farmers as well as little farmers participate because if they do not, we will have a surplus again. Then the refinement is, maybe if we take out just a few of the big farmers, we will not have the surplus.

Where we draw the line, I say to my good friend from Kentucky, I do not think anyone knows. The Senator from Delaware is trying the $75,000 line. If we use the $75,000, we would not have very much of an aggravation of surpluses.

Mr. ELLENDER. Mr. President, I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. FANNIN. Mr. President, I oppose the limitation of payments because I believe it is against the national interest.

As long as the Federal Government controls the farmers activities in the operation and welfare of their business it is only fair and equitable that the Federal Government reimburse the farmers for the crops they are precluded from growing.

This Nation has the capacity to produce agricultural products far in excess of the market but if this is done many farm production areas will suffer drastically from their inability to compete. Price smashing repercussions would accrue if subsidies are suddenly dropped or lowered unrealistically without several years of planning and programing. Personally, I hope a complete removal of controls and subsidies will come about in the not too distant future. Research and proper programing, I believe, will bring this goal to a reality if a sincere effort is fervently carried forward. It may take several years to completely accomplish this objective.

Farmers cannot adjust to sudden changes in demand of their products as can be done in manufacturing. Rains, hail storms, heat, and cold all enter into a farmers fortune in crop yields. He cannot overnight or during a growing season considerably change the amount of yield except to not harvest a crop or to only partially harvest.

We must consider this legislation from the standpoint of the farmer with just consideration of the consumer, all the people of America. Food and fiber production in the United States must be maintained for the general welfare of the people as well as for the security of this Nation in times of emergency.

In considering costs of production to the ultimate consumer it is necessary to realize in the production of many crops the economic size of the farm unit is very important. The more successful or larger farmer should not be penalized because of size alone.

Certainly I wish we could give special opportunities to the small farmer but not at the expense of the large farmer and the consumer.

As far as this Senator is concerned if we can be fair to the consumer and not increase commodity prices I hope we can eventually work ourselves out of controls and subsidies completely.

Now specifically to the cotton program:

Two of the overriding considerations are first, limitations would create a more costly problem than the amount of savings a limitation would net; and, second, limitations would cause severe hardships not only in cotton and other agricultural commodities directly involved but also for the textile industry, in many allied industries, and actually throughout our economy, ultimately adversely affecting every consumer in this country.

What many do not understand is that the present cotton program is not a voluntary program. To receive the benefits of price supports, mandatory and voluntary diversion payments, cotton producers must participate by including all of their production in the program.

The unique hardship of a payment limitation and the mandatory features of the cotton program is that producers would be required to participate 100 percent but not allowed to benefit 100 percent if they are above some arbitrarily set size. The unfairness of preventing large producers from fully benefiting from the program is emphasized by the fact that the program benefits—price supports, mandatory and voluntary diversion payments—represents a significant part of the producer's cost of production. These are costs a producer has to incur, regardless of size, for seed, fertilizer, equipment, chemicals, and labor.

The fact that the Food and Agriculture Act of 1965 reduced the loan rate for cotton from about 30 cents per pound to about 20 cents per pound has kept cotton competitive in price and contributed materially in reducing the surplus. However, with USDA figures indicating that cost of production is about 26 to 28 cents per pound, it is obvious that some interim income-maintaining device is necessary. That device was worked out in the present legislation in the form of price support, mandatory and voluntary diversion payments. These direct payments are viewed by the cotton industry as temporary, income-maintaining supports to last only until the cost of production can be reduced by research. To limit these payments now, before the ultimate in cost reduction has been achieved, would work a double hardship on the producers involved.

First, producers would not be paid what amounts to an integral part of their cost of production, and many would face dire financial hardships. Second, producers would not have the alternative of receiving the benefits of the program up to the limit of their payment, and planting the rest of their acreage outside the program. The program is all or nothing. As long as cotton farmers do not have the option of participating to a limited degree in the program, it is unfair to say their benefits of the program must be limited. It is basically unfair to say to a producer, "It is mandatory that you participate 100 percent in the cotton program, but because you happen to be larger than some arbitrary size, you cannot benefit 100 percent from your participation."

With payments limited, with the loan rate reduced significantly below the cost of production, and with producers depending on the payments for a major part of their actual cost of production, economic chaos will result for the cotton industry if a payment limitation is imposed.

The probable result of a payment limitation is that many producers will not

continue their present production levels of cotton. The consequences of drastic reductions in cotton acreage are important for all our economy.

With fewer acres devoted to cotton, the already acute supply situation will be worsened. The ultimate result will be that the spinning mills will be forced to substitute synthetic fibers for cotton. Market losses for cotton will be heavy. These lost markets may never be recovered. The probable situation is that with a weakened cotton industry, spinning mills would be dependent on a few large synthetic fiber producers for their raw materials. The consuming public would be faced ultimately with a smaller selection of cotton goods in the marketplace, and consumers probably would be paying more for their textiles.

With prices rising, demand will slacken, and the textile centers and industries allied to agriculture and textiles, will feel the economic pinch.

With cotton producers no longer able to produce cotton at a profit because of the payment limitation, millions of acres of some of the most fertile and productive land in the United States will be diverted to the production of other commodities. Feed grains, wheat, soybeans, fruits, vegetables, poultry, and livestock markets could be wrecked within a year's time because of the repercussions from transferring excellent cotton lands into alternative crops.

The sponsors of the payment limitation are using the argument of "economy" as one of their main justifications for a payments limitation, but it will be far from an economy move. There will be no savings under a payment limitation when amounts are totaled representing the extra cost to the Government for purchasing and storing the surplus commodities, the cost of the economic losses to areas and industries dependent on a stable agricultural economy, the cost of higher consumer prices, and the cost of gold losses resulting from greater imports and fewer exports because of the market disruptions.

While the cost of the present cotton program is admittedly high, the costly payment features are viewed as an interim feature, lasting only until the cost of production can be reduced. On the other hand, when amounts are calculated for the total cost of a program under a system of payment limitations, the actual—not the out of treasury expenditures—will be greater than the present program, and they will be permanent costs—such as the loss of markets—rather than temporary costs.

In return for the payments, producers are doing things which are desirable and which are sound management practices. For example, under the present cotton program, a costly government surplus has been sold. Rather than continuing expenditures for purchase and storage of the surplus, the government has received an income from the sale of its stocks. Now that these stocks are eliminated, production is going directly to consumption, not to government storage. True, some payments have been large, but in return for these payments, the government and all its taxpayers have received benefits, and with the surplus now eliminated, diversion costs can be at the minimum in the future.

No one favors economy in government more than I do. But when we consider all the costs of a payment limitation, it is a cost far greater than the amount a payment limitation would save—a cost far greater than we can afford. Mr. President, I urge that the payment limitation amendment be defeated.

Mr. ELLENDER. Mr. President, I yield 10 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, this amendment raises a basic, fundamental question with reference to the entire price-support program, and it is an intriguing and fascinating principle of the entire price-support system. I think these payments could be better described as being, not payments to the individual, not payments to a corporation, if it happens to be a corporation; these payments are payments for the system. The subsidy payments are paid for the system.

What is this system? The farm program has been worked out over a period of 30-odd years, and has been, by experiment, both from the farmer's standpoint and from the taxpayer's standpoint, improved and enlarged into a workable system that always provides us with needed food and fiber.

To my mind, I could not give a better illustration than an experience I had some 10 years ago. I spent 18 days in Eastern Europe and in Russia. I saw teeming millions of people in Russia working hard and industriously, producing the very best they could, but their stores were scanty, their goods were scarce. With all respect to those people and their nation, I saw them standing in line. It is true that they are improving their economy, but at that time they were standing in line two blocks or more long in Moscow, trying to buy ordinary pieces of cotton goods in the stores. I saw them standing in line in other places, waiting for other goods or products.

The reason for it was that the supplies had run out. The people who had not gotten to the counters were unable to get the goods.

When I returned to this country, I went purposely to a large grocery store in the city. It was bursting to the seams with a great variety of fresh vegetables and fresh fruits and all kinds of canned goods. Every conceivable kind of food in the world was there—baby food, infant food, invalid food, everything. There were 120 different kinds of cheese, for instance. That was one item I counted. People were buying right and left. The rush hour was on.

Mr. President, I have never been prouder to be an American than the time when I saw that striking contrast. I have never been prouder to think of the way we have worked out an economy that supplies continuously, every day of the year, all over the Nation, this unlimited supply of the finest kind of food products. That experience could be reproduced again and again in stores where they sell finished products of fibers and goods.

So we are paying subsidies, and some of them are very large, but that is the price we have to pay for the system.

If we move in and strike down one of the arches upon which this system stands, that is the beginning of the wrecking of this program. I speak from personal knowledge, not from participation in these programs, but from personal knowledge of the way the system works.

So we have not only this needed food and fiber, but we have this balanced production, year in and year out, an assured production first, and then a balanced production later, which gives us this even, smooth, balanced economy.

Certainly it costs money, but if it were not for the program that gives us this assurance, we would be out of certain kinds of food needed by children and others, and we would have an oversupply of other foods, the prices for which would be ruinous to the producer.

So the cost is worth something to every person in America, but it is of particular value to the consumer to have within his reach, within his block, almost, throughout this great land, this unlimited supply of food at relatively low prices. I say that with emphasis, although the price is going up somewhat, and going up too fast for me. At the same time, the food is there, and it is within the reaching distance of the great mass of the people.

So anyone who feels he must vote for the consumer can cast, in my opinion, a sound, honest vote for the consumer by voting to maintain this whole system. If we buy a part of it, we have to buy all of it. If we affect a feature of it, it will affect the payments and make the system unbalanced in time, as certain as night follows day.

I have seen something else happen, too. I know what it is to have labor operate the farm and what it is to have that labor leave. I know what it is to see too many of them converge on the towns and cities. I do not know that half so well as do the people who are living in cities, and we have seen that situation right here in this city.

I cannot think of anything that is better insurance for the American people against some of the frightful things that we can foresee in the future, and that we feel will happen, than to keep this thing spread out as much as we can all over the Nation, and have a balanced, regular, consistent, uniform farm program. Otherwise, even more people will congregate in the cities, where there is not enough to do, and right there is where the breeding ground starts for troubles of the most serious kind.

So as far as I am concerned, I am willing to rest the case with the statement I made at the opening of my remarks, that it is the system and not the individual to which we are making these payments, and that is necessary to have an across-the-board application in order to have a system that will work.

I yield back such time as I may have remaining.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I yield 5 minutes to the Senator from Florida.

Mr. HOLLAND. I thank the Senator from Louisiana.

Mr. President, I am grateful to the Senator from Delaware for having specifically excluded the sugar program from the scope of his amendment. That is only fair, because in that deficit program, the effort is to continue to supply about 60 percent of our domestic sugar needs, so that if our offshore supplies are cut off, we would still be able to live.

Mr. President, that program is proving successful. It is making sugar available at a reasonable and a relatively stable price. It has not cost our Government anything, because out of the processing tax, large sums are turned into the general revenue each year and, as a matter of fact, the program is so designed that it gives much greater support to the small than it does to the large producer.

In order that this fact may be clearly shown, I ask unanimous consent to have printed in the RECORD section 304 of the Sugar Act, subsections (a), (b), and (c).

There being no objection, the section of the statute requested was ordered to be printed in the RECORD, as follows:

COMPUTATION OF PAYMENTS AND PERSONS ELIGIBLE FOR PAYMENTS

SEC. 304. (a) The amount of the base rate of payment shall be 80 cents per hundred pounds of sugar or liquid sugar, raw value. (7 U.S.C. 1134(a).)

(b) All payments shall be calculated with respect to a farm which, for the purposes of this Act, shall be a farming unit as determined in accordance with regulations issued by the Secretary, and in making such determinations, the Secretary shall take into consideration the use of common work stock, equipment, labor, management, and other pertinent factors. (7 U.S.C. 1134(b).)

(c) The total payment with respect to a farm shall be the product of the base rate specified in subsection (a) of this section multiplied by the amount of sugar and liquid sugar, raw value, with respect to which payment is to be made, except that reduction shall be made from such total payment in accordance with the following scale of reductions:

That portion of the quantity of sugar and liquid sugar which is included within the following intervals of short tons, raw value:

Reduction in the basic rate of payment per hundredweight of such portion	
350 to 700	$0.05
700 to 1,000	.10
1,000 to 1,500	.20
1,500 to 3,000	.25
3,000 to 6,000	.275
6,000 to 12,000	.30
12,000 to 30,000	.325
More than 30,000	.50

Mr. HOLLAND. Mr. President, I think the distinguished Senator from Delaware should also have excluded wool. I know if his proposal is enacted the wool-producing industry will be badly hurt. That is the only other deficit crop of which we are trying to encourage production.

I ask unanimous consent to have printed in the RECORD at this point what has been furnished to me today by the Department of Agriculture in response to a hurried call as a list of the six largest wool producers, and the amount of the payment made to each, in the States of Utah, Colorado, California, Wyoming, and Texas.

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

Desert Livestock Co., Salt Lake City Utah	$95,285
Echeverria, Don, Boulder City, Colo	93,986
Bidart Bros., Bakersfield, Calif	87,728
Rochelle Livestock Co., Rawlins, Wyo.	82,474
Morton's Inc., Bayles, Wyo	80,227
Silver Lake Ranches, Del Rio, Tex.	110,369

Mr. HOLLAND. Mr. President, with reference to the program now before us, as everyone knows, there are many details of the price support system which I do not agree, but I have tried always to help keep it a reasonable system, an effective system, and a fair system. The pending amendment strikes at the fairness and the effectiveness of the whole structure.

EFFECTS OF FARM PROGRAM PAYMENT LIMITATIONS

The damage to practically all of American agriculture from this proposed limitation on farm program payments would be far broader and deeper than appears on the surface. The three largest commodities—wheat, feed grains, and cotton—would be most immediately and directly affected, but the injury would spread quickly to other segments of agriculture, including particularly livestock.

The basic purpose of our farm programs is to assure adequate, but not excessive, supplies of agricultural products at prices fair to both producers and consumers.

The wheat and feed grain programs are both voluntary. Farmers are free to participate or not to participate in them. If a farmer does participate he takes out of production that part of his allotted acreage of the crop in question which is necessary to meet the national production goals for wheat or a particular feed grain crop and receives a rental payment for the land he idles. Also he is assured of a price support on the crop he does produce on his reduced acreage. If a farmer elects not to participate in the program, he, of course, receives no payment or price support, but is free to plant not only all of his allotted acreage of the crop but any additional acreage as well, and great amounts of acreage are coming out of the conservation reserve program at the end of this year.

If limitations should be applied, many of those farmers who are denied payments under the program by the limitation, would be forced to withdraw from the program and plan all acreage possible in order to make up their loss of payments through increased production.

The cotton program is not voluntary, but mandatory. If limitations are imposed, affected cotton farmers cannot withdraw from the program and plant cotton in excess of their allotted acreage without paying a penalty approximately equal to the price support for cotton. Neither can they survive financially under the cotton program if they are denied its benefits. Their only alternative would be to plant cotton only on those acres not penalized by the limitation and convert all of their additional cotton acreage to other crops.

And what would these "other" crops be that would be produced on the acreage, driven out of the wheat, feed grains, and cotton programs by payment limitations?

Most farmers forced out of the wheat or feed grains programs would probably plant all of their cropland acreage to wheat or to feed grains. Cotton farmers similarly affected would also turn to wheat and feed grains—including soybeans—in most areas. In the most highly productive cotton sections of the irrigated west and the delta areas, however, much of the converted cotton acreage would go into fruit and vegetable production.

In summary, the net effect of limitations would be about as follows:

First. Wheat production would be increased substantially, thereby defeating one of the main purposes of the Government's wheat program of balancing wheat supplies with demand.

Second. Feed grain production would be increased greatly. In my opinion this would be the most serious consequence of limitations. The program to stabilize feed grain prices and supplies would be largely destroyed. Excessive supplies and low prices of feed grains would result in overfeeding in the livestock industry, with serious damage to that industry's programs which are just beginning to be effective in stabilizing production and prices.

Third. The whole raw cotton industry would be hit the most direct and disastrous blow of any major segment of agriculture. A $25,000 limitation would force out of production overnight a substantial portion of the normal cotton crop. This would seriously injure and in many cases bankrupt our largest and most efficient cotton producers. The handlers and processors serving the cotton industry in the areas principally affected would suffer the same fate. The towns in these areas, and their total business, would be terribly harmed. The whole future of cotton—which depends completely upon reducing the cost of producing cotton so that Government subsidies can be gradually reduced and eliminated—would be shattered.

Fourth. Fruit and vegetable markets would suffer additional disruption, as the production of the acres idled by limitations created new competitive difficulties.

Therefore, Mr. President, I say that this amendment would make the whole program impractical, unfair, and ineffective, and I urge that it be rejected.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I yield 12 minutes to the Senator from Hawaii.

Mr. FONG. Mr. President, although the senior Senator from Delaware and the senior Senator from Maryland have modified their amendment so as to exclude from the $25,000 limitation the compliance payments to sugar producers, I still strongly oppose their amendment.

To propose such a limit—particularly without providing any substitute program for the protection of America's farm industry—would seriously disrupt America's basic farm programs, which have served our people very well.

I know—and my colleagues in the Senate know—that should the Williams-

Brewster amendment be adopted, a limitation on sugar compliance payments would surely follow, as night follows day.

In fact, the distinguished Senator from Delaware has just said, with very much candor, that his next amendment, if the present amendment carries, would be to limit the payments on sugar.

The Senator is exempting sugar at this time. He has frankly told us that it is because he expects to garner a few more votes for the pending amendment by exempting sugar from the amendment.

Because of what has been said by the distinguished senior Senator from Delaware about his next amendment to curtail sugar compliance payments, I shall discuss at this time what the impact of such a limitation would be on the sugar industry in my native State of Hawaii.

I can state the consequences very simply: Such an amendment applied to sugar would destroy the sugar industry in Hawaii, and sugar is our leading farm crop. It would destroy the jobs of 12,000 workers in Hawaii. This in turn would deal a staggering blow to Hawaii's economy, which is based heavily on the sugar industry. Sugar yields more than $190 million a year in income to the economy of our islands.

It provides full-time jobs for some 12,000 workers and pays them over $69 million in wages. Hawaii's sugarworkers are the highest paid agricultural workers in the world. They average, with fringe benefits, $26 a day. That is, a laborer working on sugar plantations averages, with fringe benefits, $26 a day.

Hawaii's sugar producers comply with all the requirements of the Sugar Act in order to qualify for compliance payments. In other words, Hawaii's sugar producers comply with production restrictions, pay "fair" wages to workers, do not employ child labor, and if they are processors too, they pay "fair" prices for sugarcane. In so doing, Hawaii's sugar producers earn entitlement to payments out of a fund consisting of Federal excise taxes collected by the Treasury on all sugar, foreign and domestic, processed in the United States.

The purpose of the sugar excise tax is to provide funds to pay U.S. sugar producers or processors for maintaining good working conditions, promoting orderly development of the sugar industry, and stabilizing the price of sugar for our domestic consumers. Compliance payments, therefore, are not a subsidy.

However, compliance payments are an integral part of the U.S. sugar program designed to assure American consumers ample supplies of this essential staple at modest prices. If an amendment is approved to limit compliance payments to $25,000, the sugar industry in Hawaii could not survive. Hawaii would suffer tremendous disruption of her economy and of her economic growth.

Loss of Hawaii's sugar industry would not only inflict great damage on my State, but it would also have very adverse consequences on the entire domestic production of sugar. For Hawaii produces about one-sixth of all U.S. sugar production. That includes beet and cane sugar. Compliance payments are, therefore, not only crucial to Hawaii, but also vital to the stability of the U.S. domestic sugar industry.

It should be remembered that these payments are made on a sliding scale; the lower the production, the higher the compliance payment per ton of sugar. In this way, small producers receive more per ton in compliance payments than large producers.

Only those growers who produce 350 tons of sugar or less are entitled to the maximum authorized compliance payment of $16 a ton—or 80 cents per hundredweight. Large growers receive less per ton, with the largest paid $7 a ton.

The largest payment made to Hawaii's sugar producers in 1965 was $8.83 per ton, whereas compliance payments to producers in other domestic areas went as high as the maximum of $16 a ton.

Total compliance payments to Hawaiian companies ranged from a low of $54,600 to a high of $1,177,000, with the majority of companies receiving over $200,000. These large payments are necessitated by the special nature of sugar cane production. Unlike many other agricultural commodities, sugar cane needs vast acreages in order to attain high efficiency. Hawaii sugar producers must plant enormous acreage before they can produce a high output of cane and achieve the efficiency of labor that will make Hawaii's sugar competitive in the marketplace.

There are about 237,000 acres devoted to cane, and at least one-half of this acreage must be irrigated. Because of Hawaii's mountainous terrain, expansion of acreage is limited and costly. Sugar producers have spent large sums of their own money—none Federal—to develop and operate wells, reservoirs, ditches, and tunnels of the elaborate irrigation systems now in use. Hawaii's sugar industry also spends more than $2½ million annually on sugar research—an activity financed by the producers since 1895. We have had a sugar research program for more than 70 years. As a result of the Hawaii sugar industry's own efforts, Hawaii has one of the highest sugar yields per acre of any area of the world.

Efficiency per acre is a "must" for Hawaii's sugar producers, considering the cost of modern equipment, the cost of its skilled labor, and the great distance of Hawaii from mainland markets. Hawaii's closest market for sugar is San Francisco, some 2,400 miles away. Most of the Hawaiian sugar is refined at Crockett, near San Francisco, and is marketed in 26 Western and Midwestern States, including Alaska.

These are some of the compelling reasons for development and operation of large farming units in Hawaii. There are 25 large sugar plantations which produce some 93 percent of Hawaii's sugar. The other 7 percent is produced by 750 small independent growers. The small producers receive higher compliance payments per ton than the large producers. That is, $60 per ton as compared to $8.83 for the large producers. Since compliance payments are based on total farm production and most Hawaiian sugar is produced on the large plantation company farms, many of the total payments are necessarily large.

I would like to point out, however, that in every year since the inception of the Sugar Act, the excise tax paid on sugar produced in Hawaii has substantially exceeded the compliance payments to our sugar companies. In 1965, the latest year for which I have figures available, the U.S. Treasury collected $11,607,060 in taxes on Hawaiian sugar, and paid back a total of $10,760,112 in compliance payments to Hawaiian sugar companies. Thus, in 1965 as in past years, Hawaii paid more in taxes than it received in compliance payments. Clearly, there is no net drain on the U.S. Treasury.

In fact, sugar is the only commodity that is completely self-financing through the imposition of a tax that more than covers the cost of agricultural payments to producers. During the life of the Sugar Act, the Treasury has collected over $500 million—more than one-half a billion dollars—more in sugar excise taxes than it paid out in compliance payments to U.S. sugar producers. This program has operated at a profit to the U.S. Treasury.

Over the period of the last 10 years, a majority of the sugar producers in Hawaii would have operated at a net loss if there were no compliance payments. In fact, many of our companies were in the red even with these payments. No industry can survive if it is consistently in the red. Any lowering of the ceiling on compliance payments would sound the death knell for Hawaii's sugar industry. It would be an economic disaster for my State, which is the largest sugar producing State. There are no important alternative agricultural uses for the land now used for sugar cane.

Hawaii's sugar industry faces large new costs over the next few years as it cooperates in the nationwide drive against water pollution. It has agreed to prevent dumping of bagasse into streams and ocean, a process that will require substantial expenditures. The sugar industry also faces unknown, but undoubtedly large, expenditures in complying with Hawaii's water quality standards on turbidity and thermal pollution. Such added costs will put an extra financial drain on Hawaii's sugar producers.

To summarize, the sugar industry in Hawaii provides year-round employment for some 12,000 people. It pays over $69,000,000 in wages. Sugar workers in Hawaii are the highest paid agricultural workers in the world—over $26 per day. Sugar represents a private investment of $200,000,000, with 12,500 individual stockholders, of whom more than two-thirds live in Hawaii.

The Williams-Brewster amendment, if extended to sugar, would destroy these jobs and this investment. It would deal a death blow to our sugar industry and plunge the economy of Hawaii into a tailspin from which it would be very difficult to recover.

Hawaii's sugar industry has been a world leader in sugar technology and mechanization. It has served our Nation well in war and in peace, providing sugar so basic to human needs.

I have emphasized the adverse effect of a $25,000 limitation on the sugar in-

dustry in my State, but the limitation would also place the sugar industry in other domestic areas in serious jeopardy.

I remind my colleagues that the sugar program has been in effect for more than 30 years. Congress has reexamined and extended the basic legislation some 12 times over this 30-year period. Yet the program has remained substantially unchanged. This is proof of how well it has worked.

From the standpoint of the American consumer, the sugar program has certainly worked well. American consumers today pay less for their sugar than consumers in practically all of the developed nations of the world and less than is paid in some of the undeveloped countries of Africa and Asia. The retail price of sugar has gone up less in recent years in this country than the price of most other staples on the grocery shelf. And, remember, the sugar program is self-financing, even returning a "profit," so to speak, of over $500 million so far to the U.S. Treasury.

Mr. President, I have discussed only the sugar program because sugar is the only commodity in Hawaii that could be affected by a limitation such as is proposed in the pending Williams-Brewster amendment for other farm crops. I am equally opposed to the application of this limitation to any of the other farm commodities.

To propose such a limit—particularly without providing any substitute program—would seriously disrupt America's basic farm commodity programs, which have served our people so well.

I understand a $10,000 limitation was offered in the Senate Agriculture Committee during the committee's consideration of the pending farm bill. I also understand the amendment was rejected by the committee.

I am totally opposed to this amendment, which establishes a $25,000 limitation. I urge my colleagues to join me in voting against the Williams-Brewster amendment.

The PRESIDNNG OFFICER. Who yields time?

Mr. ELLENDER. I yield 15 minutes to the distinguished Senator from Texas.

Mr. YARBOROUGH. Mr. President, I desire, first, to thank the distinguished senior Senator from Louisiana for the great study he has given this act, for the more than 30 years of study he has given to agricultural acts considered by the Senate.

While my State is not the largest State in gross annual agricultural income, it is the largest State in the number of farm families who earn their living from the soil. We have more than 300,000 family farm operations in Texas—more than any other State.

I believe that one item worthy of note as we begin this discussion is that of the 3 million farm operations in America, over 2 million have no hired hands. Over 2 million do this work themselves, with their families. They are family farmers in the truest sense, in that no one works on the farm except that family.

As we speak of the size of this operation, we know that the minimum wage bill applicable to farm laborers applies to 1.6 percent of the farms in the United States. It applies to a farm that has as many as 7 hired hands on it for one quarter of the year. What we are talking about is not the mere 1.6 percent of farms covered under the minimum wage law, but all the farmers since labor costs affect the price of farm products. Likewise without stable prices, the 2 million who live on the farms without enough money to hire one farmhand would be forced off the land.

Periodically, the opponents of our national farm policy raise a furor with proposals to limit the amount which the Government may pay a producer of agricultural commodities.

The hue and cry generally comes from two quarters. One regards any agricultural payments as little better than dole and would like to see them stopped completely. The other regards itself as the friend of the small farmer, and believes that a limit on payments will benefit the small family farm. The second group fails to realize that the small farmer is particularly vulnerable to the fluctuations of the agricultural market, from which the present program protects him.

Now the cry is also coming from a third sector. Spokesmen of the poor people attack the farm program as though it were the object that is responsible for the injustices, both real and imaginary, dealt to the poor.

Likewise, the latter group fail to realize the many benefits which accrue to the poor as a direct result of our sound farm program—that is, adequate food supply, at more reasonable prices, and jobs for farmworkers.

Some of its critics would like to abolish the present price-support program. Limitation of payments would be a singular success for those who desire to abolish this program, because it would mean the end of the voluntary system of farm production control. The commodity payments program is designed to balance the amount which our agriculture industry can produce against the amount which the country can use for domestic consumption and export. Almost alone in the world, our resources and technology together are expanding our ability to produce agricultural commodities far in excess of our capacity to consume them. Let me repeat, Mr. President: Almost alone in this world are we in that favorable position.

The agricultural program attempts, with remarkable success, to correlate production and consumption in order to provide a plentiful supply of food, while protecting us from a glut of produce.

The commodity payments system is integral and indispensible to the farm program. Without the payments, agricultural programs would undoubtedly cost more, since we would have to deal with the market after it had been bloated by overproduction. Commodity payments, by contrast, prevent this type of disruption from even developing. I believe, Mr. President, that this situation is a tribute to the work not only of the Department of Agriculture but also of the Senate Committee on Agriculture and Forestry, with its long continued attention to this problem, and led by the distinguished senior Senator from Louisiana.

In this bill we have wrapped up the accumulated experience of decades of hard work. Who in this body works harder and longer hours in a hearing than the senior Senator from Louisiana? Who stays and listens to every witness more patiently? I say no one, with all due respect to my colleagues in any committee on which I serve. So we have here the benefit of decades of experience with this problem.

These payments are not welfare; they are far from being something for nothing. All payments are in direct proportion to the farmer's contribution, and represent a compensation to him for giving up the income which he could have earned by putting his land into production. The urban dweller gets the benefit of low, stable food prices, and all farmers, large and small, are able to plan from year to year with some degree of assurance about the market.

To limit the commodity payments by applying a ceiling, and thereby making it impossible to compensate large farmers for taking land out of production, would essentially void the entire agricultural program. The Congress must realize that a very large proportion of the agricultural productive capacity of this country is concentrated in relatively large farms, and any program which ignores them will be unable substantially to affect the production of agricultural commodities.

Moreover, this is hardly a haphazard program. Payments are specifically tailored to each commodity situation, and they represent a partial compensation for a production adjustment in the national interest. There are, in fact, two distinct kinds of payments, one directed primarily at the diversion of cropland; the other focussed on soil and water conservation. Diversion payments are designed to meet the main problem of balancing the production and use of commodities. Through the acreage diversion program and the cropland adjustment program, payments are made to divert acreage from wheat, cotton, and feed grains, in order to keep the market for these commodities steady and reasonably predictable. These support payments are in no sense gifts. They offset expected returns which the farmer has given up in the national interest.

Other commodity payments are adjusted according to the market situation of the particular commodity produced. Payments to wool and mohair producers, for example, are given as incentives to increased production. In the case of sugar, the amount paid to producers to regulate production is more than retrieved from Federal taxes on sugar and related products.

The conservation payments program is designed to deal with future rather than with present production. Certain steps to conserve soil and water can only be taken by the individual farmer, but the effects of his actions, in preventing soil erosion, for instance, can be of benefit to the entire community.

Mr. President, I do not speak only of the State where the water falls and the soil erodes; but of the entire course taken by the flow of water all the way to the sea.

Payments are accordingly made to farmers as a way of sharing the cost of

needed conservation practices. As such, they represent a benefit derived by the total economy from conservation. By providing incentives and compensations to the individual farmer for going out of his way in the cause of conserving our vital resources, the payments serve as a stabilizing mechanism in the national interest. It would be both fatuous and petulent to refuse to help stop soil erosion, merely because it threatened a large farmer rather than a small one.

Mr. President, I remember the dust bowls of the 1930's when the dust out of my State and the Midwest came all the way to the eastern seaboard and even settled on ships far out at sea. This soil conservation program, developed under the leadership of the Senator from Louisiana prevented that from happening again. No longer do those dust storms blow to the eastern seaboard and out into the Atlantic Ocean.

Opponents of agricultural payments also tend to forget that their limitation would undoubtedly affect many more poor men than rich men. Two years ago, as chairman of the Senate Labor Subcommittee, I led a successful fight on the floor of the Senate to extend, for the first time, minimum wage coverage to agricultural workers. We were only able to secure coverage for workers on farms which employ seven or more workers in a quarter, however, which means that only workers on fairly large farms are covered.

For the first time in history, beginning in February of last year, there was a minimum wage of $1 an hour to farmworkers, the first of February of this year it went to $1.15 for an hour, and the first of next year it will be $1.30 an hour. Franklin D. Roosevelt worked for that. I fought for that. Finally it came and we were able to secure coverage for workers on farms which employ seven or more workers in a quarter. This means that only workers on fairly large farms are covered. We owe it to these large farmers not to wreck them now that we have told them to pay higher wages.

It would be precisely these large farms which would be affected by a limitation on commodity payments. Thus, a measure which is intended to help small farmers would not only hurt them by destroying the stability of agricultural markets, but would make it difficult for large farmers to be able to meet the salaries of those most underpaid of all our citizens, the hired farmworkers.

This farm program benefits those to whom we were able to extend the minimum wage law for the first time 2 years ago. If we exclude the large farmers, we would exclude the ones who are hiring the farmworkers. They employ 40 to 50 percent of all farm laborers in America. Mr. President, I became aware of this fact due to my service on the Committee on Labor and Public Welfare. Likewise I learned that the benefits of the farm program inure to the hired person as well as the benefits to the entire agricultural economy.

American agriculture is easily the most successful on earth. The contrast to the Soviet Union is inevitable, and clearly demonstrates the superior productivity, given nearly equal resources, of our approach to farming. Our agricultural produce represents our single biggest class of exports, and is one of our greatest resources in the struggle to achieve a favorable balance of payments. This system ought not to be upset lightly by a misguided attempt to right an illusory wrong.

Mr. President, I wish to point out that from the time of the first English settlers in the home State of the distinguished Presiding Officer [Mr. SPONG] until around 1810, the great export from America was tobacco. America lived on that export. With the invention of the cotton gin, cotton replaced tobacco as America's great export product. Agriculture products continue to be our chief export; and in fact is a very large item in our favorable balance of trade.

It is a fact which the Senate must face that the policy of the United States in the realm of agriculture is to adjust production and supply so that they balance demand and consumption. This policy can be implemented either by compulsion or by persuasion. The present law, to our credit, tries to persuade the farmer to fall in with national policy, and has been extremely successful, principally because of its use of commodity payments. To place a ceiling on those payments, and thus to exclude most of the acreage of large farmers, would entirely deprive the agricultural program of any control of commodity production, and thus of commodity prices. Short of replacing this system by a compulsory one, a step which I would certainly oppose, a limitation on commodity payments would produce fantastic chaos in our agricultural markets. The large farmer, with his ability to increase his production, could weather the storm, but it would mean havoc for the small farmer, who would be left without protection from the vagaries of the fluctuating commodity markets.

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

Mr. ELLENDER. I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. YARBOROUGH. Mr. President, under date of July 17, 1968, the Honorable Orville Freeman, Secretary of Agriculture, wrote me a most compelling statement which shows how illusory and unrealistic a limitation-of-payments law would be.

Quoting from Secretary Freeman's letter:

> As the vote nears on the farm program, I want to make it clear that my opinion on the limitation of payments hasn't changed—I'm against it because I believe it is against the national interest.
>
> In agriculture as in manufacturing the Nation has the capacity to produce about 12 percent more than markets will take without price-smashing effects.
>
> Manufacturers readily regulate production to prevent price disasters. Farmers historically have not been able to do this without a farm program. Our farm commodity programs today—and they are voluntary programs—permit them to do this. They work because farmers cooperate in diverting acreages from surplus crop production into soil-conserving uses. Many do this at a financial sacrifice because they know balanced supplies are in the interests of all.

Mr. President, digressing from this letter for a moment all that we have heard from those in favor of the limitation is that the farmer is getting something extra. Secretary Freeman, who knows this subject as well as anyone else in the country—with his great staff—points out that many farmers enter the program at a financial sacrifice because they want to make the program work.

Continuing reading:

> All who cooperate earn, and are entitled to, reasonable compensation for this acreage diversion. Nowhere have I heard of a limitation on payments when a city takes real estate for urban renewal, or when a state takes land for a highway.

Does anyone have an amendment which will limit payments when a city takes real estate for urban renewal or for a highway, or for model cities? No, the only limitation is placed upon the farmer who plans to take out his land for conservation to keep the uplands from washing away.

Continuing reading:

> The farmer who is asked to divert 100 acres from surplus production expects to be paid about twice as much as what his next door neighbor, with comparable land, earns for 50 acres of diversion. And why not? His investment is twice as great, his taxes are twice as great, and his risk is twice as great.
>
> Commodity programs are not welfare grants. To be effective in balancing production they must fit into the free-enterprise concept that a man is rewarded in terms of the value of his contributions. Program payments reimburse farmers for income they forego and expenses they incur when they divert land from crop production to carry out farm policy.

Mr. President, this letter is so compelling, and since my time is about up, I ask unanimous consent to have it printed in full in the RECORD, and I hope that before the vote comes tomorrow every Senator in this body will read Secretary Freeman's letter. It is an unanswerable document as to why these limitations should not be voted.

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

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY,
Washington, D.C., July 17, 1968.

Hon. RALPH W. YARBOROUGH,
U.S. Senate, Washington, D.C.

DEAR RALPH: As the vote nears on the farm program, I want to make it clear that my opinion on the limitation of payments hasn't changed—I'm against it because I believe it is against the national interest.

In agriculture as in manufacturing the Nation has the capacity to produce about 12 percent more than markets will take without price-smashing effects.

Manufacturers readily regulate production to prevent price disasters. Farmers historically have not been able to do this without a farm program. Our farm commodity programs today—and they are voluntary programs—permit them to do this. They work because farmers cooperate in diverting acreages from surplus crop production into soil-conserving uses. Many do this at a financial sacrifice because they know balanced supplies are in the interests of all.

All who cooperate earn, and are entitled to, reasonable compensation for this acreage diversion. Nowhere have I heard of a limitation on payments when a city takes real estate for urban renewal, or when a state takes land for a highway.

The farmer who is asked to divert 100 acres from surplus production expects to be paid about twice as much as what his next door neighbor, with comparable land, earns for 50 acres of diversion. And why not? His investment is twice as great, his taxes are twice as great, and his risk is twice as great.

Commodity programs are not welfare grants. To be effective in balancing production they must fit into the free-enterprise concept that a man is rewarded in terms of the value of his contributions. Program payments reimburse farmers for income they forego and expenses they incur when they divert land from crop production to carry out farm policy.

And to those who assume that money will be saved by limiting payments, I say that this is simply not true if the same result of supply management is to be achieved. If one large farmer who has been foregoing production on 1,000 acres doesn't cooperate in these programs, that means 100 small farmers will have to forego production on 10 more acres each to maintain supply and demand stability—and I believe that this would cost more, not only in federal funds, but in further curtailment of opportunity for smaller farmers.

The present farm programs have accomplished what would have been considered a miracle a few years ago. By encouraging the participation of producers, large and small, we have used these programs to work Commodity Credit Corporation inventories from their peak of $6.148 billion in October 1960 down to $896 million as of last May 31.

I would remind you that Agricultural production potential today is greater than it was in the days when those surpluses were piling up. It seems to me there are three alternatives: new and greater surplus inventories with higher federal costs; a glutted market with an economic impact far wider than farmers; or commodity programs with ample production at reasonable cost to the consumer and with reasonable returns to the farmer.

Sincerely yours,

ORVILLE L. FREEMAN.

Mr. YARBOROUGH. Mr. President, I urge the Senate to reject any misguided attempts, however sincere and dedicated, to impose a payment limitation on our agricultural programs.

Mr. President (Mr. BYRD of West Virginia in the chair), let me say in closing that I have studied the list of names of the farmers printed in the RECORD on May 23 by the distinguished Senator from Delaware. There are not any farms in my State in the million-dollar class. There are none in my State in the next group of $500,000 payments, and there are $500,000 payments being made to farmers in seven States of this Union. There are no farms that large in my State which appear on the list.

Mr. President, I do not own any farmland. Therefore, I have no farmland in production under the program. No member of my family has any farmland, and I come from a very large family of eight living brothers and sisters with many nieces and nephews. Not a single one owns any farmland under the program although my family has farmed for over 300 years. With the coming of mechanization, it got too complicated for us, and we left the land.

I see the 300 names of Texans on the list placed in the record by my colleague from Delaware who draw large payments. I think I have known or met no more than 13 out of that 300. These are well-to-do farmers who do not come to my rallies. They vote in the party of the distinguished Senator who offers this amendment.

Adoption of the pending amendment would absolutely devastate the economy of a great many people in my State. Also, adoption of the pending amendment would affect those States that produce tractors and farm machinery. They will have a depression if we severely limit the payments, because the large farmers will not be able to buy farm implements made in the manufacturing States. The farms of this country have become so mechanized that the manufacturers of farm equipment will feel the pinch just as much as the farmer.

Thus, I point out the economic folly of destroying the agricultural structure of the great productive power of this country. If the Russians or the Chinese had this production, we would be in 10 times more trouble around the world.

I thank the distinguished Senator for yielding to me and, Mr. President, I yield the floor.

Mr. WILLIAMS of Delaware. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. MONTOYA in the chair.) 46 minutes remain to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 5 minutes, then I will yield to the Senator from Rhode Island such time as he may desire for the remainder of my time.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. WILLIAMS of Delaware. Mr. President, I invite attention to the fact that there is nothing revolutionary in the proposal made here today. We are not out to destroy the farm program. The Senator from Texas has just placed in the RECORD a letter from the Secretary of Agriculture wherein he strongly opposed any controls or limitations on the payments.

However, I invite attention to the fact that the President of the United States, the man who is now in the White House, in his message to Congress in 1965 recommended such a limitation on these payments and said that he was going to send a message to Congress embracing an agricultural program which would be designed to help the small farmer and which would stop these large payments from being made to the large type of farm operations.

Tomorrow, I shall place excerpts from his message in the RECORD. It is an excellent statement. I only regret that the President has not carried it out and backed it up with a legislative proposal. As he pointed out, the program as it was operated then and as it is operated now, is, to a large extent, benefiting the large corporation type of operation.

The suggestion has been made today that perhaps some of the sponsors of the pending amendment do not understand the agricultural problem because we come from more highly populated sections of the East.

I proudly invite attention to the fact that the county where I live was the fifth county east of the Rocky Mountain States in agricultural production up until about 10 years ago. It is in the upper 10 now. Delaware is a very small State in the Union; but let me say to the Senator who represents next to the largest State in the Union that we outrank any county in his State in agricultural production. So I think I can speak with some knowledge of agriculture.

The boast is made as to how much the Government makes as a result of the sugar program. First, I point out that this amendment would not affect the sugar payments, so that argument would not be valid on this particular amendment.

However, if it were, I should like to comment briefly and point out that the Government does not make money on the incentive payments on sugar. There is a tax levied against all sugar that is bought by the consumers—the housewives of America—and that tax is diverted into a special fund. Out of that fund are made the incentive payments. But to say that the Government makes money on it is not so. It does cost the housewives—through taxes—every time they buy a pound of sugar. On that basis, income tax payments collected from farmers could be placed into a separate fund and used to make these payments to the farmers. Some would be left over, and therefore we claim we are making money on the agriculture program; but that argument is not valid.

We could continue that line of reasoning, using the same argument on subsidies to the shipping industry or to any other industry. So, as long as these payments are being paid from receipts collected in the form of taxes they represent a cost to the American taxpayers.

One of the arguments made is that this amendment would destroy the entire program. Let me cite a case where this can be abused. Congress passed a special Disaster Act 3 years ago. There had been a disaster in a certain area at that time, but instead of dealing with that disaster Congress passed a 5-year Disaster Act on the premise that the disaster would be continued every year for 5 years. Under this law if a man produces 100 acres of cotton in a certain area, for example, and it is too wet at the time for planting he can go to his local committeeman requesting certification that it is too wet to plant. He can then collect his full payment of approximately $100 per acre on the acreage he is not planting in cotton because of the wet conditions.

Then after collecting his payments for the cotton he could not plant, under this same disaster program he is allowed to plant his acreage in soybeans or feed grains and get a Government support on that commodity.

This has developed into a racket in certain areas.

Under this loophole he can collect twice from the Government for the same acreage in the same year. Then suppose he has another 1,000 acres on another side of the farm; he can collect payments for leaving that out of production.

Mr. President, I yield myself 2 additional minutes.

There has been so much duplication in this program that Congress has no control over these payments to some of these corporate operations.

To show that this restriction of pay-

ments is not a revolutionary idea I point out that the Agriculture Act we are dealing with today provides for a $2,500 limitation on certain payments for soil improvement. That limitation was approved on the conservation program several years ago after continual insistence on the part of some of us that large payments were not benefiting the small farmers. So there is a precedent. A complete record of these payments was placed in the CONGRESSIONAL RECORD on May 23, 1968, pages 14684 to 14693. This list included the names and addresses of all payments in excess of $50,000 that were made in the past calendar year.

Mr. President, I now yield such time as he may need to the Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, when I was the owner of a small farm in Minnesota, the firm which managed it used to receive money for crops which I had no intention of planting. After some years of doing that, it bothered me, and it was one reason why I sold that farm. So I sympathize with the discussion of the Senator from Delaware.

Now I want to speak generally about the bill.

The legislation being discussed today involves many complex problems over which Members of this Chamber have agonized for several decades.

Though I have been here less than 8 years, I have been faced several times in that relatively short period with the same imponderables having to do with the agriculture of the United States.

To use the word "agriculture" implies a rather narrow connotation. Perhaps all of us, rather, should adjust our minds to the very real fact that if legislation concerns agriculture it of necessity also concerns the most important commodities in the life of all of our people—food and fiber.

There are times, I think, when many of us dismiss agriculture legislation as "just another farm bill." Some of us appear to vote on farm bills in very much that spirit. I do not exclude myself from the comment.

As we face a vote on this bill, I must look squarely at my own record in this particular matter of farm legislation.

I was among the majority that voted for this legislation in 1965. I did so because it seemed to me, upon reflection, that the architects of the legislation had made a good case for their point of view and that they should be given an opportunity to pursue a line of reasoning which they felt would work to help solve the farm dilemma so long with us.

I was told then that the legislation—this was during the 1965 session—would accomplish three objectives: First, reduce Government costs for farm programs; second, help farmers; and, third, help hold down food costs.

Even then, that appeared to me to be a very formidable set of objectives. Indeed, some of the opponents of the legislation told me at the time, I well remember, that this was "an all things for all men" bill, and that it could not possibly achieve the results its sponsors were seeking.

As we consider this bill now, I must consider the claims made back in 1965, and the record established by the legislation since it went into effect in 1966.

As we all know, this bill concerns three major crop areas—wheat, feed grains—largely corn—and cotton. The central idea of the legislation was that it would institute payments to farmers directly from the Federal Treasury. These often are called compensatory payments for the reason that the design of the payment from the Federal Treasury is to somehow make up the difference between the market price and an arbitrary price someone feels should be the real price.

Right here, I am puzzled by the concept. I find it increasingly difficult to understand how a Government official can determine real price.

In any event, I am compelled now to consider the claims made for this legislation.

First. This legislation has not lowered Government costs for farm programs. As a matter of fact, it has increased money spent for agriculture programs at a time when all of us in the Congress are being forced to scratch every nook and cranny, seeking funds for worthy programs like those which must be instituted in the very critical urban areas of our Nation. This legislation is costing the taxpayers annually between $3 and $3.5 billion—I repeat, annually.

Second. This legislation has not helped farmers as much as I would have hoped. I find that wheat—one of the crops covered in this program—is at its lowest price in 26 years. I find, too, that when we discussed this bill we are talking only about a very few crops, and that just about two-thirds of agriculture is not covered at all by Government programs.

Third. Food costs for consumers have not been held down. Let us look at what has happened to bread prices—since wheat is bread. According to the Bureau of Labor Statistics, in the last 4 years the national average price of a 1-pound loaf of white bread has gone up one-half cent—from 20 to 20.5 cents. In most large cities, increases have been considerably greater. But, and here is the crux of the argument, the farm price of a bushel of wheat since 1964 has dropped from about $1.40 a bushel to $1.25 bushel. I was told only today that farmers in nearby Virginia are selling wheat for $1.05 a bushel.

Surely, we must add to the cost of bread—since almost everyone eats wheat products—the cost of these vast payments made to wheat farmers—$525 million in 1965, $680 million in 1966, and $730 million in 1967—and still rising.

The facts and the figures, as I see them, make it impossible for me to support a 4-year extension of the legislation for which I voted in 1965.

It is most basic to me that, in any event, the legislation voted in 1965 does not expire until the end of December 1969.

What we are really voting on here today is legislation to extend that 1965 act through 1970, and on.

I cannot accept the argument that the administration which comes into office in 1969 cannot be trusted to work out a new program. Continuation of a bad program surely will not help set the stage for any logical solutions in the future.

In addition, I have faith in the next administration, and I feel somewhat sorry that some of us feel the next administration will not be able to come to grips with situations which develop during the next term. Are we to reason likewise about all matters which are likely to need consideration by the next administration?

I have the added feeling that the consumers of this Nation are being short changed by the kind of legislation now before us.

The legislation includes, among other things, a continuation and extension of the bread tax. This bread tax requires that the miller of wheat pay the Government a certificate tax of 75 cents for each bushel of wheat he mills for domestic consumption—bread, rolls, cake, biscuits, cookies, and so forth. Of course, this 75-cent charge is passed on directly to the baker, and then to the consumer.

Presently, the bread tax is held to 75 cents by law. Under the wording of the extension, the bread tax could be lifted to a higher figure by order of the Secretary of Agriculture.

I know it follows that the poorer people of our country eat more wheat products—bread and such—than those more fortunate. Every time we raise the price of bread, we make it that much harder for the poor family to buy food it desperately needs.

I believe, too, that in making huge payments to farmers we serve to hamper the efficiency of farmers by making them comfortable, even lazy, in their production efforts.

Why produce better wheat, why produce more and better wheat in greater amounts to the acre—and thus lower costs—if the Government all along is providing a cushion for the wheatgrower?

In fact, the wheatgrowers of this Nation indicated in a referendum in 1963 that they do not want Government support prices at the expense of loss of ability to run their own operations.

I believe that anytime food is produced less efficiently than it can be, the price of food to consumers will be more than it has to be. We have tried the impossible—now let us not vote to extend for 4 years the impossible.

UNDERSTANDING DE GAULLE

Mr. PELL. Mr. President, on my way to Czechoslovakia a little while ago, I stopped in Paris and observed the second round of the French parliamentary elections which gave President de Gaulle's party the largest parliamentary majority any party has ever had in modern French history.

Because of his sometimes harsh words for our country, we often forget how much President de Gaulle has done for France. He was the symbol of free France at the time of her abject defeat and brutal occupation. He provided the leadership for his country's revival after the war and saved her from a Communist takeover. Since 1958, he has provided France with a stable government, has steered his country through the hazardous shoals of decolonization, has brought trust and friendship to France's relations with Germany, her enemy of 500 years, and has restored France's pride.

When it came to the greatest international crisis our country has weathered in the last decade, the Cuban missile crisis, it was President de Gaulle who unqualifiedly stood with us.

It has been difficult for many Americans to understand President de Gaulle. I recently came across a brief article that I found most helpful in this respect. It was written by the distinguished author and critic, Prof. Henri Peyre, and was entitled "Understanding De Gaulle." I ask unanimous consent that the article, published in the Yale Alumni magazine of June 1968, be printed in the RECORD at this point.

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

A YALE BOOKSHELF—TOPIC: UNDERSTANDING DE GAULLE

(NOTE.—A bookshelf for the general reader prepared each month by specialists among the Yale faculty and alumni.)

(By Henri Peyre)

Americans do not like to hate; lately many people have been distressed by their feeling that they should perhaps hate the president of the country traditionally called their oldest ally.

De Gaulle has indeed seemed to be sniping at every move that the United States makes, to be obstructing every American initiative in international finance and world politics. The oracular and inspired manner in which De Gaulle utters his statements, always deliberate even when they seem to be sparked by the enthusiasm of the crowds acclaiming him, is profoundly alien to the American or British sensibilities. His impeccable logic (for once it should not be termed Cartesian, for he has always praised Bergson rather than Descartes) appears to Anglo-Saxons, as he calls them, more akin to madness.

Yet, with remarkable fairness, many Americans respect him, envy France for having such a leader at her head, and make every effort to try and understand him. He has been called a narrow-minded nationalist, a man haunted by the past, a vengeful character unable to forget or to forgive the scornful treatment which was dealt him by President Roosevelt. Nevertheless, he towers above all other statesmen today as the only one marked with greatness. He is a visionary, but even more a realist whose visions have more than once been fulfilled. Much as we hate to concede that he is close to infallibility, we must own that he has seldom been wrong in his prophecies. If he looks backward and, as it has been said of him, if he loves the Frenchmen of today less than he loves their history, he also deserves to rank among those great men who all, according to G. K. Chesterton, had their eyes fixed upon the past and climbed to greatness thereby.

He has written profusely, and his books, especially the third volume of his *Memoirs*, are a delight to read. He is by far the greatest prose writer among all the monarchs who, since Julius Caesar, have governed Gaul or France. Those books also reveal his character, his personal courage, his wry humor, his feeling for natural beauty, his contradictions, and the few permanent obsessions which have been his.

To be sure, De Gaulle has nurtured, over the last 25 years, quite a few justified grievances against American policy; and he, the most deeply Catholic of the French rulers since Saint Louis, does not easily yield to forgiveness or to charity.

President Roosevelt never had faith in him; he refused to believe that the French people in France were in large majority his enthusiastic supporters. He tried to set up the colorless and unpolitical figure of General Giraud against him. He kept from De Gaulle all the plans about landing in Normandy. He prepared a corps of military government experts to administer France, when she would be liberated, not realizing how humiliating that would be for the French resistance. He even suggested getting rid of De Gaulle by packing him off to Madagascar as the governor of that island. That series of humiliating rebuffs has never been forgotten by De Gaulle; in his eyes, it was France that was being slighted.

De Gaulle is not a grateful man. Gratitude seldom has prevailed among the rulers of nations. He was deeply wounded by the disregard, in 1958, of his proposal that France, then unified under him, be accepted along with Britain as the third member of the council which would be consulted on decisions affecting the Western Alliance. He then resented the unilateral American decisions to land troops in Lebanon, to intervene in the Congo, to treat the United Nations in New York as an adjunct to the Department of State. He was irked by McNamara's haughty remonstrances on the uselessness of manufacturing a paltry, old-fashioned French atomic bomb. His suggestions that NATO was outdated and that European continental powers should insist on America's promising a nuclear reply to any Russian attack on Europe were ignored.

De Gaulle was probably most angered by the U.S. giving role of favored ally or satellite to Great Britain, and by the sanctimonious sermons admonishing France to stay out of the nuclear club. Next to that, he was irked by the American diplomatic efforts to turn Germany against France and to reserve American favor or sympathy for the French parties who stood against De Gaulle or for the individuals who advocated a different policy (Mendès-France, Lecanuet, Jean Monnet).

Whatever his failings, De Gaulle's greatness will, in the eyes of history, lie primarily in a fourfold achievement: (1) He strengthened and made as final as anything can ever be in human affairs the peaceful cooperation of France and Germany and thus closed ten centuries of internecine strife in Europe; (2) He succeeded in his attempt, judged an impossible dream until 1960, to "de-colonize," and thus far, from Algeria to Madagascar, the former French colonies have remained closely and devotedly linked to their protector and mentor; (3) He saved France from what might very well have been a Communist takeover in 1944–45, when the Communists, riding on the prestige which their courage in the underground had brought them, ruthlessly shot or displaced those whose opposition they feared and were close to taking over many French cities; (4) He established a strong presidential regime in France, able to act speedily and efficiently in time of crisis. In a word, by introducing drastic structural reforms, De Gaulle made it possible for France to live up to the motto which he coined for her: "France must marry her own time." She has, probably for good, ceased to look backward nostalgically. She is fully aware of "the American challenge." Gaullists and non-Gaullists are determined to do their best to meet it.

Many of De Gaulle's pinpricks at the American giant seemed to hurt: they probably have been salutary and there is much truth in hinting, as some Frenchmen do, that De Gaulle—bluntly, discourteously, ungratefully—says aloud to America what other European nations all think in silence. From 1945 to 1960, the United States acted as if it was certain that American power knew no limits and that Japan, South America, Western Europe, and the small emergent nations in Southeast Asia would necessarily fall in line. The power of the dollar and of American industry, the fear of the "agonizing reappraisal" periodically threatened by Washington, would deter anyone from protesting. The dollar gap in reverse, first predicted by a Yale economist whom no one then would believe, and the deficit in the balance of payments and in the Federal budget, were dismissed as insignificant.

Since 1960 or so, the countries which America saved and put back on their feet have, loudly or slyly, pointed to the limits of American power. They have to be reckoned with. NATO had, and has still, to be reorganized and rethought after De Gaulle's cruel denunciation of its blatant weaknesses. Europe, since the rebuke dealt England and France during the Suez crisis, is determined not to accept meekly the shield of American nuclear power, but to have its own. France had led the flag of protest; but other nations also know that not to develop nuclear energy—even bombs, rockets, nuclear submarines, and IBM machines and computers—is tantamount to remaining permanently the satellites of America.

De Gaulle has played on the string of nationalism, stridently and unpleasantly. But, for years to come, nationalism is the one potent force in all the continents of the world, the locomotive of history which gives new nations their personalities and revitalizes old ones. It has been transcended and, to begin with, broadened. Allegiance can gradually be transferred from one African, South American, Asiatic, European nation to a confederacy of several of them; some day perhaps to a federation.

Much as he worships France mystically, De Gaulle is even more a European nationalist than a French one. He well knows that, materially and economically, France is not capable or desirous of governing or leading Europe. But he also believes that only if European nations cease acting in disunion and sending their rulers separately to Washington to secure favors and credits, and act as a coherent group toward the United States, can they some day become fully aware of European unity.

De Gaulle's France has been a nuisance. She has been shocked more than once by the bluntness of her own leader: stunned when he used an unfortunate sentence to regret the assertiveness of the Israelis and advised them to use charity and restraint to the Arab nations; surprised, if not stunned, when he meddled in Canadian affairs. It is, in point of fact, far from certain that he was wrong in the first case: a permanent humiliation of the Arab peoples might well throw them into Communism for good. In the case of Canada, a number of people have, since De Gaulle's bombshell, reflected that reforms in the status of French Canada (with regard to her language, her culture, her economic status) were imperative; without them, a partition might some day loom as no more impossible than the once deemed impossible partition of Pakistan and India.

But whether or not De Gaulle's blunt prophecies are eventually fulfilled (and his record has been, in that respect, more astonishing than that of any other man of this century), the one broad-minded and cool attitude to adopt toward him is to look for the usefulness of his strictures of this country. Haughty critics may well be of greater benefit to a great power like the United States than obsequious flatterers. It is likely that, for a few years at least, another combination of parties or forces, more to the left, will succeed the Gaullist regime, whose self-righteous infallibility has irked even the French. But it is more than likely that while the foreign policy of France will change somewhat in style, its substance will remain very much the same. Indeed, since any other group of parties will have to take into its own midst Communist leaders, and take heed of Communist demands in foreign policy, it may well be that this country will find the next French government more intractable than the present one and will some day sigh for the era when the General admonished America.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 510) providing for full disclosure of corporate equity ownership of securities under the Securities Exchange Act of 1934.

AGRICULTURAL ACT OF 1968

The Senate resumed the consideration of the bill (S. 3590) to extend and improve legislation for maintaining farm income, stabilizing prices and assuring adequate supplies of agricultural commodities.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, in behalf of the distinguished Senator from Delaware, I yield the distinguished Senator from Texas 5 minutes.

Mr. YARBOROUGH. Mr. President, there are more than 3,000 counties and parishes in the United States. Of those more than 3,000, the overwhelming majority lost population between 1940 and 1950, and an overwhelming majority continued to lose population from 1950 to 1960. Moreover, a majority are still losing population.

This farm bill helps stabilize population and slow the flight of people from the rural areas to the cities. The faster people come from the rural areas to the cities, the greater the urban problems that plague this country.

I attended, this week, a symposium on the cost of the aerospace industry, most of which is subsidized by the Government, most of it being military.

It was developed there, Mr. President, that there are 1.6 million workers in the aerospace industry in America. Six hundred thousand of those workers are in southern California. Their average wages, paid by the Government—the taxpayers—are more than $10,000 per worker per year. That is $6 billion paid to aerospace workers, most of it out of tax money, in southern California each year—or about the cost of the entire farm program for all 50 States.

I love to visit that beautiful country in southern California. I have nothing against its people. But I wish to point out that in consideration of the national economy, it is folly to talk about the farm program being a waste of money, when some of it goes into each of more than 98 percent of the counties of the United States, and helps stabilize the whole economy of this country; and it has a sociological and governmental advantage far beyond food and agriculture itself.

Mr. President, I yield the floor.

Mr. BYRD of West Virginia. Mr. President, I am authorized by the Senator from Delaware to yield back all remaining time from his hour on the amendment.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 44 minutes p.m.) the Senate took a recess until tomorrow, Saturday, July 20, 1968, at 10 a.m.

NOMINATION

Executive nomination received by the Senate July 19, 1968:

FEDERAL DEPOSIT INSURANCE CORPORATION

Irvine H. Sprague, of California, to be a member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of 6 years, vice William W. Sherrill, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 19, 1968:

SMALL BUSINESS ADMINISTRATION

Howard J. Samuels, of New York, to be Administrator of the Small Business Administration.

DEPARTMENT OF DEFENSE

Robert C. Moot, of Virginia, to be an Assistant Secretary of Defense.

POST OFFICE DEPARTMENT

Victor Frenkil, of Maryland, to be a member of the Advisory Board for the Post Office Department.

POSTMASTERS

ALABAMA

Grady D. Cope, Huntsville.

ARKANSAS

William F. Woods, Hazen.
R. E. Johnson, State University.
Dalene I. Surratt, Tucker.
Leonard E. Tripp, Wheatley.

CALIFORNIA

James P. Hutler, Chico.
Vern T. Conner, Dixon.
Harmon G. Hawblitzel, Duarte.
Joseph E. Alecci, Grover City.
Betty N. Raines, Macodel.
William J. McGovern, Millbrae.
Jerald A. Egbert, Rancho Mirage.
Jeanne W. McMahan, Sierra City.
Carl H. Penfield, Tujunga.
Marie C. Donadio, Woodbridge.

CONNECTICUT

Robert L. Parent, Haddam.

FLORIDA

Clarence W. Martin, Jr., Bartow.
Rowena S. Eubanks, Bristol.
Charles Rockett, Flagler Beach.
Ralph H. Finke, Indian Rocks Beach.
Gloria D. Pearce, Killarney.
May M. Roberts, Pomona Park.
Joachim J. Svetlosky, Saint Leo.

GEORGIA

John D. Lance, Bogart.
J. Ray Grant, Forsyth.
Virginia R. Roberts, Haralson.
Gordon W. Allen, Red Oak.
James D. Tarver, Jr., Wadley.

HAWAII

Arthur C. Kong, Ewa Beach.
Taishi Tomono, Hawaii National Park.
Ernest A. Cravalho, Paia.

ILLINOIS

Steven E. Ducaj, Riverside.

INDIANA

Ralph E. Bowland, Amboy.
Elmer R. Tekulve, Columbus.
Dolly M. Hall, Eminence.
Max W. Gooch, Harmony.
Matthew J. Purzycki, Notre Dame.
Wilbur D. Hall, Orleans.
Edwin R. Bartholomae, Plainfield.
Erskine L. Crosby, Ramsey.

IOWA

Raymond D. Showalter, Bettendorf.
Paul H. Stineman, Grandview.
Daniel B. Forward, Henderson.
Robert L. Kerkvliet, Larchwood.
Keith W. Davis, Malcom.
Esther V. Tow, Superior.

KANSAS

Evelyn J. Rappard, Burlingame.
June E. Schoneman, Edwardsville.
Francis W. Escher, Herndon.
Norman M. Wiley, South Haven.
Ernest G. Cutter, Wallace.

KENTUCKY

Gladys R. Boling, Lackey.

LOUISIANA

Herman H. Nunez, Bell City.
Lessie G. Stafford, Collinston.
Paul V. Burke, New Orleans.
Louis O. Troxler, New Sarpy.
Vera M. Hornsby, Pine Grove.
Kenneth O. Halbrook, Pollock.

MAINE

Paul A. Beliveau, Brownfield.

MARYLAND

Melvin G. Bussey, Glen Burnie.
Thomas C. Hayden, La Plata.

MASSACHUSETTS

Rena F. Simmons, Dunstable.
Charles R. Santos, Lowell.

MICHIGAN

Homer L. Blamer, Atlanta.
Charles E. Yaeger, Bloomfield Hills.
Elwood F. Barkkari, Chassell.
Thomas S. Dzarnowski, Gaastra.
Thomas A. Greene, Kinde.
Clement J. Cassette, Mohawk.
George P. Woodruff, Oden.
Donald J. Wiltshire, Onaway.
Carl Wudarcki, Ortonville.
Truman R. Horton, Oxford.
Sidney D. Reinbold, Pellston.
Bole P. Centala, Posen.
Arthur S. C. Waterman, Roseville.
Edward R. Vaughan, South Haven.
Shurley C. McIntyre, Vassar.
Benjamin L. Bement, Webberville.

MINNESOTA

Mario A. Colletti, Aurora.
Vernon W. Olson, Bellingham.
Joseph R. Anderson, Belview.
Francis J. O'Keefe, Prior Lake.
Donna K. Hill, Soudan.
Lowell J. DeBus, Welcome.

MISSISSIPPI

Robert L. Stubbs, Magee.

MISSOURI

John C. Greenwell, Jr., Adrian.
Charles C. Farris, Ava.
Paul C. Mallery, De Soto.
Charles E. Davis, Fillmore.
Marvin H. Hamann, Liguori.
Ermal D. Cameron, Pattonsburg.
J. Donald O'Connor, Perry.
Hosea Rhoades, Thayer.
Cecil B. Allison, Tipton.

MONTANA

Harold O. Gunderson, Havre.

NEVADA

George H. Smith, Zephyr Cove.

NEW JERSEY

Lois L. Kern, Readington.
Hermine B. Kuhl, Three Bridges.

NEW MEXICO

John R. Robertson, Lordsburg.

NORTH CAROLINA

Robert I. Parnell, Lumberton.
Jackson B. Jones, Madison.
Robert L. Rowe, Marion.
Bernard J. Carter, Stoneville.

NORTH DAKOTA

Roland J. Nelson, Churchs Ferry.
Arthur O. Johnson, Lehr.

OHIO

Mary M. Fox, Blue Rock.
Mabel M. Tobin, Chatfield.
Leonard W. Mueller, Grove City.
Paul E. Rowse, Harpster.
Dwayne L. Mathias, Phillipsburg.
Robert W. Weber, Shelby.
Robert Burns, Sidney.

OKLAHOMA

Albert E. Swearinger, Arcadia.
Lee T. Goodwin, Concho.
Dora E. Hilliary, Medicine Park.

OREGON

Madonna L. Crescenzi, Chemult
Charles A. Schiedler, Scotts Mills.
Jennabelle M. Vincent, Weston.

PENNSYLVANIA

Mary C. Cardone, Bairdford.
Wilfrid G. Minner, Bally.
Mary F. Holdren, Beaver.
Wilma J. Lacey, Buena Vista.
John A. Antonetti, Bulger.
Russell E. Horner, Burnharm.
Charles J. Hiler, Camp Hill.
Mary R. O'Connor, Heckscherville.
Annaglad J. Angelo, Isabella.
Ferry E. Dysinger, Mifflintown.
Michael J. Noone, Jr., Moscow.
Lester E. Roth, Nazareth.
Joseph D. LaGorga, North Versailles.
Richard A. Pfeifer, Portersville.
Alfred C. Bush, Portland.
George R. Tomko, Sharon.
Robert A. Mowrey, Sybertsville.
Lydia E. Harris, Valencia.

PUERTO RICO

Felix Rivera-Munoz, Naranjito.

SOUTH DAKOTA

Hilding C. Nelson, Stockholm.
Richard R. Jacobson, Valley Springs.

TENNESSEE

Cecil E. Collier, Church Hill.
Colleen C. Meeks, Coalmont.
Willard S. Vitatoe, Crab Orchard.
William F. Massey, Hartsville.
William J. Swann, Jefferson City.
John L. Marrs, Lobelville.
Jim C. Tolley, Lynchburg.
Linus L. Sims, Memphis.
Wiley R. Williamson, New Johnsonville.
Oren W. Johnson, Parrottsville.
Arthur J. Robinson, Sherwood.
Lawrence E. Shell, Watauga.
Edsel C. Floyd, Watertown.

TEXAS

Billy J. Enloe, Allen.
Verner S. Howard, Carrizo Springs.
Olan H. Wade, Cushing.
Iva K. Williams, Diana.
Michael S. Ball, Elmendorf.
Marion T. Seale, Giddings.
Barney W. Oliver, Greenville.
Maxwell Barkley, Hearne.
James W. McMillan, Kingsville.
Daniel T. Bailey, Jr., Longview.
Herbert L. Clayton, Olney.
Billie W. Creed, Plano.
Russell W. McFarland, Portland.
John C. Gregg, Santa Anna.
Conley C. Bradshaw, Silsbee.
Thomas J. Leatherwood, Sr., Tyler.

VERMONT

Armina M. Fletcher, Cambridge.
Elspeth P. Eaton, North Thetford.

VIRGINIA

Joseph J. Restein II, Cape Charles.
Earl T. Patton, Jewell Ridge.
Robert G. Moore, Lexington.
Elsie B. Rich, Saluda.
Callie H. Stevens, Stanleytown.

WASHINGTON

Frank R. Costi, Black Diamond.
Harold F. Van Horne, Elk.
Frank M. Suhadolnik, Prosser.
Fredrick W Bremmer, Republic.
Frank R. McGuire, Shelton.
Robert L. Pallett, Tenino.

WEST VIRGINIA

Norval J. Tutwiler, Clarksburg.
Vernon A. Shahan, Saint George.
Rutha Mae Davis, Switzer.

WISCONSIN

Henry J. Jarosz, Armstrong Creek.
Robert M. Hulverson, Durand.
Patrick J. McGinley, Gays Mills.
Harold C. Ristow, La Crosse.
Lorraine J. Olson, Maiden Rock.
Leslie R. Stevenson, Marinette.
S. Jane Abbott, Oconomowoc.
Jerome J. Zodrow, Princeton.
Robert T. Kauth, West Bend.

IN THE ARMY

The following-named officer for appointment in the Regular Army of the United States, to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general, Veterinary Corps

Col. Wilson Marshall Osteen, O84815, Veterinary Corps, U.S. Army.

1. The following-named officers for temporary appointment in the Army of the United States, to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major general

Brig. Gen. Andrew Peach Rollins, Jr., O24237, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Thomas Bradley, O21768 Army of the United States (colonel. U.S. Army).

Brig. Gen. Salve Hugo Matheson, O36253, Army of the United States (colonel, U.S. Army).

Brig. Gen. Karl William Gustafson, O45560, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Robertson Desobry, O24262, Army of the United States (colonel, U.S. Army).

Brig. Gen. Leo Henry Schweiter, O34334, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Louis Klingenhagen, O39223, Army of the United States (colonel, U.S. Army).

Brig. Gen. Walter James Woolwine, O23795, Army of the United States (colonel, U.S. Army).

Brig. Gen. Ralph Longwell Foster, O22669, Army of the United States (colonel, U.S. Army).

Brig. Gen. Herron Nichols Maples, O45920, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Frederick Freund, O23334, Army of the United States (colonel, U.S. Army).

Brig. Gen. Leo Bond Jones, O24255, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Allen Knowlton, O25436, Army of the United States (colonel, U.S. Army).

Brig. Gen. Jack Jennings Wagstaff, O35585, Army of the United States (colonel, U.S. Army).

Brig. Gen. Linton Sinclair Boatwright, O23968, Army of the United States (colonel, U.S. Army).

Brig. Gen. Hugh Franklin Foster, Jr., O23837, Army of the United States (colonel, U.S. Army).

Brig. Gen. Donald Hugh McGovern, O36851, Army of the United States (colonel, U.S. Army).

Brig. Gen. Orwin Clark Talbott, O24617, Army of the United States (colonel, U.S. Army).

Brig. Gen. Kenneth Lawson Johnson, O36285, Army of the United States (colonel, U.S. Army).

Brig. Gen. Willard Roper, O33605, Army of the United States (colonel, U.S. Army).

Brig. Gen. Albert Ernest Milloy, O35289, Army of the United States (colonel, U.S. Army).

Brig. Gen. Donn Royce Pepke, O25188, Army of the United States (colonel, U.S. Army).

Brig. Gen. Willis Dale Crittenberger, Jr., O24893, Army of the United States (colonel, U.S. Army).

Brig. Gen. Harris Whitton Hollis, O53724, Army of the United States (colonel, U.S. Army).

Brig. Gen. Francis Paul Koisch, O24669, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Bruce Smith, O46241, Army of the United States (colonel, U.S. Army).

Brig. Gen. William John Durrenberger, O25099, Army of the United States (colonel, U.S. Army).

Brig. Gen. James Leon Baldwin, O36864, Army of the United States (colonel, U.S. Army).

Brig. Gen. Morgan Garrott Roseborough, O22681, Army of the United States (colonel U.S. Army).

Brig. Gen. Edward Bautz, Jr., O34750, Army of the United States (colonel, U.S. Army).

Brig. Gen. Jack Carter Fuson, O36184, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Henry Blakefield, O33927, Army of the United States (colonel, U.S. Army).

Brig. Gen. Elvy Benton Roberts, O25781, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Samuel Beatty, Jr., O25268, Army of the United States (colonel, U.S. Army).

2. The following-named officers for appointment in the Regular Army of the United States, to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general

Brig. Gen. Wiliam Thomas Bradley, O21768, Army of the United States (colonel, U.S. Army).

Brig. Gen. Ralph Longwell Foster, O22669, Army of the United States (colonel, U.S. Army).

Brig. Gen. Morgan Garrott Roseborough, O22681, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Frederick Freund, O23334, Army of the United States (colonel, U.S. Army).

Brig. Gen. Walter James Woolwine, O23795, Army of the United States (colonel, U.S. Army).

Brig. Gen. Hugh Franklin Foster, Jr., O23837, Army of the United States (colonel, U.S. Army).

Brig. Gen. Linton Sinclair Boatwright, O23968, Army of the United States (colonel, U.S. Army).

Maj. Gen. James William Sutherland, Jr., O24202, Army of the United States (colonel, U.S. Army).

Maj. Gen. Elmer Hugo Almquist, Jr., O24228, Army of the United States (colonel, U.S. Army).

Brig. Gen. Andrew Peach Rollins, Jr., O24237, Army of the United States (colonel, U.S. Army).

Brig. Gen. Leo Bond Jones, O24255, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Robertson Desobry, O24262, Army of the United States (colonel, U.S. Army).

Maj. Gen. William Albert Becker, O24267, Army of the United States (colonel, U.S. Army).

Brig. Gen. Willard Roper, O33605, Army of the United States (colonel, U.S. Army).

Lt. Gen. Frederick Carlton Wayand, O33736, Army of the United States (colonel, U.S. Army).

Maj. Gen. George Irvin Forsythe, O24510, Army of the United States (colonel, U.S. Army).

Maj. Gen. Robert Charles Forbes, O24511, Army of the United States (colonel, U.S. Army).

Brig. Gen. Orwin Clark Talbott, O24617, Army of the United States (colonel, U.S. Army).

Brig. Gen. William John Durrenberger, O25099, Army of the United States (colonel, U.S. Army).

Maj. Gen. Walter Philip Leber, O25130, Army of the United States (colonel, U.S. Army).

Brig. Gen. Donn Royce Pepke, O25188, Army of the United States (colonel, U.S. Army).

Maj. Gen. Robert Edmondston Coffin, O25234, Army of the United States (colonel, U.S. Army).

Maj. Gen. John Hancock Hay, Jr., O25290, Army of the United States (colonel, U.S. Army).

Brig. Gen. James Joseph Gibbons, O25355, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Henry Blakefield, O33927, Army of the United States (colonel, U.S. Army).

Maj. Gen. Richard Joe Seitz, O33979, Army of the United States (colonel, U.S. Army).

Maj. Gen. Clarence Joseph Lang, O40705, Army of the United States (colonel, U.S. Army).

Maj. Gen. George Lafayette Mabry, Jr., O34047, Army of the United States (colonel, U.S. Army).

Maj. Gen. John Scarborough Hughes, O34271, Army of the United States (colonel, U.S. Army).

Brig. Gen. Herron Nichols Maples, O45920, Army of the United States (colonel, U.S. Army).

Brig. Gen. Leo Henry Schweiter, O34334, Army of the United States (colonel, U.S. Army).

Maj. Gen. Ellis Warner Williamson, O34484, Army of the United States (colonel, U.S. Army).

Maj. Gen. William Eugene DePuy, O34710, Army of the United States (colonel, U.S. Army).

Brig. Gen. Karl William Gustafson, O45560, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Bruce Smith, O46241, Army of the United States (colonel, U.S. Army).

Brig. Gen. Edward Bautz, Jr., O34750, Army of the United States (colonel, U.S. Army).

Maj. Gen. Richard Thomas Knowles, O35418, Army of the United States (colonel, U.S. Army).

Maj. Gen. Donald Harry Cowles, O35735, Army of the United States (colonel, U.S. Army).

Maj. Gen. John Russell Deane, Jr., O24835, Army of the United States (colonel, U.S. Army).

Maj. Gen. Samuel William Koster, O24873, Army of the United States (colonel, U.S. Army).

Maj. Gen. George Marion Seignious II, O47226, Army of the United States (colonel, U.S. Army).

The following-named officers for temporary appointment in the Army of the United States, to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier general

Col. Harold Gregory Moore, Jr., O27678, Army of the United States (lieutenant colonel, U.S. Army).

Col. George William Casey, O27609, Army of the United States (lieutenant colonel, U.S. Army).

Col. Judson Frederick Miller, O38518, Army of the United States (lieutenant colonel, U.S. Army).

Col. C. J. LeVan, O38124, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Ward Watkin, Jr., O24664, U.S. Army.

Col. Robert Carter McAlister, O27159, Army of the United States (lieutenant colonel, U.S. Army).

Col. Alexander Russell Bolling, Jr., O26066, U.S. Army.

Col. Frederic Ellis Davison, O45682, U.S. Army.

Col. William Love Starnes, O25475, U.S. Army.

Col. Marlin Watson Camp, O35999, U.S. Army.

Col. John Holloway Cushman, O26483, Army of the United States (lieutenant colonel, U.S. Army).

Col. DeWitt Clinton Armstrong III, O25441, U.S. Army.

Col. Fred Ernest Karhohs, O56540, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Carter Horne III, O40863, U.S. Army.

Col. Samuel Lafayette Reid, O35160, U.S. Army.

Col. Robert Creel Marshall, O25467, U.S. Army.

Col. James William Gunn, O40896, U.S. Army.

Col. James Joseph Ursano, O37890, Army of the United States (lieutenant colonel, U.S. Army).

Col. Donald Volney Rattan, O27695, Army of the United States (lieutenant colonel, U.S. Army.)

Col. John Howard Elder, Jr., O53453, U.S. Army.

Col. John Charles Bennett, O27263, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Washington Putnam Jr., O39206, U.S. Army.

Col. Emmett Robinson Reynolds, O25489, U.S. Army.

Col. George Monroe Bush, O27072, Army of the United States (lieutenant colonel, U.S. Army).

Col. Dennis Philip McAuliffe, O26609, Army of the United States (lieutenant colonel, U.S. Army).

Col. Sidney Michael Marks, O36977, U.S. Army.

Col. George Gordon Cantlay, O25979, U.S. Army.

Col. Arthur Hamilton Sweeney, Jr., O40865, U.S. Army.

Col. George Murrell Snead, Jr., O27028, Army of the United States (lieutenant colonel, U.S. Army).

Col. James Cliffton Smith, O38314, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Ross Bond, O36618, U.S. Army.

Col. Bertram Kall Gorwitz, O80092, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Kirk Singlaub, O37040, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Woodland Morris, O25992, U.S. Army.

Col. Harold Arthur Kissinger, O39445, Army of the United States (lieutenant colonel, U.S. Army).

Col. Claude Monroe McQuarrie, Jr., O27434, Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Edward Pieklik, O36942, U.S. Army.

Col. Henry John Schroeder, Jr., O26028, U.S. Army.

Col. Thomas Fuller McCord, O414849, U.S. Army Reserve.

Col. Edward Michael Dooley, O38168, Army of the United States (lieutenant colonel, U.S. Army).

Col. Hubert Summers Cunningham, O39303, Army of the United States (lieutenant colonel, U.S. Army).

Col. Wallace Clifton Magathan, Jr., O25861, U.S. Army.

Col. Jack MacFarlane, O38463, Army of the United States (lieutenant colonel, U.S. Army).

Col. Maurice Wesley Kendall, O27003, U.S. Army.

Col. Harold Robert Parfitt, O25914, U.S. Army.

Col. Richard Hubert Groves, O27141, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Harold Johnson, O27179, Army of the United States (lieutenant colonel, U.S. Army).

Col. Stewart Canfield Meyer, O25560, U.S. Army.

Col. Edwin Bradstreet Owen, O47079, U.S. Army.

Col. Michael Edward Leeper, O46552, U.S. Army.

Col. David Ewing Ott, O26522, Army of the United States (lieutenant colonel, U.S. Army).

Col. Clarke Tileston Baldwin, Jr., O26037, U.S. Army.

Col. Jack Alvin Albright, O40870, U.S. Army.

Col. Hugh Richard Higgins, O36183, U.S. Army.

Col. Charles Morton Young, Jr., O47107, U.S. Army.

Col. Bert Alison David, O28441, Army of the United States (lieutenant colonel, U.S. Army).

Col. Sam Sims Walker, O28197, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Burns Caldwell III, O57280, Army of the United States (major, U.S. Army).

IN THE NAVY

Rear Adm. Bernard M. Strean, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. John A. Tyree, Jr., U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

IN THE AIR FORCE

The nominations beginning Robert X. Williams, to be captain, and ending Thomas O. Zorn, Jr., to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 8, 1968; and

The nominations beginning Gerhard R. Abendhoff, to be colonel, and ending Donald F. Taucher, to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 8, 1968.

IN THE ARMY

The nominations beginning David A. Clarke, to be captain, and ending John E. Wilks III, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 10, 1968.

IN THE NAVY

The nominations beginning Louise Bareford, to be captain, and ending John W. Johnson, to be permanent lieutenant commander and temporary commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 10, 1968.