that the bulk of this money goes to those farmers who have the least need. The Chicago Tribune has stated the case in a manner which I commend to the attention of my colleagues:

CANDIDATES FOR RETIREMENT

The Senate agriculture committee has approved a four-year extension of the federal subsidy programs that pay farmers to reduce crop production. A one-year extension was voted by the House agriculture committee.

By the end of this year the government will have paid farmers nearly 12 billion dollars since 1961 for not growing wheat and feed grains. Yet, on the same day the Senate committee acted on the extension, the Department of Agriculture estimated this year's wheat crop will set a new all-time record and be 29 per cent larger than the average crop in the years 1962 thru 1966. This year's corn crop is forecast as the second biggest of record, 15 per cent larger than average.

With the nation's economy strained to the breaking point by excessive government spending, Congress has been forced to enact a 10 per cent income tax surcharge and call for a 6-billion-dollar spending cut. This emergency action seems to have escaped the attention of the agriculture committees of Congress. They blithely go on approving billions of more dollars for crop reduction, while crops grow larger and larger.

The members of these committees may think they are making hay with the farmers by such wasteful extravagance, but come next November they may find the voters have decided to retire them to pasture.

HOUSE OF REPRESENTATIVES—*Friday, July 19, 1968*

The House met at 12 o'clock noon.

Rev. Jack P. Lowndes, Memorial Baptist Church, Arlington, Va., offered the following prayer:

They that wait upon the Lord shall renew their strength.—Isaiah 40: 31.

Lord, we wait upon Thee for Thou art the living God, who alone knowest the secrets of time and space. Help us to achieve the good things prepared for those who cooperate with Thee and follow Thy will. Work by Thy spirit upon this Nation and the world that the energies of man may be turned from all that is destructive, and dedicated to peace and freedom for all men.

We pray Thy blessings upon this body of Representatives who have such great responsibility. Help them to be honest with themselves, open to all truth, and humble enough to seek and follow Thy will.

In the midst of the complicated situations of life and the unsolved problems of the world, deliver us from a sense of futility. Help us to know that God's power has never been obstructed by difficulties nor His love limited by the confusion of human plans. Help us to turn toward the resources of God and make larger use of spiritual powers.

In His name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 510. An act providing for full disclosure of corporate equity ownership of securities under the Securities Exchange Act of 1934.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following title:

H.R. 18366. An act to amend the Vocational Education Act of 1963, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 17023) entitled "An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. ELLENDER, Mr. RUSSELL, Mr. HOLLAND, Mr. PASTORE, Mr. ANDERSON, Mr. ALLOTT, Mrs. SMITH, and Mr. HRUSKA to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 18366) entitled "An act to amend the Vocational Education Act of 1963, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MORSE, Mr. YARBOROUGH, Mr. CLARK, Mr. RANDOLPH, Mr. WILLIAMS of New Jersey, Mr. NELSON, Mr. PROUTY, Mr. JAVITS, Mr. DOMINICK, and Mr. MURPHY to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3710) entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RANDOLPH, Mr. YOUNG of Ohio, Mr. MUSKIE, Mr. GRUENING, Mr. JORDAN of North Carolina, Mr. COOPER, Mr. FONG, and Mr. MURPHY to be the conferees on the part of the Senate.

The message also announced that Mr. FANNIN was appointed as a conferee on the bill S. 20, an act to provide for a comprehensive review of the national water resource problems and programs, and for other purposes, and that Mr. ALLOTT was excused as a conferee on the foregoing bill.

The message also announced that Mr. CANNON be appointed an additional conferee on the bill (S. 3293) entitled "An act to authorize appropriations during the fiscal year 1969 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes."

THE REVEREND JACK P. LOWNDES

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BRINKLEY. Mr. Speaker, St. Francis of Assissi, a favorite of Pope John, taught that it is better to love than to be loved and better to minister than to be ministered unto.

So it is that the State of Georgia takes pride in her splendid sons of the ministry who exemplify this spirit, particularly those who have left our State in this calling for other places of service.

As a new Member of this body, I have been very fortunate to have had the opportunity to visit many churches of the Washington, D.C., area and to have observed several such Georgians in the performance of their ministry.

I have heard the words of Rev. James Bruner, and those of Rev. Lester Cornett; and today I have heard again the measured, simple eloquence of Rev. Jack Lowndes, of Arlington Memorial Baptist Church, as he opened this House with prayer.

He exemplifies that which is good in man and translates his beliefs into the living of his life. Earlier this week, "SONNY" MONTGOMERY, our excellent colleague from the State of Mississippi, sent a Prayer Breakfast notice to all Members and referred to a poem quoted by Congressman JOHN ZWACH at the previous meeting, which is particularly apt in describing Brother Lowndes.

I'd rather see a sermon than hear one any day.
I'd rather one should walk with me than merely show the way.
The eye's a better pupil and more willing than the ear;
Fine counsel is confusing, but example's always clear;
And the best of all the preachers are the men who live their creeds.
For to see the good in action is what everybody needs.

So it is I am grateful today for Rev. Jack Lowndes and other men like him of good example.

HOUSE REDUCTIONS IN 1969 BUDGET EXCEED THE $10 BILLION BUT NOT THE $6 BILLION GOAL

Mr. MAHON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. MAHON. Mr. Speaker, I should like to make an announcement to the House which I think is of some significance.

As Members know, the tax-expenditure reduction law commits the legislative and executive branches to a reduction of at least $10 billion in the President's fiscal 1969 budget appropriation and authority requests. Including three bills reported from the Committee on Appropriations yesterday and today, the House has made reductions of $11.6 billion. We have more than accomplished the goal as to reductions in new budget requests, and we have yet to report on the foreign aid bill and the closing supplemental bill.

So, Mr. Speaker, we should achieve a total cut in new requests in the House of between $12 and $13 billion.

The goal in the law for expenditure reductions is $6 billion. I do not now see that we are going to achieve the $6 billion cut in expenditures in the individual bills. Including the three bills reported yesterday and today, House actions will have achieved an expenditure cut, according to our best estimates, of $3.7 billion—quite short of the $6 billion target—but with the foreign aid cut we will raise the total to probably about $4 billion. Of course, under the law the President will have to take whatever additional measures that are necessary to achieve the $6 billion cut.

Mr. MONAGAN. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Connecticut.

Mr. MONAGAN. When you are referring to the $10 billion cut, is that a cut in budget requests?

Mr. MAHON. It is a cut in new budget requests of more than $10 billion. It is $11.6 billion as of today with the bills which we have just processed through the committee.

Mr. MONAGAN. What is the cut in actual expenditures?

Mr. MAHON. The reduction in actual spending of about $3.7 billion is a cut below the estimated expenditures in the President's budget.

Mr. Speaker, I will later seek permission to extend my remarks to the Extensions section of today's RECORD and include a bit more detail and supporting tabulations.

THE LATE HONORABLE PATRICK M. MARTIN

Mr. UTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. UTT. Mr. Speaker, it is my sad duty to inform the House of Representatives of the death of our former esteemed colleague, the Honorable Patrick Minor Martin of California last evening, July 18, 1968, at Riverside, Calif.

It is my understanding that burial will be in Arlington National Cemetery either Monday or Tuesday of next week and that there are to be graveside services.

Pat Martin was elected to the House of Representatives in November 1962, from the 38th District of California and served with distinction during the 88th Congress. He was a member of the Committee on the Judiciary and the Committee on Interior and Insular Affairs.

Pat was a devoted public servant and greatly admired and respected by all of those who had the privilege of knowing him. I feel honored to have been his friend and to have served with him in the House of Representatives.

Pat Martin was born in Norfolk, Nebr., on November 25, 1924. He attended Riverside Junior College and was a graduate of the University of California at Berkeley and the Hastings College of Law, San Francisco. He was a veteran of World War II.

Pat is survived by his loyal wife Patricia and their five children. I know they have the deep and heartfelt sympathy of Pat's friends everywhere.

CALL OF THE HOUSE

Mr. BROOMFIELD. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 269]

Ashley	Herlong	Price, Tex.
Ayres	Holland	Resnick
Bush	Kirwan	Rhodes, Pa.
Collier	Kornegay	Teague, Tex.
Edwards, La.	Laird	Tunney
Evins, Tenn.	McFall	
Fino	Moore	
Hansen, Wash.	Morse, Mass.	

The SPEAKER. On this rollcall, 411 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

JOINT SELECT CONGRESSIONAL COMMITTEE TO INVESTIGATE QUESTIONS RAISED BY ASSASSINATIONS OF DR. MARTIN LUTHER KING, JR., AND SENATOR ROBERT F. KENNEDY

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I rise at this time to call the attention of my colleagues to a special order which I took last night after a rather lengthy session in which I outlined my reasons for introducing legislation to establish a commission of eight members, four from this body and four from the other body, to investigate matters relating to the assassinations of Dr. Martin Luther King, Jr., and Senator Robert F. Kennedy.

In this connection, Mr. Speaker, I am particularly interested in the study by Members of this House that would review the following items:

U.S. immigration laws; passport and visa regulations procedures; U.S. treaties on extradition, laws or agreements covering international police cooperation; and the vulnerability of our international borders and shores.

And of more particular interest the possibility of conspiracy involving nationals of foreign countries and/or U.S. citizens in an effort to commit crime in this country and arrange for escape of criminals to other nations.

My remarks can be found beginning on page 22126 of the CONGRESSIONAL RECORD of Thursday, July 18.

RESIGNATION OF MR. LEE MORSE

Mr. REES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. REES. Mr. Speaker, as a member of the House Banking and Currency Committee, it has been a privilege and a pleasure to have worked with Mr. Lee Morse, who has served as chief counsel of the committee for over 4 years. Lee recently resigned from this post to open up his own law office here in Washington. Our committee has lost an extremely able young man.

I was most fortunate to have had Lee's advice and assistance when, as a member of the Subcommittee on Domestic Finance, I worked very closely with him on major legislation affecting banking and the savings and loan industry. In the recent Savings and Loan Holding Company Act, a most comprehensive piece of legislation, I found Lee to be of great help with his thorough knowledge of both the industry and the regulatory agency.

Lee Morse, a native of Georgia, holds a master's degree in business administration and a bachelor of laws degree from Emory University in Atlanta. He is a Korean war veteran and, prior to coming to the Banking and Currency Committee, Lee held important staff positions with the Securities and Exchange Commission and the Comptroller of the Currency.

An exceptionally personable individual, Lee combines good judgment with singular technical ability. We will all miss him, but wish him success in his new venture.

POSTAL SERVICE

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, I was shocked at the recent decree by the Post Office

Department to the effect that mail service would be curtailed and small post offices serving rural communities would be closed.

This fantastic and bland announcement comes so soon after postal rate increases that it leaves the American people bewildered and dismayed. We are experiencing difficulty already in prompt mail delivery throughout the country. Add to that the discharge of thousands of employees and chaos in mail service could result. Postal employees are experiencing crowded conditions, impossible schedules, and shortages of personnel in many areas. This is no time to cut personnel and close post offices.

Mr. Speaker, the Post Office Department needs all of its present personnel and even additional personnel to handle the ever-increasing volume of mail.

When we are wrestling with the grave problems of the ghetto and urbanization, it is incredible that the Post Office Department would close post offices in rural communities and small towns. The Agriculture Department is conducting a campaign to encourage rural people to remain on the land and here we have the Post Office taking the opposite course.

The Post Office Department has the money to operate at the present level. It is not a question of financing. Mr. Speaker, this looks like an effort to blackmail and intimidate the Congress.

IN SUPPORT OF THE POLICE IN THE DISTRICT OF COLUMBIA

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker, I listened with great interest to the remarks of the gentleman from Oregon with reference to the Police Department here in the District of Columbia.

I believe it is only proper to say, as one who has had rather direct contact with that Department over a period of years, that I believe there is entirely too much loose talk about and criticism of the Police Department here in the Nation's Capital.

Mr. Speaker, we are fortunate that we have a recognized and outstanding corps of police officers serving the people in the Nation's Capital. I would like to hear someone some time express some grief over the needless killing of many courageous young men who wear the blue uniform, and make it safe for the general public—including Members of the Congress—to live and work in this community. Too often do we hear them lament the certain things which are not put into proper focus.

Mr. Speaker, I commend the Chief of Police, John Layton, and the men of his Department for the continuing good work that they are doing. I hope that others who feel the same way will speak out in their behalf. We are fortunate to have our dedicated Metropolitan Police officers serving us so well.

APPOINTMENT OF CONFEREES ON S. 3710, AUTHORIZING PUBLIC WORKS ON RIVERS AND HARBORS FOR NAVIGATION AND FLOOD CONTROL

Mr. FALLON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table 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, with amendments of the House thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. HALL. Mr. Speaker, reserving the right to object, is this request to go to conference and disagree with the Senate version?

The SPEAKER. It is to insist upon the position of the House.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? The Chair hears none, and appoints the following conferees: Messrs. BLATNIK, JONES of Alabama, WRIGHT, EDMONDSON, JOHNSON of California, CRAMER, HARSHA, and DON H. CLAUSEN.

STATE FIREARMS CONTROL ASSISTANCE ACT OF 1968

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 17735) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 17735, with Mr. ROONEY of New York in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Wednesday, July 17, 1968, the Clerk had read through the first section ending on line 4, page 1 of the bill.

If there are no amendments to this section, the Clerk will read.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. DINGELL. Mr. Chairman, reserving the right to object, I would like to direct a question to my dear friend, the gentleman from New York.

Is it his purpose at some time later in the day to limit debate on this bill?

Mr. CELLER. I have no present intention of limiting debate today.

Mr. DINGELL. I am much troubled by the prospect that we might find ourselves in the position that we have at times found ourselves in when we have limited debate and where in the consideration of amendments the authors who offer them in good faith, because of the limitation of time, have not even been able to discuss their amendments and explain the purposes thereof.

I hope the gentleman from New York will protect the membership of this body from that kind of situation happening again.

Mr. CELLER. I assure the gentleman that I will try to protect the rights of Members in speaking on their amendments in every reasonable way that I can.

Mr. GROSS. Mr. Chairman, further reserving the right to object, I would suggest to the gentleman from New York [Mr. CELLER] at least to start on the amending process and limit his request to the individual sections of the bill.

Mr. CELLER. I would inform the gentleman that section 2 is practically the entire bill.

Mr. GROSS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. CELLER]?

There was no objection.

The remainder of the bill is as follows:

FINDINGS AND DECLARATION

SEC. 2. (a) The Congress hereby finds and declares—

(1) that there is a widespread traffic in firearms moving in or otherwise affecting interstate or foreign commerce, and that the existing Federal controls over such traffic do not adequately enable the States to control this traffic within their own borders through the exercise of their police powers;

(2) that the ease with which any person can acquire firearms (including criminals, juveniles without the knowledge or consent of their parents or guardians, narcotics addicts, mental defectives, armed groups who would supplant the functions of duly constituted public authorities, and others whose possession of such weapons is similarly contrary to the public interest) is a significant factor in the prevalence of lawlessness and violent crime in the United States;

(3) that only through adequate Federal control over interstate and foreign commerce in these weapons, and over all persons engaging in the business of importing, manufacturing, or dealing in them, can this grave problem be properly dealt with, and effective State and local regulation of this traffic be made possible;

(4) that the acquisition on a mail-order basis of firearms by nonlicensed individuals, from a place other than their State of residence, has materially tended to thwart the effectiveness of State laws and regulations, and local ordinances;

(5) that the sale or other disposition of firearms by importers, manufacturers, and dealers holding Federal licenses, to nonresidents of the State in which the licensees' place of business are located, has tended to make ineffective the laws, regulations, and ordinances in the several States and local jurisdictions regarding such firearms;

(6) that there is a causal relationship between the easy availability of firearms and juvenile and youthful criminal behavior, and that firearms have been widely sold by federally licensed importers and dealers to emotionally immature, or thrill-bent juveniles and minors prone to criminal behavior;

(7) that the United States has become the dumping ground of the castoff surplus military weapons of other nations, and that such weapons, and the large volume of relatively inexpensive firearms (largely worthless for

sporting purposes), imported into the United States in recent years, has contributed greatly to lawlessness and to the Nation's law enforcement problems;

(8) that the lack of adequate Federal control over interstate and foreign commerce in highly destructive weapons (such as bazookas, mortars, antitank guns, and so forth, and destructive devices such as explosive or incendiary grenades, bombs, missiles, and so forth) has allowed such weapons and devices to fall into the hands of lawless persons, including armed groups who would supplant lawful authority, thus creating a problem of national concern;

(9) that the existing licensing system under the Federal Firearms Act does not provide adequate license fees or proper standards for the granting or denial of licenses, and that this had led to licenses being issued to persons not reasonably entitled thereto, thus distorting the purposes of the licensing system.

(b) The Congress further hereby declares that the purpose of this title is to cope with the conditions referred to in the foregoing subsection, and that it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trap shooting, target shooting, personal protection, or any other lawful activity, and that this title is not intended to discourage or eliminate the private ownership or use of firearms by law abiding citizens for lawful purposes, or provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this title.

SEC. 3. Title 18, United States Code, is amended by inserting after section 917 thereof chapter 44 to read as follows:

"CHAPTER 44.—FIREARMS

"Sec.
"921. Definitions.
"922. Unlawful acts.
"923. Licensing.
"924. Penalties.
"925. Exceptions: Relief from disabilities.
"926. Rules and regulations.
"927. Effect on State law.
"928. Separability clause.

"§ 921. Definitions

"(a) As used in this chapter—

"(1) The term 'person' and the term 'whoever' includes any individual, corporation, company, association, firm, partnership, society, or joint stock company.

"(2) The term 'interstate or foreign commerce' includes commerce between any State or possession (not including the Canal Zone) and any place outside thereof; or between points within the same State or possession (not including the Canal Zone), but through any place outside thereof; or within any possession or the District of Columbia. The term 'State' shall include the Commonwealth of Puerto Rico, the Virgin Islands, and the District of Columbia.

"(3) The term 'firearm' means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver or any such weapon; or any firearm muffler or firearm silencer; or any destructive device.

"(4) The term 'destructive device' means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will or is designed to or may readily be converted to expel a projectile by the action of any explosive and having any barrel with a bore of one-half inch or more in diameter.

"(5) The term 'shotgun' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

"(6) The term 'short-barreled shotgun' means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches.

"(7) The term 'rifle' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

"(8) The term 'short-barreled rifle' means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.

"(9) The term 'importer' means any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution; and the term 'licensed importer' means any such person licensed under the provisions of this chapter.

"(10) The term 'manufacturer' means any person engaged in the manufacture of firearms or ammunition for purposes of sale or distribution; and the term 'licensed manufacturer' means any such person licensed under the provisions of this chapter.

"(11) The term 'dealer' means (A) any person engaged in the business of selling firearms or ammunition at wholesale or retail, (B) any person engaged in the business of repairing such firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or (C) any person who is a pawnbroaker. The term 'licensed dealer' means any dealer who is licensed under the provisions of this chapter.

"(12) The term 'pawnbroker" means any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm or ammunition as security for the payment or repayment of money.

"(13) The term 'indictment' includes an indictment or an information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

"(14) The term 'fugitive from justice' means any person who has fled from any State or possession to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

"(15) The term 'antique firearm' means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

"(16) The term 'ammunition' means ammunition or cartridge cases, primers, bullets, or propellent powder designed for use in any firearm.

"(17) The term 'Secretary' or 'Secretary of the Treasury' means the Secretary of the Treasury or his delegate.

"(b) As used in this chapter—

"(1) The term 'firearm' shall not include and antique firearm.

"(2) The term 'destructive device' shall not include—

"(A) a device which is neither designed nor redesigned nor used nor intended for use as a weapon; or

"(B) any device, although originally designed as a weapon, which is redesigned so that it may be used solely as a signaling, linethrowing, safety, or similar device; or

"(C) any shotgun other than a short-barreled shotgun; or

"(D) any nonautomatic rifle (other than a short-barreled rifle) generally recognized or particularly suitable for use for the hunting of big game; or

"(E) surplus obsolete ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10, United States Code; or

"(F) any other device which the Secretary finds is not likely to be used as a weapon.

"(3) The term 'crime punishable by imprisonment for a term exceeding one year' shall not include any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Secretary may by regulation designate.

"§ 922. Unlawful acts

"(a) It shall be unlawful—

"(1) for any person, except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms, or ammunition, or in the course of such business to ship, transport, or receive any firearm or ammunition in interstate or foreign commerce.

"(2) for any importer, manufacturer, or dealer licensed under the provisions of this chapter to ship or transport in interstate or foreign commerce, any firearm or ammunition to any person other than a licensed importer, licensed manufacturer, or licensed dealer, except that—

"(A) this paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer from returning a firearm or replacement firearm of the same kind and type to a person from whom it was received;

"(B) this paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer from depositing a firearm for conveyance in the mails to any officer, employee, agent, or watchman who, pursuant to the provisions of section 1715 of title 18 of the United States Code, is eligible to receive through the mails pistols, revolvers, and other firearms capable of being concealed on the person, for use in connection with his official duty;

"(C) nothing in this paragraph shall be construed as applying in any manner in the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States differently than it would apply if the District of Columbia, the Commonwealth of Puerto Rico, or the possession were in fact a State of the United States.

"(3) for any person, other than a licensed importer, licensed manufacturer, or licensed dealer to transport into or receive in the State where he resides (or if the person is a corporation or other business entity, in which he maintains a place of business) any firearm purchased or otherwise obtained by him outside that State.

"(4) for any person, other than a licensed importer, licensed manufacturer, or licensed dealer, to transport in interstate or foreign commerce any destructive device, machinegun (as defined in section 5848 of the Internal Revenue Code of 1954), a short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Secretary consistent with public safety and necessity.

"(5) for any person other than a licensed importer, licensed manufacturer, or licensed dealer, to transfer, sell, trade, give, transport, or deliver any firearm to any person

(other than a licensed importer, licensed manufacturer, or licensed dealer) who the transferor knows or has reasonable cause to believe resides in any State other than that in which the transferor resides (or in which his place of business is located if the transferor is a corporation or other business entity).

"This paragraph shall not apply to transactions between licensed importers, licensed manufacturers, and licensed dealers.

"(6) for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, or licensed dealer, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false or fictitious or misrepresented identification, intended or likely to deceive such importer, manufacturer, or dealer with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter.

"(b) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell or deliver—

"(1) any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age and, if the firearm or ammunition is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age.

"(2) any firearm or ammunition to any person in any State where the purchase or possession by such person of such firearm or ammunition would be in violation of any State or local law applicable at the place of sale, delivery, or other disposition, unless the licensee knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State or local law.

"(3) any firearm to any person who the licensee knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the licensee's place of business is located.

"(4) to any person any destructive device, machinegun (as defined in section 5848 of the Internal Revenue Code of 1954), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Secretary consistent with public safety and necessity.

"(5) any firearm or ammunition to any person unless the licensee notes in his records required to be kept pursuant to section 923 of this chapter, the name, age, and place of residence of such person if the person is an individual, or the identity and principal and local places of business of such person if the person is a corporation or other business entity.

Paragraphs (1), (2), (3), and (4) of this subsection shall not apply to transactions between licensed importers, licensed manufacturers, and licensed dealers.

"(c) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell or otherwise dispose of any firearm or ammunition to any person, knowing or having reasonable cause to believe that such person is a fugitive from justice or is under indictment or has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year. This subsection shall not apply with respect to sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, or licensed dealer who pursuant to subsection (b) of section 925 of this chapter is not precluded from dealing in firearms or ammunition, or to a person who has been granted relief from disabilities pursuant to subsection (c) of section 925 of this chapter.

"(d) It shall be unlawful for any person knowingly to deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons other than licensed importers, licensed manufacturers, or licensed dealers, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearms or ammunition is being transported or shipped.

"(e) It shall be unlawful for any common or contract carrier to transport or deliver in interstate or foreign commerce any firearm or ammunition with knowledge or reasonable cause to believe that the shipment, transportation, or receipt thereof would be in violation of the provisions of this chapter.

"(f) It shall be unlawful for any person who is under indictment or who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, or who is a fugitive from justice, to ship or transport any firearm or ammunition in interstate or foreign commerce.

"(g) It shall be unlawful for any person who is under indictment or who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, or is a fugitive from justice, to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

"(h) It shall be unlawful for any person to transport or ship in interstate or foreign commerce, any stolen firearm or stolen ammunition, knowing or having reasonable cause to believe the same to have been stolen.

"(i) It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, moving as or which is a part of or which constitutes interstate or foreign commerce, knowing or having reasonable cause to believe the same to have been stolen.

"(j) It shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm the importer's or manufacturer's serial number of which has been removed, obliterated, or altered.

"(k) It shall be unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition, except as provided in subsection (d) of section 925 of this chapter; and it shall be unlawful for any person knowingly to receive any firearm or ammunition which has been imported or brought into the United States or any possession thereof in violation of the provisions of this chapter.

"(l) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer knowingly to make any false entry in, or to fail to make appropriate entry in or to fail to properly maintain, any record which he is required to keep pursuant to section 923 of this chapter or regulations promulgated thereunder.

"§ 923. Licensing

"(a) No person shall engage in business as a firearms or ammunition importer, manufacturer, or dealer until he has filed an application with, and received a license to do so from, the Secretary. The application shall be in such form and contain such information as the Secretary shall by regulation prescribe. Each applicant shall be required to pay a fee for obtaining such a license, a separate fee being required for each place in which the applicant is to do business as follows:

"(1) If a manufacturer—

"(A) of destructve devices and/or ammunition for destructive devices a fee of $1,000 per year;

"(B) of firearms other than destructive devices a fee of $500 per year;

"(C) of ammunition for firearms other than destructive devices a fee of $10 per year.

"(2) If an importer—

"(A) of destructive devices and/or ammunition for destructive devices a fee of $1,000 per year;

"(B) of firearms other than destructive devices and/or ammunition for firearms other than destructive devices a fee of $500 per year.

"(3) If a dealer—

"(A) in destructive devices and/or ammunition for destructive devices a fee of $1,000 per year;

"(B) who is a pawnbroker dealing in firearms other than destructive devices or ammunition for firearms other than destructive devices a fee of $250 per year;

"(C) who is not a dealer in destructive devices or a pawnbroker, a fee of $10 per year.

"(b) Upon the filing of a proper application and payment of the prescribed fee, the Secretary may issue to the applicant the appropriate license which, subject to the provisions of this chapter and other applicable provisions of law, shall entitle the licensee to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce during the period stated in the license.

"(c) Any application submitted under subsections (a) and (b) of this section shall be disapproved and the license denied and the fee returned to the applicant if the Secretary, after notice and opportunity for hearing, finds that—

"(1) the applicant is under twenty-one years of age; or

"(2) the applicant (including in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under the provisions of this chapter; or is, by reason of his business experience, financial standing, or trade connections, not likely to commerce business operations during the term of the annual license applied for or to maintain operations in compliance with this chapter; or

"(3) the applicant has willfully violated any of the provisions of this chapter or regulations issued thereunder; or

"(4) the applicant has willfully failed to disclose any material information required, or has made any false statement as to any material fact, in connection with his application; or

"(5) the applicant does not have, or does not intend to have or to maintain, in a State or possession, business premises for the conduct of the business.

"(d) Each licensed importer, licensed manufacturer, and licensed dealer shall maintain such records of importation, production, shipment, receipt, and sale or other disposition, of firearms and ammunition at such place, for such period, and in such form as the Secretary may by regulations prescribe. Such importers, manufacturers, and dealers shall make such records available for inspection at all reasonable times, and shall submit to the Secretary such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe. The Secretary or his delegate may enter during business hours the premises (including places of storage) of any firearms or ammunition importer, manufacturer, or dealer for the purpose of inspecting or examining any records or documents required to be kept by such importer or manufacturer or dealer under the provisions of this chapter or regulations issued pursuant thereto, and any firearms or ammunition kept or stored by such importer,

manufacturer, or dealer at such premises. Upon the request of any State or possession, or any political subdivision thereof, the Secretary of the Treasury may make available to such State or possession, or any political subdivision thereof, any information which he may obtain by reason of the provisions of this chapter with respect to the identification of persons within such State or possession, or political subdivision thereof, who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition.

"(c) Licenses issued under the provisions of subsection (b) of this section shall be kept posted and kept available for inspection on the premises covered by the license.

"(f) Licensed importers and licensed manufacturers shall identify, in such manner as the Secretary shall by regulations prescribe, each firearm imported or manufactured by such importer or manufacturer.

"§ 924. Penalties

"(a) Whoever violates any provision of this chapter or knowingly makes any false statement or representation with respect to the information required by the provisions of this chapter to be kept in the records of a person licensed under this chapter, or in applying for any license or exemption or relief from disability under the provisions of this chapter, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"(b) Whoever, with intent to commit therewith an offense punishable by imprisonment for a term exceeding one year, or with knowledge or reasonable cause to believe that an offense punishable by imprisonment for a term exceeding one year is to be committed therewith, ships, transports, or receives a firearm or any ammunition in interstate or foreign commerce shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"(c) Any firearm or ammunition involved in, or used or intended to be used in, any violation of the provisions of this chapter, or a rule or regulation promulgated thereunder, or violation of any other criminal law of the United States, shall be subject to seizure and forfeiture and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5848(1) of said Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter.

"§ 925. Exceptions: Relief from disabilities

"(a) The provisions of this 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 the United States or any department or agency thereof; or any State or possession, or any department, agency, or political subdivision thereof.

"(b) A licensed importer, licensed manufacturer, or licensed dealer who is indicted for a crime punishable by imprisonment for a term exceeding one year, may, notwithstanding any other provisions of this chapter, continue operations pursuant to his existing license (provided that prior to the expiration of the term of the existing license timely application is made for a new license) during the term of such indictment and until any conviction pursuant to the indictment becomes final.

"(c) A person who has been convicted of a crime punishable by imprisonment for a term exceeding one year (other than a crime involving the use of a firearm or other weapon or a violation of this chapter or of the National Firearms Act) may make application to the Secretary for relief from the disabilities under this chapter incurred by reason of such conviction, and the Secretary may grant such relief if it is established to his satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to conduct his operations in an unlawful manner, and that the granting of the relief would not be contrary to the public interest. A licensee conducting operations under this chapter, who makes application for relief from the disabilities incurred under this chapter by reason of such a conviction, shall not be barred by such conviction from further operations under his license pending final action on an application for relief filed pursuant to this section. Whenever the Secretary grants relief to any person pursuant to this section he shall promptly publish in the Federal Register notice of such action, together with the reasons therefor.

"(d) The Secretary may authorize a firearm or ammunition to be imported or brought into the United States or any possession thereof if the person importing or bringing in the firearm or ammunition establishes to the satisfaction of the Secretary that the firearm or ammunition—

"(1) is being imported or brought in for scientific or research purposes, or is for use in connection with competition or training pursuant to chapter 401 of title 10 of the United States Code; or

"(2) is an unserviceable firearm, other than a machinegun as defined in section 5848(2) of the Internal Revenue Code of 1954 (not readily restorable to firing condition), imported or brought in as a curio or museum piece; or

"(3) is of a type that does not fall within the definition of a firearm as defined in section 5848(1) of the Internal Revenue Code of 1954 and is generally recognized as particularly suitable for or readily adaptable to sporting purposes, and in the case of surplus military firearms is a rifle or shotgun; or

"(4) was previously taken out of the United States or a possession by the person who is bringing in the firearm or ammunition:

Provided, That the Secretary may permit the conditional importation or bringing in of a firearm or ammunition for examination and testing in connection with the making of a determination as to whether the importation or bringing in of such firearm or ammunition will be allowed under this subsection.

"§ 926. Rules and regulations

"The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter. The Secretary shall give reasonable public notice, and afford to interested parties opportunity for hearing, prior to prescribing such rules and regulations. Violation of any provision of this chapter, or rule or regulation promulgated hereunder, shall be grounds for revocation by the Secretary, upon due notice and hearing, of any license issued hereunder.

"§ 927. Effect on State law

"No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State or possession on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State or possession so that the two cannot be reconciled or consistently stand together.

"§ 928. Separability

"If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby."

SEC. 4. The administration and enforcement of the amendment made by this title shall be vested in the Secretary of the Treasury.

SEC. 5. Nothing in this title or amendment made thereby shall be construed as modifying or affecting any provision of—

(a) the National Firearms Act (chapter 53 of the Internal Revenue Code of 1954); or

(b) section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), as amended, relating to munitions controls; or

(c) section 1715 of title 18, United States Code, relating to nonmailable firearms.

SEC. 6. The table of contents to "PART I.—CRIMES" of title 18, United States Code, is amended by inserting after

"43. False personation ..... 911"

a chapter reference as follows:

"44. Firearms ..... 921".

SEC. 7. The Federal Firearms Act (52 Stat. 1250; 15 U.S.C. 901–910), as amended, is repealed.

SEC. 8. The provisions of this title shall become effective one hundred and eighty days after the date of its enactment; except that repeal of the Federal Firearms Act shall not in itself terminate any valid license issued pursuant to that Act and any such license shall be deemed valid until it shall expire according to its terms unless it be sooner revoked or terminated pursuant to applicable provisions of law.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 1, strike out line 5 and all that follows down through line 23, page 4, and redesignate the remaining sections accordingly.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment——

SUBSTITUTE AMENDMENT OFFERED BY MR. HUNGATE

Mr. HUNGATE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is it an amendment to the committee amendment?

Mr. HUNGATE. It is a substitute for the committee amendment.

The CHAIRMAN. The Clerk will report the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNGATE as a substitute for the committee amendment: On page 1, line 5, insert:

"PURPOSE

"The Congress hereby declares that the purpose of this title is to provide support to Federal, State, and local law enforcement officials in their fight against crime and violence, and that this title is not intended to discourage or eliminate the private ownership or use of firearms by law abiding citizens for lawful purposes, or provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this title."

Mr. RAILSBACK. Mr. Chairman, I would like to make a point of order. I wonder if the gentleman will yield so that I might ask a question in order to discuss the point of order. It appears to me that the amendment offered by the gentleman from Missouri is to a part of the original bill that was stricken in committee.

The CHAIRMAN. This is not an amendment to the committee amendment. It is, rather, a new insertion in the bill and will be considered at a later time.

The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 4——

Mr. CELLER. Mr. Chairman, I rise to oppose the substitute amendment.

The CHAIRMAN. There is no substitute amendment pending at the moment. The Clerk is now reading the next committee amendment.

Mr. DINGELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DINGELL. I would like the Chair to clarify, if he would, the ruling. Is the ruling that the amendment offered by the gentleman from Missouri might be offered at a later time, or has there been a ruling relative to when it can be offered?

The CHAIRMAN. The amendment may be offered at a later time. It is not in order at the present time when the Committee is considering committee amendments.

Mr. DINGELL. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DINGELL. Are points of order reserved against an amendment when it is presented at a later time?

The CHAIRMAN. The amendment has not yet been considered.

Mr. DINGELL. So points of order will be in order?

The CHAIRMAN. When the amendment is offered, a point of order could be raised.

Mr. POLLOCK. Mr. Chairman, I rise to a point of parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. POLLOCK. Do I correctly understand that the ruling of the Chair is that all committee amendments will be considered prior to any other amendments to any part of the bill?

The CHAIRMAN. The gentleman is correct. Under the rules of the House, the Clerk will report the committee amendments; that is the procedure.

The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 4, line 24: After "SEC.", strike out "3." and insert "2."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 4, line 24, strike out "title 18, United States Code, is amended by inserting after section 917 thereof chapter 44 to read as follows:" and insert "Chapter 44 of title 18, United States Code, is amended to read as follows:".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 7, line 23, strike "pawnbroaker" and insert in lieu thereof "pawnbroker".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 12, line 3, change the period to a colon and insert the following:

"*Provided, however,* That this paragraph shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State. *Provided further, however,* That this paragraph shall not apply to transportation or receipt of a rifle or a shotgun obtained in conformity with the provisions of subsection (b)(3) of this section."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 13, line 4, strike on the period and insert: "; except that this paragraph does not apply to the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or an acquisition by intestate succession of a firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 13, strike out lines 11 through 13.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 14, line 20, after the period, insert:

"This pargaraph shall not apply to the sale or delivery of rifles or shotguns to residents of a State contiguous to the State in which the licensee's place of business is located if the purchaser's State of residence permits such sale or delivery by law and if the sale fully complies with the legal conditions of sale in both such contiguous States."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 15, strike out lines 20 through 24 and insert in lieu thereof the following:

dispose of any firearm or ammunition to any person knowing or having a reasonable cause to believe that such person—

"(1) is a fugitive from justice;

"(2) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

"(3) is an unlawful user of or addicted to marihuana, any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act), or a narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954); or

"(4) has been adjudicated in any court as a mental defective or has been committed under a court order to any mental institution.

This subsection shall".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 17, strike out lines 11 through 16, and insert in lieu thereof the following:

"(f) It shall be unlawful for any person—

"(1) who is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

"(2) who is a fugitive from justice;

"(3) who is an unlawful user of or addicted to marihuana, any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act), or a narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954); or

"(4) who has been adjudicated in any court as a mental defective or who has been committed under a court order to any mental institution;

to ship or transport any firearm or ammunition in interstate or foreign commerce."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 18, strike out lines 8 through 11, and insert in lieu thereof:

"(g) It shall be unlawful for any person—

"(1) who is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

"(2) who is a fugitive from justice;

"(3) who is an unlawful user of or addicted to marihuana, any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act), or a narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954); or

"(4) who has been adjudicated in any court as a mental defective or what has been committed under a court order to any mental institution;

to receive any firearm".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 21, strike out lines 10 through 12.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 21, line 13, strike "(C)" and insert in lieu thereof "(B)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 21, line 14, strike out "or a pawnbroker,".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 21, line 16, strike out "may issue to the" and insert in lieu thereof "shall issue to a qualified."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 21, strike out line 23 and all that follows down through and including line 2 of page 23, and insert in lieu thereof the following:

"(c)(1) Any application submitted under subsection (a) of this section shall be approved if—

"(A) the applicant is twenty-one years of age or over;

"(B) the applicant (including in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922 (f) and (g) of this chapter;

"(C) the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;

"(D) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with his application;

"(E) the applicant has, in a State or possession, premises from which he conducts business subject to license under this chapter or from which he intends to conduct such business within a reasonable period of time.

"(2) The Secretary must approve or deny an application for a license within the forty-five-day period beginning on the date it is received. If the Secretary fails to act within such period, the applicant may file an action under section 1361 of title 28 to compel the Secretary to act. If the Secretary approves an applicant's application, such applicant shall be issued a license upon the payment of the prescribed fee.

"(d) The Secretary may, after notice and opportunity for hearing, revoke any license issued under this section if the holder of such license has violated any provision of this chapter or any rule or regulation prescribed by the Secretary under this chapter. The Secretary's action under this subsection may be reviewed only as provided in subsection (e) of this section.

"(e)(1) Any person whose application for a license is denied and any holder of a license which is revoked shall receive a written notice from the Secretary stating specifically the grounds upon which the application was denied or upon which the license was revoked. Any notice of a revocation of a license shall be given to the holder of such license before the effective date of the revocation.

"(2) If the Secretary denies an application for, or revokes, a license, he shall, upon request by the aggrieved party, promptly hold a hearing to review his denial or revocation. In the case of a revocation of a license, the Secretary shall upon the request of the holder of the license stay the effective date of the revocation. A hearing held under this paragraph shall be held at a location convenient to the aggrieved party.

"(3) If after a hearing held under paragraph (2) the Secretary decides not to reverse his decision to deny an application or revoke a license, the Secretary shall give notice of his decision to the aggrieved party. The aggrieved party may at anytime within 60 days after the date notice was given under this paragraph file a petition with the United States district court for the district in which he resides or has his principal place of business for a judicial review of such denial or revocation. In a proceeding conducted under this subsection, the court may consider any evidence submitted by the parties to the proceeding. If the court decides that the Secretary was not authorized to deny the application or to revoke the license, the court shall order the Secretary to take such action as may be necessary to comply with the judgment of the court."

Mr. ARENDS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred and one Members are present, a quorum.

The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 25, line 22, strike out "(d)" and insert "(f)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 26, line 24, strike out "(3)" and insert "(g)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 27, line 1, strike out "business premises" and insert in lieu thereof "premises".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 27, line 3, strike out "(f)" and insert "(h)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 27, line 4, after the comma insert the following: "both by means of a serial number engraved or cast on the barrel of the weapon and in the case of rifled firearms, preserving a test bullet clearly identified with the barrel number of the rifled barrel from which it was fired.".

SUBSTITUTE AMENDMENT OFFERED BY MR. SIKES

Mr. SIKES. Mr. Chairman, I offer a substitute amendment for the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. SIKES as a substitute for the committee amendment: On page 27, line 4, after the comma, insert the following "by means of a serial number engraved or cast on the receiver or frame of the weapon".

Mr. SIKES. Mr. Chairman, if the Committee will observe the language which appears in the bill on page 27, it specifies that—

Licensed importers and licensed manufacturers shall identify, both by means of a serial number engraved or cast on the barrel of the weapon and in the case of rifled firearms, preserving a test bullet clearly identified with the barrel number of the rifled barrel from which it was fired.

My amendment simply says that identification shall be by means of a serial number engraved or cast on the receiver or frame of the weapon.

First of all, Mr. Chairman, I propose to eliminate the word "barrel," because barrels wear out and may be replaced on weapons. Stamping a serial number on a barrel may lead to confusion and to misleading records. The manufacturer normally stamps his serial number on the receiver or frame of the weapon today and that is what I propose in my amendment.

My objection to remaining language in the section is the proposal that there be a test bullet preserved. To do this would require a tremendous program of recordkeeping involving a great many people and producing nothing but a great volume of useless or largely useless records.

It appears to be recognized that there is no system whereby the rifling impressions on bullets can be classified or codified in a manner similar to fingerprints. Consequently, the cost and time and filing which would be associated with the system required in this bill, and which would be enormous, would largely be a waste. There is no reliable system which would permit a rapid comparison between an evidence bullet and a test bullet from the same firearm obtained and filed at a previous date.

Fired bullets can be classified according to caliber, weight, number of rifling grooves, direction of rifling, angle of rifling, and dimensions of lands and grooves. However, this is of little help considering that many thousands of a particular model of mass-produced firearm may provide test bullets with similar gross rifling characteristics. It would be an almost impossible task to locate a bullet in a file containing thousands of similar bullets which would match an evidence bullet.

It is also pertinent that normal wear as the result of firing, cleaning, or corrosion, can so alter a rifled bore that it becomes virtually impossible to attain a legally admissible match of a bullet fired from that firearm with a test bullet taken from it at an earlier date.

Impact of the bullet on a target may change its shape and add to the difficulty of identification.

I do not think the Congress wants to embark on this course.

I have discussed my amendment with the distinguished gentleman from New York, the chairman of the committee. He understands what I am seeking to accomplish, and I think he is in agreement with my proposal.

Now, Mr. Chairman, I yield to the chairman of the committee.

Mr. CELLER. I thank the gentleman.

Mr. Chairman, I think the gentleman's substitute amendment will be a technical improvement, and I will accept it.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Florida for the committee amendment.

The substitute amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment, as amended by the substitute.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

Mr. HALL. Mr. Chariman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred and one Members are present, a quorum.

The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 31, strike out line 6 and insert:

of this chapter, including—

"(1) regulations providing that a person licensed under this chapter, when dealing with another person so licensed, shall provide such other licensed person a certified copy of his license; and

"(2) regulations providing for the issuance, at a reasonable cost to a person licensed under this chapter, of certified copies of his license for use as provided under regulations issued under paragraph (1) of this subsection.

The Secretary shall give reasonable public".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 31, line 19, strike out all after the word "regulations" down through line 22.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 32, line 12, strike "4" and insert "3".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 32, line 13, strike "title" and insert "Act".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 32, line 15, strike "5" and insert "4" and strike "title" and insert in lieu thereof "Act".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 32, strike line 25 and all that follows through line 13, page 33, and insert in lieu thereof: "SEC. 5. The provisions of this Act shall become effective one hundred and eighty days after the date of its enactment."

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. CELLER

Mr. CELLER. Mr. Chairman, I offer three clarifying technical committee amendments.

The CHAIRMAN. Does the gentleman from New York propose that these amendments be considered en bloc?

Mr. CELLER. No.

The CHAIRMAN. The Clerk will report the first committee amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. CELLER: On page 13, line 7, strike the word "interstate" and insert in lieu thereof "intestate".

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CELLER

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. CELLER: On page 11, line 1, after the word "paragraph", insert "and subsection (b) (3)".

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. CELLER: On page 5, strike out lines 10 through 17 and insert in lieu thereof the following:

"(2) The term 'interstate or foreign commerce' includes commerce between any place in a State and any place outside of that State, but such term does not include commerce between places within the same State but through any place outside of the State. The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and the posessions of the United States."

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I would like to hear an explanation of this amendment from my good friend, the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, this amendment stems, in part, from the statements made by the gentleman from Michigan. It simply provides a redefinition of the term "interstate and foreign commerce." It excludes shipments which originate and terminate in the same State although they may pass through any place outside thereof.

Mr. DINGELL. I thank the gentleman.

Mr. POLLOCK. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Alaska.

Mr. POLLOCK. Mr. Chairman, in reading this amendment I want to make sure just what was read. Was my now proposed amendment adopted? As it now reads, am I correct that the term "interstate and foreign commerce" includes commerce between any place in a State and any place outside that State, but such term does not include commerce between places within the same State, but through any place outside of that State?

Mr. CELLER. That is correct.

Mr. POLLOCK. And, Mr. Chairman, if the gentleman will yield further, do I also understand that such term does not include commerce within a State whether or not the common carrier is required to travel outside that State?

Mr. CELLER. It is not exactly that clear, but that is the import of this amendment. I would say also the amendment stems, in part, from the suggestions made by the gentleman from Alaska [Mr. POLLOCK].

Mr. POLLOCK. Mr. Chairman, if the gentleman will yield further, the point I want to make absolutely clear and to clarify the situation as it pertains to our State of Alaska is that we have international transportation involved frequently in getting from one point to another within the State.

Mr. CELLER. That is correct and that would be excluded. You would have no difficulty in that regard.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. CELLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this bill has been the object of continuous and very arduous attention on the part of the members of the Committee on the Judiciary, and it has been a difficult task. I want to express my gratitude to the ranking Republican member, the gentleman from Ohio [Mr. MCCULLOCH], and the other members of the so-called ad hoc committee who worked dedicatedly to round out this bill in the last week. They are the gentleman from New York [Mr. TENZER], the gentleman from California [Mr. CORMAN], the gentleman from Illinois [Mr. RAILSBACK], and the gentleman from Pennsylvania [Mr. BIESTER], under the guidance of the gentleman from Ohio [Mr. MCCULLOCH], and what little attention I could give. We worked at all hours to try to fashion a bill that would meet every conceivable objection. We hope we have succeeded. I believe we have succeeded.

Meanwhile, Mr. Chairman, I will yield back the balance of my time in order to give the gentleman from Texas [Mr. CASEY], the opportunity to present his important amendment.

AMENDMENT OFFERED BY MR. CASEY

Mr. CASEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASEY: On page 28, line 2, insert the following subsection (c), and redesignate accordingly:

"(c) That whoever during the commission of any robbery, assault, murder, rape, burglary, kidnaping, or homicide (other than involuntary manslaughter), uses or carries any firearm which has been transported in interstate or foreign commerce shall be imprisoned—

"(1) in the case of his first offense, for not less than ten years;

"(2) in the case of his second or more offense, for not less than twenty-five years."

(By unanimous consent, Mr. CASEY was allowed to proceed for 5 additional minutes.)

Mr. CASEY. Mr. Chairman, I believe this is a very important amendment, and as the Members know, I am constrained to offer it in the exact wording as my original bill, which was H.R. 6137. That was the provision of the rule under which this could be considered. But I am pleased even to have that opportunity. So, without changing one word, these are the exact words of that bill.

In the general debate the other day it was noted that having the words in there, "or carries," poses a problem. One of my colleagues will propose to offer an amendment to my amendment which

will be to strike those words "or carries," so that it will apply only to those who actually use a gun in the commission of the offenses enumerated.

Mr. Chairman, there have been lots of arguments about whether this bill is constitutional, and whether it is double jeopardy, whether it is an invasion of the police powers of the States. You can make any excuse you want to to vote against this amendment; you can think of all the technical excuses you want, but I want to call your attention to the fact that the very able staff of the Committee on the Judiciary made an analysis of this very thing, some of these very questions, and it is in the RECORD of July 17 on page H6838. It was placed in there by the distinguished gentleman from Ohio [Mr. MCCULLOCH].

You read this and you will find that the staff concludes that the Congress now has the power to get into the State police powers. In fact, we have done it, gentlemen, and the Supreme Court has said so more or less in 1966 in the cases cited in the staff brief.

You cannot now in trying to meet this problem of dealing with the criminal element use the excuse, "I do not want to get into the State affairs." You have already gotten into them. You have gotten into them as far as housing is concerned and as far as public facilities are concerned and restaurants and employment—yes—and bugging—bugging a room. You have already passed a bill in which you put the Federal law enforcement officers in that.

I do not think there is any question about double jeopardy. The same brief states that we are citizens, both of the United States and of our various States, and we are subject to penalties both under the State law and the Federal law for the same offense.

It is stated that you are going to invade the State police force and police jurisdiction. When do we do that? When the problem is so intense and so important to the people of this Nation that we have to take some steps?

Mr. DOWDY. Mr. Chairman, this is an important amendment, and I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred and eleven Members are present, a quorum.

The gentleman from Texas will proceed.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. CASEY. If I may first finish my statement, then I will be glad to yield to the gentlewoman.

Mr. Chairman, they said that this amendment providing for mandatory sentences is too stiff and that it is too harsh. But let me tell you, your people back home do not think it is too harsh. I could have brought a whole wheelbarrow full of mail here, and not just from my district, but from all over this country expressing support for these stiff mandatory sentences.

Here is an Ohio paper which took a poll and of those they have counted so far, there are 705 to 22 who are in favor of stiff mandatory sentences. They want action.

The judge still has some discretion with reference to that. He can, if he wants to do it, suspend the sentence or a portion of it. He can give more than this—this is a minimum if he thinks it is justified. Mind, you, the Justice Department is not compelled to file charges—just as they have failed to file them under some of the existing statutes that we now have with regard to gun use.

Would it increase the Federal police force? I cannot see that it would. I cannot see that it would do that at all.

Primarily, these are State cases—the State police would most likely and practically 99.91 percent of the time make the charge on the offense. Then if an individual is convicted, that person would be eligible to this punishment for the use of a firearm in the commission of that offense.

If they are innocent, no case would lie under this amendment. Would we need more courts? I do not think so. Would we need more prisons? Let me tell you this. We are not using all the cells we have. The great call about rehabilitation and about a kinder attitude toward the criminal has meant that we have had 20,000 fewer prisoners in our State and Federal prisons from 1961 to 1966, a great reduction.

And what was happening while you were doing that? Offenses increased by one million from 1961 to 1966. The cost of law enforcement went up by $1 billion.

They are going to tell you that you ought to restrict this just to Federal offenses. You are going to cut the heart out of it. You can go back home, if you want to, and tell your constituents that what is left would apply to Federal offenses. In other words, cut out 99.99 of the criminals from under this sentencing and this punishment, because you only had in the first 9 months of this year 1693 cases which would qualify as Federal offenses as far as robbery, murder, and aggravated assault are concerned.

They are going to tell you, "The penologists say that this is bad." I told you the other day that right now they seldom get in there long enough for the psychologist and the penologist to shake hands with them before they are out again.

They will tell you that these are misguided children. I tell you I think the crooks are smarter than the penologists and the so-called rehabilitation experts, because most of the major crimes are committed by repeating offenders. The offenses are committed by those who are out on parole and out on bond.

The people of this country want action out of this Congress. They are looking to this Congress. This bill has nothing in it that I can see which is going to deter the criminal or punish him. What you have here is aimed at what the so-called experts want, which is to try to remove guns from the hands, as much as possible, of the citizens. That is what it is. It is the honest, law-abiding citizens who will abide by this law if you pass it. But let us have some penalties in here. Let us say one word, ladies and gentlemen, about the crook.

I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I thank the gentleman very much. I may be in agreement with some of your statements, but a point of information: As I read the amendment which the gentleman has offered, I am not clear on this point: Would the gentleman advise me if a juvenile—we will say a 12-year-old youngster—went out and bought a gun and became involved in an assault or a burglary would it be mandatory then for the courts to sentence him to not less than 10 years?

Second, if there is a mentally deranged person or if there is one who is mentally incompetent, would that person also have a minimum sentence of 10 years?

Mr. CASEY. As I mentioned earlier, the court could suspend the sentence. As far as that is concerned, the U.S. attorney has the discretion of even filing a case. He does not have to file a case. You know, they have not filed a lot of cases in instances in which you and I might think they ought to have filed them. I think there is plenty of discretion.

Mrs. GREEN of Oregon. You are saying, then, that it is not a mandatory sentence. Are "States" guns included in the definition?

Mr. CASEY. It is included in the description of weapons in the bill.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(On request of Mr. DOWDY, and by unanimous consent, Mr. CASEY was allowed to proceed for 5 additional minutes.)

Mr. DOWDY. Mr. Chairman will the gentleman yield?

Mr. CASEY. I yield to the gentleman from Texas.

Mr. DOWDY. Mr. Chairman, in line with the gentlewoman's question, I think it might be suggested that the law regarding juvenile defenders would not take any effect in any case to which the gentlewoman referred. The juvenile laws would cover that. As far as the insanity questions, the laws on insanity would cover those, and that would not be a problem in connection with this particular amendment.

Mr. CASEY. Mr. Chairman, I thank the gentleman.

I also want to say this. We are going to have an opportunity to maybe gut this amendment if we want to. That is the responsibility of those who do it. I am just pleased that we finally get a chance to say something against the criminal. But if we reduce this to just Federal offenses, we are going to have it deal with a very minute portion of the criminal element of this country.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. CASEY. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I would like to comment on two points. In the first place, I would certainly agree with the gentleman from Texas [Mr. DOWDY] who said a moment ago that absent any provision in this which repeals the laws that govern the handling of juvenile offenders—and I am talking about both Federal and State laws—on that subject, the protection extended to juveniles would not be affected by this law, as I see it. As one former prosecuting attorney looking at it, I do not believe there would be any impact, absent

that repealer language, with regard to the laws governing the handling of juveniles in the Federal and in the State courts.

Secondly, I have joined the gentleman from Texas in sponsorship of this legislation, and I think there is a need for stronger law enforcement and more effective action against the law violator. This emphasis on more vigorous action to punish the lawbreaker appealed to me from the very first, in evaluating the Casey amendment. I commend the gentleman for bearing down very heavily on that requirement which, I think, is a paramount requirement in the field of law enforcement.

Mr. CASEY. Mr. Chairman, I appreciate the gentleman joining me in this. I cannot do this by myself. I need the support of all. I think this, that when the police officer spends more time apprehending the criminal than the criminal spends in jail, it gets a little sickening.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield further for one further point?

Mr. CASEY. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman for yielding.

I understand that an amendment is going to be offered to clear up the problem of the law-enforcement officer who may be involved in what might be construed as an assault.

Mr. CASEY. That is correct. That was pointed out the other day, by, I believe the gentleman from Illinois [Mr. YATES], and the gentleman from New York [Mr. SCHEUER] and it is a very good point. An amendment will be offered to take out that possibility, or to take care of removing that position of having a police officer or someone who is licensed to carry a gun, who may be charged with a simple assault or something of that nature.

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman very much for the time he has yielded to me. I think the gentleman has a very desirable approach in this particular amendment. I regret that it has to be considered in the context of other legislation, but that apparently is the state of affairs that confronts us here today.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. CASEY. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, I commend the gentleman for offering this amendment; I introduced a similar bill sometime ago. I think the amendment places the onus on the criminal rather than on the law-abiding citizens. It is high time we deal with the criminal rather than blame society for the disrespect for law and order that is now prevalent.

Mr. CASEY. That is what we have to do, we have to place the blame where it belongs, on the criminal.

Mr. HARSHA. Mr. Chairman, I am appalled by the argument that this law will overload our prisons. Is it not far better to build the additional prisons to incarcerate the criminals, rather than to have them running at large to prey on our law-abiding citizens?

Mr. CASEY. That is correct. I know the people of this country would build the prisons to contain the criminals.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. CASEY. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Chairman, I associate myself with the remarks of the gentleman and the amendment. I support the amendment offered by the gentleman from Texas, who has come in today with an amendment which is vitally necessary if we intend ever to get suppression of crime.

We have for a good number of years taken care of the society, of those other than criminals, but the various Supreme Court decisions have hamstrung the police officers to the point where we have brought society to chaos.

I have a bill similar to that of the gentleman which is pending, and I am happy today to rise in support of the gentleman's amendment.

I have spent most of my adult life in the field of law enforcement, and we have long sought mandatory sentences for those persons who commit crimes with a gun.

Mr. CASEY. I thank the gentleman.

SUBSTITUTE AMENDMENT OFFERED BY MR. POFF FOR THE AMENDMENT OFFERED BY MR. CASEY

Mr. POFF. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Texas [Mr. CASEY].

The Clerk read as follows:

Amendment offered by Mr. POFF as a substitute for the amendment offered by Mr. CASEY: On page 28, after line 2, insert a new subsection as follows:

"(c) Whoever—

"(1) uses a firearm to commit any felony which may be prosecuted in a court of the United States, or

"(2) carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States, shall be sentenced to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than five years nor more than twenty-five years. The execution or imposition of any term of imprisonment imposed under this subsection may not be suspended, and probation may not be granted. Any term of imprisonment imposed under this subsection may not be imposed to run concurrently with any term of imprisonment imposed for the commission of such felony."

And redesignate the following subsection accordingly.

(By unanimous consent, Mr. POFF was allowed to proceed for 5 additional minutes.)

Mr. POFF. Mr. Chairman, my amendment is a substitute for the Casey amendment, but it is not in derogation of the Casey amendment. Rather, it retains its central thrust and targets upon the criminal rather than the gun. In several particulars, the substitute strengthens the Casey amendment.

My substitute makes it a separate Federal crime to use a firearm in the commission of another Federal crime and invokes separate and supplemental penalties. For the first offense, the penalty is a minimum of 1 year and a maximum of 10 years. For the second offense, the penalty is a minimum of 5 years and a maximum of 25 years. It will be said that the penalty structure in my substitute is less than that in the Casey amendment. While it is true that the minimum penalties are smaller, the substitute is not weaker. Indeed, the substitute is stronger. The substitute provides that the penalties cannot be suspended and that probation cannot be granted. The Casey amendment contains no such provision.

My substitute is also stronger in that it compels the court to impose the sentence to run consecutively upon the penalty previously imposed for the basic crime. The Casey amendment permits the court to make the two penalties run concurrently and to suspend any part or all of either or both.

It will also be argued in opposition to both the Casey amendment and my substitute that the minimum mandatory penalty is often counterproductive. Ordinarily, this is true for two reasons. First, when the prosecuting attorney feels that the minimum penalty is greater that the gravity of the offense in a particular case, he simply indicts for a lesser included offense or abandons prosecution altogether. If the accused is indicted and the jury feel that extenuating circumstances make the minimum penalty too harsh, they search diligently for reasonable doubt and acquit. In this particular context, however, the argument is not quite so valid. The effect of a minimum mandatory sentence in this case is to persuade the man who is tempted to commit a Federal felony to leave his gun at home. Any such person should understand that if he uses his gun and is caught and convicted, he is going to jail. He should further understand that if he does so a second time, he is going to jail for a longer time.

The Casey amendment applies to both Federal felonies and State felonies. My substitute is confined to Federal felonies. This is for three reasons.

First, I do not want to put upon the Federal prosecutor the evidentiary burden of proving that the firearm moved in interstate commerce in order to establish Federal jurisdiction in each individual case. Every Federal felony defined in the code already has its own jurisdictional base.

Second, if State felonies are included, the caseload cast upon the Federal investigative and prosecutive apparatus would be unmanageable. Last year, State cases in which guns were used included 71,000 robberies, 55,000 aggravated assaults, and 7,700 homicides. If only a fraction of these were prosecuted under the Casey amendment, civil cases on the already crowded dockets of the 93 U.S. district courts would never be heard.

Third, as a matter of policy, I do not think it would be wise to convert State crimes into Federal crimes on such a massive scale. The Constitution reserves the police powers to the several States. What is at issue is the proper function of the federal system. What is at stake is the concept of dual sovereignties. What

is involved is the danger of centralized police powers.

This new Federal crime we are creating should remain within its own boundaries and not trespass upon the domain of the States.

For the sake of legislative history, it should be noted that my substitute is not intended to apply to title 18, sections 111, 112, or 113 which already define the penalties for the use of a firearm in assaulting officials, with sections 2113 or 2114 concerning armed robberies of the mail or banks, with section 2231 concerning armed assaults upon process servers or with chapter 44 which defines other firearm felonies.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Illinois.

Mr. PUCINSKI. It seems to me the gentleman by his own statement admits that this amendment would really omit the people that are creating the greatest problem in this country. You said there were 71,000 robberies using armed weapons which were prosecuted in State courts. Yet your amendment you say would very specifically exclude this category. It occurs to me that if we are going really to deal with this problem and do it effectively, we ought to include these State crimes. Otherwise I do not see any particular need for this amendment.

I support your amendment and I support the original amendment. However, I question whether or not it really addresses itself to the bulk of the problem. I feel that your amendment does not reach the bulk of the problem.

Mr. POFF. I thank the gentleman for his comments. The gentleman has suggested that the bulk of the problem rests in that area—and I do not quarrel with his comment but if the Federal Government is to deal with that bulk of the problem, the only way we can proceed under the Constitution is to amend the Constitution.

Further, insofar as the share of the problem under the jurisdiction of the Federal Government, the list of felonies is very long. I hold a partial list in my hand consisting of seven pages. This is the area of responsibility the Federal Government ought to meet.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman for yielding.

There is one question that has arisen in my mind about the Casey amendment which I believe your amendment would clarify and that is this situation which exists in Texas where a killing is simply not defined as a homicide, but it is in New York.

Let me pose some questions respecting the Casey amendment:

Suppose a man in Texas takes his wife in adultery with her paramour, draws a .38 Colt, made in Hartford, Conn., and forthwith kills the paramour. Is he guilty under the Casey amendment of using a firearm which has been transported in interstate commerce during the commission of homicide?

Under article 1220 of the Texas Penal Code the man is guilty of no grade of homicide. *Massie* v. *State*, 16 S.W. 770, *Morrison* v. *State*, 47 S.W. 369. Does this remove him from the reach of Federal law if the Casey amendment is adopted?

Suppose it was the wife who took her husband in adultery and killed his mistress under the same conditions. Under *Read* v. *State*, 59 S.W. (2d) 122, her act is not justified under article 1220. Therefore, she is guilty of homicide under State law and presumably under the Casey amendment.

Or suppose a man kills his wife's paramour in New York. In that State such does constitute a homicide. Thus, the mandatory 10-year sentence would apply.

The examples I have given show that if in the Casey amendment the use of the term, "homicide," refers to the State definition of the offense, then the provisions of the statute will apply very differently in precisely the same fact situation depending on the State in which it occurs. The result is that under a Federal statute one class of persons would go Scot free and another class of persons, exactly similarly situated except as to the place of the event, would receive a mandatory 10-year sentence. It is submitted that this does not afford equal protection of the laws.

The classification has no reasonable relation to the activity which is sought to be deterred: the commission of robbery, assault, murder, rape, burglary, kidnapping, or intentional homicide committed by a person who is using or carrying any firearm which has been transported in interstate or foreign commerce.

The only thing that would save the Casey amendment from this unconstitutional discriminatory effect would be to treat all of these offenses as federally defined offenses. But such is to jump from one horn of a dilemma to the other. If the offenses are federally defined to afford the necessary uniformity, then there is no body of law which spells out their elements and the defenses to them.

For instance, is "homicide" the crime as it exists in New York, or is it the crime as it exists in Texas? The only way to define the offenses would be by some Federal "common law" which has not heretofore existed. Most if not all general criminal law dealing with these offenses has been delineated in the statutes and in the common law of the States.

How would the indictment read respecting an offense which is not defined in any Federal statute other than to give it a name like "assault"?

Such a construction of the statute would not sufficiently define the crime to permit the framing of an indictment which would apprise the accused of the precise offense with which he is charged. I believe that this would deny the accused due process of law.

As I have said before on this amendment, I do not believe the Federal Government should reach so far into the field of State criminal law. I did not assert this as a constitutional objection. The Federal authority has a long reach under court interpretations. But I do not believe that it should use the full extent of that reach. To do so might be constitutional, but it is not desirable. I believe the Casey amendment would be an extremely radical departure in the direction of federalism in all phases of control of individual behavior alleged to be criminal.

The constitutional points that I have raised here are quite different from those associated with the scope of the commerce clause. They deal with the much more fundamental propositions that citizens are entitled to due process and equal protection of law.

I believe on these grounds the Casey amendment is either unconstitutional or would be so limited under constitutional standards as to be ineffectual. The Poff amendment, since it applies to carefully defined Federal criminal offenses, does not attempt to ingrain Federal penalties on disparate State offenses, operates wholly within the Federal field, and is a much more dependable deterrent of crimes with firearms.

Mr. POFF. I thank the gentleman from Texas for his contribution and may I say I appreciate his support of my amendment.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Missouri.

Mr. ICHORD. I thank the gentleman from Virginia for yielding and I wish to commend the distinguished gentleman from Virginia for offering this clarifying amendment.

I was greatly concerned about the original language, because I feared that we might be legislating the necessity of setting up a massive national police force which I am sure that very few Members of this House would desire. But, I do have one question concerning the procedure to be used under this section.

Are you contemplating—the gentleman makes it a Federal offense, another separate Federal offense to use a firearm to commit any felony which may be committed. If during the commission of any felony wherein such firearm is used the party may be prosecuted in any court of the United States? Does the gentleman contemplate the second criminal proceeding or can this man be tried in the original proceeding where he was first tried?

Mr. POFF. First of all, I thank the distinguished gentleman for his support of my amendment and second may I commend him for the knowledge and insight which he has displayed with reference to this problem.

The answer to his question is in the affirmative; namely, it would be expected that the prosecution for the basic felony and the prosecution under my substitute would constitute one proceeding out of which two separate penalties may grow.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

(By unanimous consent (at the request of Mr. CRAMER) Mr. POFF was allowed to proceed for 5 additional minutes.)

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from New Jersey.

Mr. RODINO. First of all I want to commend the gentleman for offering this substitute and I think it has shed considerable light on this very important feature of the Casey amendment.

I think we are all concerned with effectuating the basic tenets of American jurisprudence of tailoring the punishment to fit the crime and bringing the criminal to swift and certain justice. However, I am afraid that the Casey amendment, because it is an unwarranted extension of Federal jurisdiction and an invasion of State jurisdiction imposing this kind of mandatory sentence in each of the listed cases it is going to have a particular adverse affect upon our system of criminal justice.

Although the Casey amendment suggests that the punishment would fit the crime it in fact has the opposite effect because we know that the judge of the court would be restricted in his discretion as to whether or not this particular criminal may be rehabilitated or as to what a proper disposition of a case may be.

Furthermore, we do know that juries sometimes are deterred when there is a very severe penalty from finding the criminal guilty. I am concerned for these reasons, and therefore I support the substitute offered by the gentleman from Virginia. I believe it should be adopted.

Mr. POFF. I thank the gentleman.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Florida.

Mr. CRAMER. Mr. Chairman, I thank the gentleman for yielding, and I support the substitute offered by the gentleman from Virginia.

I am very much in favor of the approach suggested by the gentleman providing for an adequate deterrent, as is the suggestion of the gentleman from Texas in his amendment, but I believe that his amendment is substantially weaker than the proposal presented by the gentleman from Virginia.

Mr. Chairman, I believe we can pass gun laws year after year, but we will never accomplish the objective needed of deterring the prospective criminal or criminal from using those guns, and if we are going to do something about it then we have to have some form of deterrent to keep them from using guns. Therefore I believe the suggested substitute of the gentleman from Virginia is much superior and much stronger than the Casey amendment.

Mr. Chairman, if I may I would like to ask the gentleman from Virginia a couple of questions relating to that subject in pointing out the fact that I believe the substitute offered by the gentleman from Virginia is stronger than the Casey amendment.

First, as to whether or not under the Casey amendment one has to prove the gun has been transported in interstate or foreign commerce?

Mr. POFF. Yes, the gentleman is correct.

Mr. CRAMER. If it is acquired and used inside the State, it would not be a crime?

Mr. POFF. There would be no Federal jurisdiction unless it was proved that the gun moved in interstate commerce.

Mr. CRAMER. That is a weakness.

Secondly, your substitute provides for the sentences to not run concurrently, but one after the other?

Mr. POFF. That is true.

Mr. CRAMER. Then that is superior.

Thirdly, and really what bothers me the most, is that the Casey amendment does not cover an adequate number of crimes, including Federal crimes. It does not even cover the large number of heinous Federal crimes to which the amendment offered by the gentleman from Virginia would apply; is that correct?

Mr. POFF. My amendment would apply to all Federal felonies including heinous crimes in all grades, down to the lowest level of a felony.

Mr. CRAMER. Then, of course, the judge could wipe the whole business out in the Casey amendment with a suspension?

Mr. POFF. That is right.

Mr. CRAMER. But he cannot do it in the gentleman's substitute.

And in the list of crimes the gentleman referred to three or four pages there, any number of those heinous crimes are not included under the Casey amendment; is that correct?

Mr. POFF. That is correct.

Mr. CRAMER. And with respect to guns used in an attempt to commit murder or rape or burglary or kidnapping or homicide, that would not be included in the gentleman's amendment, would it?

Mr. POFF. No; it would not.

Mr. CRAMER. But it would be in the substitute offered by the gentleman from Virginia.

For those reasons, Mr. Chairman, I support the substitute offered by the gentleman from Virginia.

Mr. POFF. Insofar as it is defined in the Federal code as a felony itself, it would be included.

Mr. CASEY. Mr. Chairman, would the gentleman yield?

Mr. POFF. I yield to the gentleman from Texas.

Mr. CASEY. Mr. Chairman, the gentleman states that my amendment would not cover the heinous crimes, but it is pretty well enumerated in there what would be covered. I would further say, Mr. Chairman, that in the first 6 months there were already 1,693 cases of rape, murder, and aggravated assault that would fall in the category of this bill. In other words, the gentleman is going to eliminate most of the criminals in this country from being under this bill. They have to originate in the Federal courts.

Mr. POFF. I want this under the Constitution, and it should be put in the States.

The gentleman is absolutely correct about the number of offenses, and the gentleman also is aware, I am sure, that in the total FBI establishment we have less than 7,000 agents, and I believe the gentleman understands the great burden his amendment would put upon the investigative arm of the Federal Government.

Mr. WATSON. Mr. Chairman, will the gentleman yield?

Mr. POFF. Mr. Chairman, I yield to the gentleman from South Carolina.

Mr. WATSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am sure many of us have been disturbed about the fact that this applies only to a small percentage of the crimes, but at the same time constitutionally the gentleman is correct. We should all bear in mind that while we are concerned on a national level, every State legislature is equally concerned about this problem, and it would be hoped that from the impetus that we make here in the passage of this particular amendment that the States will follow the example that we have established here.

I believe that is the answer that should be given to those who are concerned about the elimination of some 95 percent of the crimes. This is an area of State responsibility and I hope they will pass some legislation making it a separate crime and mandatory sentence for anyone guilty of the commission of a felony wherein a firearm was used.

Mr. POFF. I thank the gentleman.

Mr. LENNON. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from North Carolina.

Mr. LENNON. Mr. Chairman, I thank the gentleman for yielding. I want to commend the gentleman from Texas for his initiative in introducing this type of legislation back earlier this year, to set us in the right direction, and even 2 years ago.

But, Mr. Chairman, I am concerned as most Members are regarding the constitutional aspects of it.

Therefore, Mr. Chairman, I must in all good conscience support the substitute offered by the gentleman from Virginia.

I believe that the legislatures from the 50 States——

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. POFF. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois [Mr. RAILSBACK] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. RAILSBACK. Mr. Chairman, I have only the highest regard, as he well knows, for my distinguished colleague, the gentleman from Illinois.

As a matter of fact, on many occasions we have cosponsored legislation and we have worked together.

I also recognize that in the last few months we have been witnesses to some real catastrophes. We have had some assassinations, including the assassination of the distinguished Senator from New York, Senator Kennedy.

But I feel as a member of the committee, and as one who is in strong support now of the mail-order ban, that there should be some comments made about the hearings that we have undergone and about some of the other actions that we have taken.

Mr. Chairman, we have before us a bill which would completely ban interstate mail-order sales both of handguns and long guns as well as over-the-counter sales.

There is another important aspect of this bill which I think is often overlooked and which is probably the most impor-

tant single aspect of this bill, and that is that it would for the first time lend enforceability to the State and local laws that take the initiative to enact whatever kind of law they feel is necessary for their own State.

This has not been true up until now. There has been no incentive heretofore for a particular State or local government to enact any kind of a strong licensing or permit law or registration law if it so chose to do, because there was no way of enforcing that law.

In other words, people in the city of Chicago could go to a suburb and could obtain a firearm over the counter without being subject to any licensing provisions. But this bill would lend enforceability to the States and local governments for the first time, if this passes, and they will be able to obtain some enforceability by reason of our action.

In addition, we have held no hearings on this kind of legislation.

What would be the cost? What is likely to be the cost of a Federal registration system?

How many new employees would we need to provide any kind of enforceability? What is going to compel the criminals to register their guns if there is not some kind of enforceability?

Right now the entire FBI force is comprised of only 6,750 people. In contrast there are 40,000 State and local police jurisdictions with approximately 420,000 officers.

The entire U.S. attorneys force consists of only 93 U.S. attorneys and 712 assistant U.S. attorneys.

In contrast there are estimated to be 2,700 State and local prosecutor offices, some of which have as many as 200 prosecuting attorneys.

Now why should this not be the proper responsibility of the State and local governments?

Eight States already have licensing laws.

We have serious constitutional problems and it is my hope that all of you have had a chance to read about these constitutional problems in the remarks inserted in the RECORD by the gentleman from Virginia [Mr. POFF] on Wednesday.

Then we have a section in this bill which is section 935 which is preposterous, in all due respect to my distinguished colleague for whom I have the greatest admiration. Do you require the Secretary of the Treasury to pay compensation to anybody that turns in his firearm to the Federal Government?

What is this going to cost? It has been estimated that there are anywhere from 50 million to 200 million firearms.

Suppose that 50 million were turned in voluntarily at a cost, say, in just compensation, of $25 each. This would mean that without any previously authorized or appropriated funds, the Federal Government would have to come up with $1,250,000,000.

So I strenuously and strongly urge that, in the light of the pending bill, on which we have worked hard, and which for the first time gives an assurance of enforceability to State and local governments in meeting their own needs, that we reject the amendment.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to my colleague from Illinois.

Mr. McCLORY. I thank the gentleman for yielding. I wish to point out that there have been hearings on this legislation in the other body. I have had occasion to look at some of the hearings that have been held over there. I have also investigated the subject of cost, and I wish to point out that the type of registration the gentleman speaks of would be far more expensive.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. RAILSBACK was allowed to proceed for 2 additional minutes.)

Mr. RAILSBACK. I will yield again to the gentleman, but first I would like to respond by asking a question. Is my colleague aware that in the State of New York, I believe it was indicated by the mayor of New York, that it would be necessary to charge a $25 fee to administer such a program for each individual transaction?

Mr. McCLORY. The amendment provides that the registration fee would be $1.

Mr. RAILSBACK. That would not pay for the paper.

Mr. McCLORY. The cost, as I estimate it, would be about $15 million. But that is just a fraction of 1 percent of the cost of crime.

We have mentioned also the fact that a person who surrenders a gun is entitled to just compensation. That authority is granted. But there is no compulsion on the part of the Secretary to provide compensation. There is nothing mandatory there. It is provided simply that if the person does surrender his firearm, we authorize compensation. That authority must be in the bill, I believe.

Mr. RAILSBACK. I appreciate the remarks of my colleague, but I want the Members not to overlook the fact that not only do we ban interstate sales here, we give the State and local governments authority to do something themselves. We have held no hearings in the Judiciary Committee that I can remember.

Let me just point out to my distinguished colleague that many States now have legislation pending. Eight States already have registration laws. Our own State has a licensing law. I know we are inclined to legislate in what amounts to a mood of panic. I do not think there is any question about it. I submit we have a good bill.

Mr. McCLORY. If the gentleman will yield further, the Association of Chiefs of Police have recommended this legislation since 1922. They support it today. And that is a State-oriented body, it seems to me.

Mr. HARSHA. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HARSHA. Mr. Chairman, I rise to commend the gentleman from Virginia.

Mr. Chairman, I rise in support of the substitute amendment offered by the gentleman from Virginia. I had a similar substitute prepared to offer, but the Chair recognized the gentleman from Virginia first and this is certainly as it should be, because the gentleman from Virginia is a member of the Judiciary Committee which is handling this bill, and, according to the rules of the House, members of the committee handling the legislation should have priority in matters of this kind, and I certainly agree with this procedure.

The gentleman from Virginia is attempting to do what I have attempted to do in my amendment and in my proposed bill which I introduced dealing with this matter of crime and the use of firearms. The emphasis should be, and we are in agreement, on the user of the weapon, rather than the weapon itself. Certainly, if we are going to vigorously combat this problem of crime, we are going to have to have not only stricter measures dealing with the subject, but we are also going to have to require a vigorous prosecution of those measures and incarceration of the guilty, so as to provide the strongest deterrent to preclude the repetition of the crimes of violence and the unlawful use of firearms in their commission.

For too long now the emphasis, by judicial interpretation, has been placed on the "rights" of the criminal to the neglect of his responsibility as a member of society and to the neglect of the rights and privileges of the law-abiding citizen. Courts in many cases have been too promiscuous in their use of probation and too lenient in their exercise of judicial discretion and suspension of criminal penalties.

As I previously said, I had introduced a companion measure to the so-called Casey amendment, and yet while I strongly believe that his amendment is a step in the right direction, I am quick to realize that there are some problems with the provision that requires those merely having a gun in their possession to be subject to the same penalties as those who actually use that weapon in the commission of a crime. On the other hand, the situation is so abnormal and of such paramount interest to the welfare and security of our law-abiding citizens, I feel that we have to adopt stringent measures to remedy the situation. While I can see that the substitute of the gentleman from Virginia is a perfecting amendment and eliminates the possibility of probation or suspension of the mandatory minimum sentence for both first and second offenses, I regret that his substitute only covers the violation of Federal crimes. Unfortunately, this does not cover the bulk of crimes because most of them are violations of State laws. Hopefully, State legislatures will take the necessary action to cover these problems. Admittedly, police protection and law enforcement is a local matter, yet because of the gravity of the situation and its national scope, I think the Federal Government has a proper role to play in dealing with the problem.

Mr. Chairman, rather than to control guns, I think that the solution to this problem is to control crime. The criminal always finds a way to obtain a weapon and I fear that by legislation dealing with weapons, if we are not exceedingly careful, we may be providing the criminal with additional advantages over the law-abiding citizen and, rather than re-

stricting the use and possession of weapons by criminals, we may wind up by prohibiting the lawful use of weapons by the law-abiding citizen.

Mr. Chairman, while my amendment is more restrictive and imposes more severe penalties than the amendment of the gentleman from Virginia, his is a much needed step in the right direction and I can certainly wholeheartedly support it. I would urge my colleagues to adopt this amendment so that if we are to have legislation dealing further with the use of guns, we can make that legislation meaningful and effective by placing the burden upon the criminal rather than on the law-abiding citizen.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the Poff substitute amendment and in opposition to the Casey amendment.

The Casey amendment was offered originally in the form of a bill, which was H.R. 6137. It came to me as chairman of the Committee on the Judiciary. I asked for reports from the various departments having jurisdiction—the Treasury Department and the Department of Justice.

The Treasury Department, the Justice Department, and the FBI all oppose the bill.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. CASEY. The FBI has informed me that they expressed no opinion with reference to this bill and they do not express opinions concerning pending legislation. You state that the FBI expressed objection to my bill—the FBI?

Mr. CELLER. In a communication to me, it is indicated that the FBI has raised considerable objections to it.

Mr. CASEY. They are giving you and me different stories.

Mr. CELLER. Mr. Chairman, I have great affection for the gentleman from Texas. I believe his intentions in presenting his amendment are most praiseworthy. But I do think, most sincerely, that the amendment would come far of the mark and it would be most ineffectual. It makes of every major State crime—every major State commonlaw crime—a Federal crime.

Now what does that mean? It means, according to the figures that have been presented to me by the FBI, that in the calendar year 1967 when there were over 71,000 armed robberies with a gun and 55,000 aggravated assaults with a gun and 7,700 murders and nonnegligent manslaughter cases with a gun—that adds up to 133,700 crimes with guns.

Now all those crimes would be brought into the Federal court and they would be made Federal felonies.

In addition, there were 27,000 rapes and 1,600,000 burglaries in 1967, in many of which cases there was, undoubtedly, involved the use of a gun.

Let us assume that half of those burgularies were committed with guns. That would make 800,000 more cases that would be drawn into the Federal courts making a total of 933,700 cases.

Why the Federal courts could not possibly stand such a load. We do not have the judges enough for that purpose. We do not have prisons enough for that purpose. The prisons would literally burst at the seams with overpopulation.

The entire U.S. attorneys in number consist of only 93 U.S. attorneys and 712 assistant U.S. attorneys.

How many more assistant U.S. attorneys would be necessary to handle this avalanche of cases?

I would say, if you ask me, for the number—I would say, look at the stars and count the stars and that would give you the number of assistants that would be required to take care of that many cases—almost a million cases that would be drawn from the State courts and dumped into the Federal courts.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. LATTA. I quite agree with the gentleman's statement that this would be a Federal crime and the mandatory sentences.

But by the same token the gentleman cannot overlook the fact that the cases and the penalties provided for in this bill we have under consideration would be prosecuted in the Federal courts.

I think you have to take into consideration that there could be as many cases prosecuted under this bill without the Casey amendment or the substitute amendment thereto.

I would like to have the gentleman elaborate on that as to how great the increase of cases in the Federal courts might be with the passage of this legislation.

Mr. CELLER. I question the conclusion reached by the gentleman as stated in his question.

Beyond that I think there are grave doubts as to the constitutionality of the provisions of the Casey amendment. It makes of a State crime a Federal crime—without the minute and careful and precise definition of a crime. The defendant would not know what he is to be held accountable for. The language used is most imprecise. The defendant must know exactly and without doubt the nature of the crime of which he is accused.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. I am a little concerned lest there is due process in the Casey proposal. For that reason, among others, I do hope that the Casey amendment will be voted down and that the Poff substitute, which is a most constructive amendment, will be favorably considered and voted upon by this Committee.

AMENDMENT OFFERED BY MR. DOWDY TO THE AMENDMENT OFFERED BY MR. CASEY

Mr. DOWDY. Mr. Chairman, I offer an amendment to the Casey amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWDY to the amendment offered by Mr. CASEY: In the first sentence, after the word "uses," and before the word "any," strike the words "or carries".

Mr. DOWDY. Mr. Chairman, in offering this amendment, it is in no way in derogation of the Casey amendment, which I wholeheartedly support. The people of the United States—and I think it is true in every section—are disturbed about crime, riots, and looting in this land of ours, and they want something done. The Casey amendment will have the effect of getting something done about it.

My feeling about this gun bill that we are considering here is that it is more or less of a smokescreen to "snow" people, to get their minds off what is disturbing them by saying that a gun control bill is going to cure crime. It is not going to do it. It will not do a thing along that line.

The Casey amendment will at least put one thing in this bill that will have the effect of curbing crime. That is what the people want. I do not believe the people of the United States are going to be "snowed" by the idea that the gun bill is going to stop crime.

I believe my amendment will improve the Casey amendment. It would take out the words, "or carries" where it says "uses or carries" any firearm in the commission of a crime. I believe that the onus should be the use of a firearm in the commission of a crime. The fact that a person might be carrying a firearm could very well not have anything to do with the commission of a crime if the gun is not used or exhibited. Of course, exhibiting would be using the gun in the commission of a crime, and that is where the burden should be on the use of a gun in the commission of a crime.

It has been suggested in the general debate that a policeman, having a perfect right to have a gun, might come under the provisions of the Casey amendment, or a person who has a license to carry a gun with him, and though he did not use it, if he got involved in a fracas, might come under the burden of this bill because he had been carrying a gun, though it would not have anything to do with the commission of an offense he might commit.

I believe my amendment would improve the Casey amendment. It certainly would remove the objections along the line I have mentioned and which I feel are valid. Certainly the people of the United States want something done. They are not going to be misled by the smokescreen attempted to be raised in our country that the proposed antigun bill will cure the expanding crime, riots, and looting, or make them forget that about it, by diverting their attention.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to my colleague from Texas.

Mr. CASEY. I thank the gentleman for offering his amendment. It is the amendment that I mentioned when I first offered my amendment. The gentleman is a distinguished member of the Judiciary Committee, and has been a member of that committee in the House for many years, many more years than I have been here. I should like to ask him this question: Are you disturbed about the fact that some have doubts about the constitutionality of the amendment, in view of all the other measures that we have passed in this Congress with very little

doubt about their constitutionality and the invasion of State authority?

Mr. DOWDY. I, frankly, say to the gentleman that in the past years of my service in the Congress, bills have come before us, and I have been seriously disturbed about their constitutionality. Nevertheless they were enacted.

In those instances, the question of constitutionality was much more serious than in this instance. In fact, in my opinion there is no occasion for the question to be raised here. The interstate commerce provision removes any doubt.

Mr. CASEY. It boils down to a question of the personal preference, does it not, rather than a matter of constitutional law or Federal and State constitutional law?

Mr. DOWDY. I think that is probably right. I have found since I have been in Congress, that the person finds a proposal to be unconstitutional if he is against it, and it is constitutional if he is for it, without much regard for the wording of the Constitution itself—and unfortunately our courts have taken that same stance. I have no doubt that the wording of this amendment would be found to be constitutional.

Mr. CASEY. I thank the gentleman.

AMENDMENT OFFERED BY MR. MESKILL TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. POFF

Mr. MESKILL. Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from Virginia [Mr. POFF].

The Clerk read as follows:

Amendment offered by Mr. MESKILL to the substitute amendment offered by Mr. POFF: In paragraph 2 delete the word "unlawfully".

Mr. MESKILL. Mr. Chairman, my amendment deletes one word from the Poff substitute. I want it understood that I support the Poff substitute, but the deletion of the word "unlawfully" will strengthen this substitute. I recognize the fact that the word is in the substitute for the purpose of protecting the police officer, but the immunity goes beyond the police officer. I wonder if we really want to create a double standard here.

We are concerned, as the gentleman from Virginia [Mr. POFF] said, with having the criminal leave his gun at home. I wonder if we want to create two classes of people, those with permits, or licenses to carry a firearm who can go out with firearms in their possession, commit Federal felonies, and be immune from the provisions of the Poff substitute. I do not think they should be immune. I think the provisions of the Poff substitute should apply to every person whether he carries a gun lawfully or unlawfully, if he commits a Federal felony while he has a firearm on his person.

I think my amendment will strengthen the Poff substitute. If my amendment does not pass, I shall support the Poff substitute, because it is a great improvement over the Casey amendment.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. MESKILL. I yield to the gentleman from California.

Mr. WIGGINS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I wonder if I may have the attention of the gentleman from Virginia [Mr. POFF].

I should like to ask the gentleman a question with respect to his substitute amendment. As the gentleman knows, there are a great number of Federal offenses which may also be tried in State courts. Is it the intention of the gentleman in using the language, "may be prosecuted in a court of the United States," that a State court would then have the option of adding the mandatory penalties mentioned in his substitute following a prosecution in a State court which might also be the subject of prosecution in a Federal court?

Mr. POFF. I thank the gentleman for having asked a most pertinent question. The answer is negative. The State does not have that option.

Mr. WIGGINS. Mr. Chairman, I thank the gentleman.

Mr. THOMPSON of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had intended to introduce an amendment to the Casey amendment with respect to that aspect of it which sets forth mandatory minimum sentences, thereby, as my distinguished colleague, the gentleman from New Jersey [Mr. RODINO], a moment ago pointed out, depriving the Federal district judge of discretion in these matters.

The parliamentary circumstances are such that I shall not offer my amendment, but I shall support the amendment offered by the gentleman from Virginia [Mr. POFF].

I would like to address one question to the gentleman from Virginia.

Is my understanding correct from the reading of the amendment offered by the gentleman, that he does fix mandatory sentences?

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Virginia.

Mr. POFF. The penalty for conviction of a first offense would be a minimum of 1 year and a maximum of 10, and for a second offense a minimum of 5 years and a maximum of 25.

Mr. THOMPSON of New Jersey. I thank the gentleman very much. That was my understanding.

It is my intention to support the amendment notwithstanding a reservation with respect to the mandatory minimum set therein.

I should like to point out to the committee that under the Poff amendment the trial judge is going to have infinitely more discretion than he would under the amendment offered by the gentleman from Texas.

Giving the trial judge sentencing discretion is a matter of policy under title 18, which goes back 60 years to the 1909 codification of the Federal Criminal Statutes.

I believe there is no better statement of policy available than the report of the 1909 codifiers:

The committee has also adopted a uniform method of fixing in all offenses not punishable by death the maximum punishment only, leaving the minimum to the discretion of the trial judge.

The criminal law necessarily subjects to its corrective discipline all who violate its provisions. The weak and the vicious, the first offender and the atrocious criminal, the mere technical transgressor and the expert in crime are alike guilty of the same offense. In the one case the utmost severity of punishment can scarcely provide the protection to which society is entitled; in the other anything except a nominal punishment may effectually prevent the reclamation of the offender. (S. Rept. 10, 60th Cong., 1st sess., p. 14.)

I refer also to the reviser's notes explaining the 1948 codification of title 18, which speaks of "a uniform policy of omitting the minimum punishment." House Report 304, 80th Congress, first session, pages A16 and A90. I will insert the citation in the RECORD, and ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. The amendment of the gentleman from Texas repudiates this policy, thereby denying the trial judge the traditional flexibility in sentencing which is so necessary to the rehabilitation function of the criminal law.

I could set forth hypothetical examples which the gentleman would recognize, because the gentleman from Illinois [Mr. YATES] and others have pointed them out to him.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Texas.

Mr. CASEY. We just heard the argument made that the amendment of the gentleman from Virginia was tougher than mine because the judge could not suspend any of the penalty, while under my amendment he could suspend all or a part. The judge would have discretion. It just depends on whether it is tweedledum or tweedledee.

Mr. THOMPSON of New Jersey. I do not consider this to be tweedledum or tweedledee.

I have great respect for the gentleman from Texas. I know he has been engaged in this effort for a number of years. There are substantive legal reservations which those of us who are members of the bar have.

I consider that the gentleman from Virginia, notwithstanding my reservation on the subject of fixed minimum sentences, has made a constructive contribution. I am pleased to join in this bipartisan effort to enact effective and fair legislation.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I am delighted to yield to the gentleman from Virginia.

Mr. POFF. I fully respect the gentleman in that point of view. As I undertook to indicate in my statement, I share that concern with respect to most categories of cases. I do believe, when a felony is involved, there is a legitimate distinction.

With respect to the comments by the gentleman from Texas, I believe it should be borne in mind my amendment does not deny the trial judge the opportunity to suspend the sentence if imposed on the basic felony.

Mr. MINSHALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. CLARK. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to my distinguished colleague from Pennsylvania.

Mr. CLARK. I thank the gentleman for yielding.

First of all I want to ask a question or two. Let me say that I am in wholehearted support of the Casey amendment. I would like to know whether the Poff amendment would cover the Kennedy murder situation.

Mr. MINSHALL. I will yield to the gentleman from Virginia for an answer to that question.

Mr. POFF. In response to the gentleman's question, there is no Federal felony in the area which the Kennedy tragedy postulates.

Mr. CLARK. But it would under the Casey amendment, would it not?

Mr. POFF. It would under the Casey amendment if the evidence establishes that the gun moved in interstate commerce.

Mr. CLARK. I thank the gentleman.

Mr. MINSHALL. Mr. Chairman and members of the Committee, as I announced on last Wednesday I had hoped at this time to offer an amendment to this legislation which would correct some of the problems which the Casey amendment presents. However, under the rule, my amendment is not in order at this time. However, if the parliamentary situation permits, I will offer it later in the debate.

Mr. POFF, the distinguished member of the committee from Virginia, introduced an excellent substitute which closely tracks my thoughts on this legislation. Of course, I have to bow to the gentleman from Virginia as a member of the committee, and I wish to congratulate him on offering this substitute and will give him every bit of my support in getting its adoption.

My amendment which I had hoped to offer at this time to the Poff substitute would, in my opinion, substantially have strengthened it and would have acted as a powerful deterrent to the criminal use of firearms. In short, it would have stricken out the term of years for the first offense, namely, 10 years, and inserted in lieu thereof life imprisonment. It would have stricken out the 25 years for the second offense and inserted in lieu thereof life imprisonment. In my opinion, this would have definitely strengthened the bill and acted as a strong deterrent to anyone committing a Federal felony with the use of a gun.

Mr. RAILSBACK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will be very brief. I rise in support of the Poff substitute and in opposition to the Meskill amendment to the substitute.

At the outset I want to point out that I have the highest respect for the gentleman from Connecticut and for the valuable work he has performed as a member of the House Committee on the Judiciary. On the other hand, I think his amendment, which would delete the word "unlawfully" is ill conceived, because it seems to me in this period of time when we have the charges of police brutality, law enforcement officers who would be carrying a gun and would be found in some way to be exceeding their authority and might therefore be guilty of assault, would be subject to the provisions of this bill. I sincerely believe we do not want to be confronted with that situation, so I respectfully urge the House to oppose the Meskill amendment to the substitute and support the Poff substitute.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the Casey amendment and all amendments thereto conclude at 3 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. POLLOCK. Mr. Chairman, reserving the right to object, I have been trying for a half hour to get recognition to offer an amendment to the substitute amendment offered by the gentleman from Virginia [Mr. POFF].

The CHAIRMAN. There can be no further amendments offered at this time.

MOTION OFFERED BY MR. CELLER

Mr. CELLER. Mr. Chairman, I move that all debate on the Casey amendment and all amendments thereto conclude at 3 o'clock.

The question was taken; and on a division (demanded by Mr. POLLOCK) there were—ayes 60, noes 74.

So the motion was rejected.

Mr. DOWDY. Mr. Chairman, before the Committee forgets what is pending, I would like to have a vote on my amendment to the Casey amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DOWDY] to the amendment offered by the gentleman from Texas [Mr. CASEY].

The question was taken; and on a division (demanded by Mr. DOWDY) there were—ayes 77, noes 32.

So the amendment to the amendment was agreed to.

Mr. ROGERS of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to say that the proposal of the gentleman from Virginia [Mr. POFF] is I believe a realistic amendment. I personally have felt that we should put a minimum penalty of 5 years for any crime in which a gun was used which penalty could not be suspended, and no probation granted by the judge.

On July 2 I introduced a bill, H.R. 18287, which would provide an additional 5 years imprisonment where a firearm was used in the attempted commission or commission of certain Federal crimes such as homicide, robbery and burglary, assault, kidnaping, and others.

In addition, my bill provides that the 5-year penalty which would be assessed could not be suspended, nor could probation or parole be granted.

I am particularly concerned over the lack of proper penalties being imposed by the courts right here in the District of Columbia.

I examined the sentences imposed by the U.S. District Court in and for the District of Columbia during 2 weeks in June of this year.

Of 17 crimes committed with the use of a gun, six of the criminals involved received suspended sentences.

Well, it does no good to put a heavy penalty on a crime that may be assessed but that is never assessed. What we need to do, I believe, is follow the philosophy that we are stating in the Poff amendment which follows the principle set out in my bill. I support very vigorously, this amendment which would at least put a minimum sentence that may not be suspended and no probation granted by a judge, so that any person who commits a crime and uses a gun will know that he cannot get out of serving a penalty in jail. And if he does it a second time, there will be a stronger penalty.

Because it does no good to say, well, we will have a 25-year jail penalty for any crime if the penalty is never used—or is suspended.

In other words, Mr. Chairman, we have to have a penalty that a person knows he will experience with certainty.

So, Mr. Chairman, I believe the philosophy is correct, and I would hope that the Poff amendment is adopted.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I would yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I would ask the gentleman if the gentleman has made any investigation in his study of the 17 crimes that he mentioned as to how many of those crimes could be prosecuted under the Poff amendment?

Mr. ROGERS of Florida. I believe probably all of them.

Mr. DERWINSKI. I am sorry, I do not believe that is quite correct. I would suspect that none of them could be prosecuted under that amendment.

Mr. ROGERS of Florida. Let me say to the gentleman also that I do not know how many could be prosecuted under the Casey amendment, because I do not know how many could show that the gun has been used in interstate commerce. I am not sure you could make any showing of that.

What we are trying to get at is the flood of crimes where there is a gun used by placing an additional penalty on it. Then the States can follow the lead of the Federal Government in setting that same penalty, which I hope the States will do, and in saying these penalties will be assessed, and they cannot be suspended by the judge, nor can probation be granted.

This will help to get at the problem of guns used in criminal acts.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman. I thank the gentleman for yielding.

The gentleman has touched upon a matter that I believe has great significance here. I hope that the Members

would determine this issue on the basis of logic, rather than on personalities.

If a special provision had not been included in the rule for the consideration of this Casey amendment, Mr. POFF never would have had an opportunity to present his amendment.

Mr. Chairman, we have here a case of what the gentleman from New York objected to in a military bill the other day, the word "synergistic" where these individuals are accomplishing something that neither could have accomplished without the benefit of the other.

Mr. Chairman, again I thank the gentleman for yielding.

Mr. ROGERS of Florida. Mr. Chairman, I might also say at this time that I hope the Committee on the Judiciary, when we come back in September—because they will not have the time to do it now—will certainly go into the bail bond situation that the President's Crime Commission has said needs changing, and upon which some of us have introduced bills. This is a crying problem that needs to be met, and is being overlooked.

In March of this year, I introduced H.R. 16219 which would permit a Federal judge, when considering an accused's bail, to consider the accused's potential danger to the community—the safety of the public.

Right now a Federal judge cannot consider the safety of the public when he sets bail bond. He can only consider whether that person is going to show up at time of trial.

Mr. Chairman, I would hope that the Chairman of the Committee on the Judiciary will go into this problem, and hold hearings and report out legislation to correct this situation.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. PEPPER TO THE CASEY AMENDMENT

Mr. PEPPER. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Texas [Mr. CASEY].

The Clerk read as follows:

Amendment offered by Mr. PEPPER to the amendment offered by Mr. CASEY: At the end of the Casey amendment add the following: "State Courts having jurisdiction over the trial of the above named offenses shall also have jurisdiction to enforce the provisions of this act."

Mr. PEPPER. Mr. Chairman, I think all of us are agreed that we want to do everything we can to deter the use of guns in the commission of crimes.

Some Members, I observe, are concerned about having two offenses—one tried in the State court, let us say for robbery, and another one tried in the Federal court for the use of a weapon in the commission of a robbery.

It seems to me it would be possible to reconcile that possible concern by the Congress confering jurisdiction upon the State court to carry out and enforce the provisions of the Federal act.

May I have the attention of the able gentleman from Virginia for whom I have great respect for his knowledge as a constitutional lawyer.

Would the able gentleman think it would be within the power of the Congress to provide that State courts trying a defendant, let us say, for the commission of robbery—if it were within the authority of the Congress to confer upon that court to do so, also to try that defendant for a violation of this provision that we are considering today?

Mr. POFF. While it might not promote my cause, I must in all candor concede that the answer to the gentleman's question is in the affirmative.

As the gentleman knows, it was Hamilton who first made some comments on this question. For many years in the life of the Republic, it was felt that the State courts would handle all Federal criminal statutes.

I would suggest to the gentleman that as a policy matter, it would be unwise to pursue his course because it does detract from the Federal system both conceptually and functionally.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman.

Mr. CASEY. Mr. Chairman, I commend the gentleman from Florida for offering his amendment to my amendment.

I wish I had thought of it. It is a very brilliant idea. It cuts down the main objection that you are going to flood the Federal courts if you have this load on the Federal courts.

You have in the first instance the trial in the State court and they could also try the defendant for this offense.

I commend the gentleman and I hope the amendment is adopted.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. Would the gentleman's amendment eliminate the constitutional question in the Casey amendment which some Members have expressed their concern about?

Mr. PEPPER. I think the gentleman is right.

Mr. WHITTEN. Mr. Chairman, I move to strike out the last word.

Mr. CHAIRMAN, I take this time to point out the fact that many people throughout the Nation have been led or misled into believing that some gun control law would prevent crime or cause a return of law and order. I do not think there is any question but that most people can see that law enforcement and law and order have broken down. They want something done. Something must be done to return to law enforcement, where the criminal can be sure of being arrested, tried, convicted and punished, for that is the real deterrent to crime.

To provide by law for the Federal registration of guns will not get the job done, or even to require that all guns be turned in to the Government would not accomplish what we need, for the good citizen would register or even turn his gun in; but the outlaw, or the crowd which is committing these crimes of murder, assault, robbery and riots would never do so—leaving the law-abiding citizen even more at their mercy.

The trouble is the Supreme Court and other courts bound by it have broken down law enforcement, and we will never get a return to law and order until we go after the Court.

I am not sure of the total number, but reputable people have counted the Supreme Court and other Federal court decisions and find that in 30 or more cases, newly found Court-created rights of the individual criminal have been put ahead of the welfare of the general public.

Others who have counted their decisions have pointed out that in 10 cases they have more and more restricted or tied the hands of the policeman or the law enforcement officer, making it next to impossible to obtain evidence which the Court will permit to be used, to make a case against a law violator.

Now if the Supreme Court through these decisions will not let convictions stand for murder, rape, robbery, and all the rest, what makes you think that there will be any punishment imposed for committing such crime with a gun? After all, as I have pointed out, if you could convict him and punish him for the crime, which would be a condition precedent for the gun punishment, we would have the crimewave broken anyway.

The gentleman from Florida [Mr. PEPPER] offered his resolution to set up a Joint Committee on Crime the other day. It was adopted by the House. At that time I asked him if he planned to review the decisions of the Supreme Court and the other courts which were bound thereby, as well as the action or nonaction of the Department of Justice and the part they had played in effect causing the wave of unbridled crime. First he said yes, then later retracted and said his bill "authorized" such investigation.

Let me point out a few things to you here. Any bill you pass or any amendment you pass here today, for instance, will not be self-enforcing. As was pointed out a moment ago, the amendment now pending provides penalties for using a gun in committing a crime. Think about that a minute; you will note that before you can convict the accused of so using a gun you must first convict him of the robbery or murder, or the crime he is charged with committing "with a gun" as the case may be, and have the conviction upheld. If we could count on that, that is, conviction and punishment for robbery or murder, riots, et cetera, we would break up the crime wave anyway, or really we would not now have such a wave of crime.

For proper law enforcement or to prevent crimes from occurring, to protect the public, several things are required—good officers, good jurors, and good judges so that arrest, trial, conviction and punishment will be certain.

What chance does the public have when the Supreme Court makes it next to impossible for the policeman to arrest or to obtain evidence which the courts will let the prosecutor use, and makes jury service for the irresponsible citizen a matter of right. Those of us with trial experience know that it takes more than average courage for a juror to bring in a verdict of guilty that will send someone to jail or to the penitentiary. Many good people are too softhearted for such duty.

My friend, Congressman CELLER, and his Committee on the Judiciary, not too long ago, passed a bill which made it a right, not a privilege, for almost any person who is breathing and 21 years old to serve on a jury. What chance has a prosecutor got to protect the people before a jury of irresponsible persons?

Our Committee on the Judiciary needs to go to work on the law of evidence and on the actions of the Federal courts which have tied the hands of the police, of the prosecutor, and of the trial courts. They put the rights of the criminal, newly found by this Supreme Court, ahead of the public interest.

I have the highest regard for my friend from Virginia [Mr. POFF]. In his substitute, he makes the penalty for committing a crime mandatory. What is he really trying to reach? He is trying to reach the judges who are turning these people loose and fix it so they can no longer turn the guilty loose on a defenseless public.

Those of you who have had experience in criminal cases also know that if you get your penalty too severe, you increase your chances of a sympathetic jury failing to convict. We must recognize that it is the Supreme Court of the United States claiming to itself rights that no court before this one ever claimed, admittedly releasing people who are guilty on technicalities which Judges of the present Supreme Court claim to have found in the Constitution.

If your court is not going to let the policeman legally arrest, or the prosecutor use the evidence, and if this Committee and the Congress will not let you have a stout, stronghearted jury, if you cannot convict a man for the murder, rape, or robbery that he commits, what could you do about punishing him for committing a crime with a gun when you failed to convict him of the crime itself.

Mr. Chairman, the public is being misled, unknowingly, perhaps, by this bill.

Mr. Chairman, I would like to read an editorial from the Mobile, Ala., Register, containing quotes from remarks I made to this House in August 1966. I quote:

TIME TO WAKE UP AND QUIT FIDDLING

Some things said in Congress the other day by Representative JAMIE L. WHITTEN of Mississippi were remindful of that familiar phrase about fiddling while Rome burns.

"The American people," he said, "have had enough of trials being delayed, the guilty going free on technicalities, property being destroyed, our police being pushed around.

"They have a right to expect us to do something to restore law and order, for involved is the destruction of responsible government.

"Here we are with the greatest wave of lawlessness facing our country all across the land, and yet the Congress, which should take to heart its own responsibility, is busy spending days and days protecting the rights of the irresponsible to serve on juries. Now, is that not a ridiculous thing for us to do, when we should be busy trying to make punishment for crime more certain?"

Mr. WHITTEN, continuing to emphasize the problem of lawlessness in the face of inadequate effort to stamp it out, told his colleagues:

"We find in today's newspaper reports from at least eight or 10 states throughout the nation where on yesterday criminals were running wild, destroying lives and property.

"We see on every hand the court's getting away from the rule on which orderly government was built, a general rule to the effect that if the record clearly showed the guilt of the defendant beyond a reasonable doubt, he or she would not be released on the public on some technicality and particularly a technicality raised by the appellate or Supreme Court itself.

". . . It is said that Nero fiddled while Rome burned. It strikes me that is about what we are doing here.

"At a time when our country is becoming the victim of the criminal, when our wives and daughters and we ourselves are afraid to walk our streets, we find the Congress spending these hours and days trying to protect the rights of irresponsible persons to sit on a jury. . . .

"We need to do something about crime and criminals. We need to make punishment more certain. We need to put the rights of an orderly and lawabiding society ahead of the whims of the Supreme Court. . . .

"It is time to wake up here and quit fiddling. Rome is certainly burning, and if you do not believe it, read today's newspapers."

There is a glaring misfortune in regard to remarks such as Mr. WHITTEN made in Congress in this instance. The misfortune is remarks of this kind are not made by enough members of Congress and enough other Americans.

But no American with his eyes open should fail to see that it is time to wake up and quit fiddling.

As a postscript to Mr. WHITTEN's remarks, we call attention to this excerpt from a Chicago dispatch at weekend by United Press International:

"Hoodlums broke windows in a suburban department store and stole 24 rifles and shotguns from displays after a rampage of violence during which a policeman was shot by a sniper."

More proof that the time has come in the United States to wake up and quit fiddling. Not only is it time to wake up and quit fidling—the need for that is acute, urgent, imperative. The longer the delay, the greater and more alarming the danger.

Why the delay—why the reluctance to take urgently needed action with courage, forthrightness and resolution? Two prime factors in why this action is not taken are: Stupidity and politics. The American people cannot afford the brands of stupidity and politics that leave them exposed to the violence and crime of the lawless.

Mr. Chairman, conditions are terrible. We must take action. However, we will never solve this problem by making it a crime to use a gun to commit a murder, when we cannot convict the accused of the murder itself.

We will never solve this problem by making it possible for the wrong kind of officials to call in the guns of law-abiding citizens when they know and you and I know they cannot get the guns of outlaws.

There is only one way to save this country of ours; and that is for the Attorney General, the Department of Justice, and the Federal courts to back up local law-enforcement officers, instead of nullifying their efforts. If some change is not soon made, you will have no policemen; for no one would have the job. Conditions will border on those of the Middle Ages, where it was every man for himself—and there was little for anyone.

Our Committee on Judiciary needs to give its attention to these facts—the present age may not be as dark as the Dark Ages, but it is rapidly headed in that direction.

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. PUCINSKI. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida. I believe it will cure one of the defects raised by the chairman of the Judiciary Committee. As pointed out, if you tried to burden the Federal courts with the whole problem of handling these prosecutions, you would really overburden them.

It would be my hope, if the gentleman's amendment prevails, and the amendment offered by the gentleman from Texas [Mr. CASEY], is then approved by this House, that this legislation will prove to be the deterrent that this country needs to eliminate the large number of crimes that were cited by the chairman of this committee.

The chairman said there were 900,000-plus crimes committed in this country that would come under the purview of this act. It occurs to me that when we consider the 6,500 people killed in America by guns last year and compared with 36 people killed in England, the urgent need for this legislation becomes apparent. Certainly, Federal statutes and Federal prosecutions have some bearing and this is demonstrated not only in the lower incidence of Federal crimes in this country but in England as well.

I call attention again to the argument offered by some Member here a moment ago that only 16,000 crimes were prosecuted by the Federal Government last year involving the use of firearms. That is probably the best answer we can give here today for the legislation, for the gentleman's amendment and the Casey amendment. If indeed it is a fact that these criminals have greater fear of the Federal Government, then we ought to give the Federal Government the jurisdiction. I know that as an old police reporter, I recall that criminals always feared vastly more violating Federal laws than State laws.

It occurs to me that we can make a sufficient deterrent with this legislation. After all, what is the purpose of this legislation? If we are going to legislate here and then project a continuation of 900,000 crimes a year with 6,500 Americans killed annually, we might as well stop wasting our time. But if we are going to legislate here to provide sufficient and meaningful deterrents to crime, then, indeed, our mission here is worth while.

I suggest that the amendment offered by the gentleman from Florida [Mr. PEPPER] and the amendment offered by the gentleman from Texas [Mr. CASEY] can, for the first time, make a criminal who takes a gun in his hand realize that he is going to be prosecuted to the fullest extent of the Federal law. Nobody is going to bring that little grocer back to life who was slaughtered this morning in the District but perhaps he would not have been murdered in an attempted holdup of his store if the gunman knew the penalty that faced him for merely carrying a gun during a felony.

The time is long past due when we should serve notice on the criminal element that when they dare take a lethal

weapon in their hands, they will be prosecuted to the fullest extent of the law, Federal and State.

Mr. O'HARA of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Michigan.

Mr. O'HARA of Michigan. I call the gentleman's attention to the provisions of the judicial article of the Constitution. This is with respect to the amendment offered by the gentleman from Florida [Mr. PEPPER]. It seems to me that when in section 1 of article III we vest the judicial power of the United States in the Federal court system and when in section 2 of article III we provide that the judicial power shall extend to all cases in law and equity arising under the Constitution and the laws of the United States, the suggestion of the gentleman from Florida [Mr. PEPPER], while ingenious, is something that is contrary to the judicial article of the Constitution.

Mr. PUCINSKI. Mr. Chairman, I should like to remind the gentleman that the distinguished author of the substitute, the gentleman from Virginia [Mr. POFF], a member of the subcommittee, has stated that the Pepper amendment is in order and there is no question in his mind that this question of giving State courts jurisdiction was settled a long time ago, and that the pending amendment offered by the gentleman from Florida is proper and can stand up. If this amendment is in order, I urge the House to adopt it. Then we can go before the American people and say we have done something meaningful to cut down on the use of firearms and to cut down on crime in the United States.

I am particularly anxious for the amendment because I want to especially protect the policemen who day in and day out risk their lives for our protection. Mr. Chairman, the tragic list of policemen killed by armed criminals makes this amendment more justified than anything else I might say.

Mr. CELLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, before we rush into determination on this amendment offered by the distinguished gentleman from Florida. I think we must pause a little bit and find out what its implications are.

Would there be two trials? Or would there be only one trial?

Would there be a Federal offense and a State offense?

Would the State offense be joined with the Federal offense?

Would there be two juries, or would there be only one jury?

Would there be two grand juries, two State grand juries, or one grand jury?

Would there be a Federal grand jury in a State court, or two separate grand juries? One a Federal grand jury in a Federal court, the other in a State court?

This amendment proposes a very grave departure from past and current practice.

Furthermore, I ask this question:

Can the State judge preside over a Federal criminal case?

Under this amendment will we not have the following: State judges and State courts would be interpreting Federal criminal statutes all over the country. At the present time those interpretations are limited to Federal judges, who are schooled in the art of interpretations of the Federal statutes. Now we will have all these State judges—I do not know how many there are, but there are a tremendous number of State judges—who would be interpreting these Federal criminal statutes as embodied in this act.

I think since this is a grave departure, much more reflection and study should be given to a matter of this sort than to have it merely come up, bobbing up in the form of an amendment, and have it acted upon hastily. I do hope therefore that the amendment will be either withdrawn—and that is probably a vain hope—or that it might be considered at some other time by the Judiciary Committee. There may be some merit in it, I do not know, but I think it is unwise at this time to rush into this situation.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Chairman, I would like to ask the distinguished chairman of the committee if it is not true in respect to some of the previous statements that were made in respect to recent offenses that have been committed in the District of Columbia, if, in fact, these are not offenses against the United States which would be included in the Poff substitute?

Mr. CELLER. I think that is correct.

Mr. McCULLOCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I regret the necessity of rising to oppose the amendment offered by the gentleman from Florida. I am of the opinion that a careful study of that amendment—although I do not have it before me in entirety—would show that it would clothe State courts with complete enforcement powers of every provision of this act. We are, in my opinion, opening up a field here in which few—if any of us—can understand exactly what we are doing.

Mr. Chairman, the reason that this legislation has been requested is because the State courts—including my own, if we please—have failed and neglected, and some of them have refused to enforce the laws in these fields that are on their own statute books.

By this amendment—hastily drawn, I regret to say, and not carefully read—we will be nullifying in substantial part the very thing which is sought by the President in his message on gun control and those of us who want gun-control legislation.

I urge that this amendment be defeated. We would regret its adoption.

Mr. GILBERT. Mr. Chairman, I move to strike the requisite number of words.

I have a question for the distinguished gentleman from Florida on his amendment.

I ask the gentleman, by what authority we could confer this jurisdiction on the State court? I have listened to the distinguished gentleman from Virginia [Mr. POFF], and it was not clear to me. Many Members are quite confused on this subject.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. I yield to the gentleman from Florida.

Mr. PEPPER. I have not had an opportunity to do a thorough job of research on the subject, but we all recall that the Federal Constitution provides that the Constitution and all laws enacted pursuant thereto shall be the supreme law of the land.

We know also that the Constitution provides the judicial power, the Federal judicial power, shall be vested in a Supreme Court and in such inferior courts as the Congress shall from time to time establish.

It seems to me that those two principles allow sufficient latitude for the Congress to designate although it might not be capable of compelling the State courts to exercise the Federal function. I believe, however, the supreme character of the Federal Constitution would give Congress that power.

As a matter of fact, the State courts are bound by the Federal Constitution, anyway, in the trial of cases and in the decision of cases, so there is nothing new about the supreme law of the land being executed and enforced in a State court, when Congress clearly intends it be done.

Mr. GILBERT. We are not talking about that. We are talking about conferring specific jurisdiction on the State court. I wonder if there is any instance the gentleman can cite where the Federal Government has conferred this jurisdiction on the State courts.

Mr. PEPPER. The Federal Constitution and the Federal laws which Congress makes applicable to the States are enforceable in the State courts. It is an obligation of the State courts to carry out and to recognize the Federal Constitution and the Federal laws duly enacted, because that is the provision of the Federal Constitution. All that is needed is a clear intent on the part of the Congress to do so.

This merely solves a dilemma which we have been concerned about, as to trying a case for robbery in a State court, and then having to go into a Federal court and have an entirely new trial.

Mr. GILBERT. I agree with the gentleman that we do have a dilemma, but I do not believe we are solving anything by attempting to pass this type of legislation without giving it the thought required. This raises a very serious constitutional question.

At this particular point I do not believe the gentleman or the other Members of the House have given this problem the study it requires.

I respectfully suggest that the House Judiciary Committee should hold hearings on this particular problem in an attempt to solve it. We are not going to do it by legislating at this particular point.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. I yield.

Mr. PEPPER. At the worst, if the

House adopted this amendment, it would not impair the Casey amendment. I am for the Casey amendment, anyway. This might eliminate the necessity for having to move the offense from the State to the Federal court. If it does not, if my amendment has nothing but futility, we would still leave unimpaired the Casey amendment, where the jurisdiction exists in the Federal court.

My able friend from Texas has handed me the Constitution. I read from article III, section 1:

> The judicial Power of the United States shall be vested in one supreme Court and in such inferior Courts as the Congress may from time to time ordain and establish.

The judges both of the supreme and superior courts shall hold their offices in good behavior.

Mr. GILBERT. We have established the State courts——

Mr. PEPPER. If the gentleman will allow me, the Constitution does not say the inferior court established by the Congress may not be a court already established under State law if the Congress elects to do that.

Mr. GILBERT. It does not say that at all. I respectfully disagree with the gentleman.

Mr. WYMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am taking this time simply for the purpose of continuing this discussion for a moment, because I think the real answer here is not whether what is proposed by the gentleman from Florida can be done but whether or not it ought to be done in our wisdom. The distinguished chairman of the Committee on the Judiciary pointed out that this would create a number of overlapping questions with respect to prosecuting functions both of grand juries and petit juries and in the discretion of prosecutors.

What is being proposed by this amendment is the creation of a Federal criminal law within the laws of the States and as an adjunct of the State criminal function, which is something we should consider carefully before we undertake doing. The answer here, I believe, is that the Casey amendment ought to be limited to Federal felonies and not attempt to impose on the States the minimum 10-year sentence for using or carrying a gun in connection with the commission of a crime. So I submit, with all due respect for the language of the gentleman from Florida, that the amendment to the amendment that he offers ought to be defeated for the reasons that have been set forth by the chairman of the Committee on the Judiciary and for reasons that go to the very core of the relationship between the States and the Federal Government.

Mr. CASEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we heard the argument earlier that we would be running back and forth to two different courts under my amendment. A solution is presented. It is argued that hearings should be had on the amendment of the gentleman from Florida [Mr. PEPPER]. I will point out that there were not many—as far as I know there were not any public hearings on H.R. 17735, which is the entire bill before the committee.

This matter has been thoroughly discussed. The gentleman that just finished speaking pointed out that it can be done if we want to do it. The people want something done about crime, and this is the way to do it. If you want to confine it to one court, all right, do that.

I yield to the gentleman from Texas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Ohio, I think, made a very pertinent point awhile ago. He said we want gun control. That is not what the people want. The people want to control crime. The question here is do you want gun control or do you want to control crime? If you want to control crime, then support the Casey amendment. I am for it, I will support it, and I hope the House will adopt it.

Mr. CASEY. Mr. Chairman, I will support the gentleman from Florida's amendment because I think it is a good one and will help cut down on the duplication that you are talking about.

Second, I want to point out the gentleman from New Hampshire said he wanted to limit it to Federal cases. The first time—and I do not know whether you were here earlier, but the first time it was said there were only about 1,600 cases that fall in the category of the gentleman's substitute.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. CASEY. Yes. I yield to the gentleman.

Mr. WYMAN. But if the State legislatures wanted to put it in——

Mr. CASEY. Oh, yes. I do not yield any further at this point.

This is supposed to be a State assistance bill. Read the title. Let us help them out. Let us not worry about the State legislatures.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. CASEY. I yield to the gentleman from Illinois.

Mr. PUCINSKI. The gentleman makes a pretty strong case. We have been talking here about the jurisdiction of the State and Federal courts. Judicial overlapping has been one of the dilemmas of our democracy. This legislative body is here to resolve that dilemma.

But the fact of the matter is that the records, the figures, and the statistics presented here show there is a marked decrease in incidence of crime with firearms where Federal laws are involved as compared to the marked increase in crimes where only State laws are involved.

Reference has been made to approximately 16,000 Federal crimes last year where guns were involved while there had been about 900,000 State crimes at the State level. Obviously, criminals fear federal laws more than they do State laws and for that reason. I believe we should extend the Federal law to all crimes involving the use of guns.

Mr. CASEY. I thank the gentleman for his comments. However, permit me to finish my time.

This bill is titled as the "State Firearms Control Assistance Act of 1968."

Well, if we are going to assist the States, let us get with it and assist them on the crime problem. Let us not concentrate on the law-abiding citizen that is going to abide by every other portion of this bill. But, let us put something in here that the people want and that is necessary. That is let us get with this criminality.

Mr. Chairman, I urge the Members of the Committee to adopt the amendment which has been offered by the gentleman from Florida [Mr. PEPPER] and defeat the other amendment which has been offered by the gentleman from Virginia [Mr. POFF] and let us hit it and hit it hard and support my amendment.

Mrs. MAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Casey amendment as amended by the Poff substitute.

Mr. Chairman, like most of my colleagues, I have been literally deluged with letters, forms, coupons, telegrams, petitions, and telephone calls on the subject of gun controls. Most of these communications from my district have been of a pro or con nature—that is, they are either strongly for or strongly against gun controls. From this standpoint, if I measured the sentiment of my district by the number of persons who have communicated with me and who have expressed either a pro or a con view, I could simply vote "no" on everything and my vote would reflect the majority sentiment.

Yet, Mr. Chairman, if I did this I would be ignoring a very serious problem in this Nation—the ever-increasing crime rate which threatens the safety of every citizen and his property. The crime figures cited by the Federal Bureau of Investigation and other law enforcement organizations prove that this situation is no longer merely a problem. It has reached the proportions of a crisis.

Many actions can be taken, and indeed, many actions are required from all levels of government and from all of our citizens, to reverse the trend toward more and more violence and crime.

Some actions that have been proposed and which seem to have gained some public enthusiasm seem to make good sense—on the surface—until you begin to examine them closely. Then, they offer only confusion, expense, and bitterness, without really getting at any kind of solution to the problem.

Other proposals, fortunately, are available which do make good sense when they are closely examined and which we should very carefully consider today.

Let me discuss these positive actions we can take which would strike hard at the crime statistics and bring about a reversal in these statistics which have brought grief not only to individual families, but to our entire Nation.

Notwithstanding all that has been said and written about the Omnibus Crime Control and Safe Streets Act of 1968, I firmly believe that the recently enacted restrictions on mail order interstate sale and shipment of hand guns amounted to a strong and positive step taken by the

Congress to keep the real offender in most firearms crimes out of the hands of immature persons, incompetents, and those who no reputable dealer would sell a gun if the individual presented himself face-to-face with the dealer. This action, which we have already taken, is bound to be effective.

Today, we have before us a proposal to extend similar restrictions to long guns. I will say this: I can readily understand the concern of many law-abiding gun enthusiasts over such restrictions. Many of these individuals have utilized the mails to trade or purchase long guns. On the other hand, crimes committed with long guns are a problem, albeit not as statistically numerous as with handguns. On balance, I have come to the conclusion that the inconvenience which might be experienced by some individuals as weighed against the national interest in this additional protective measure are proportioned on the side of the national interest. I believe we should include long guns in the mail-order ban.

But these steps, in themselves, will not solve the problem of the use of firearms in the commission of crimes of violence. Many of the criminal types already have firearms, or can obtain them by various means. I think the most positive, workable thing we can do is to approach this situation the way the gentleman from Texas [Mr. CASEY] has done. For several years I have been supporting Mr. CASEY'S approach in proposing an effective deterrent to the criminal use of firearms by the imposition of heavy prison sentences on those offenders who use firearms in a continuing career of crime. This is the way to strike hard at the 115,000 hardened, mostly repeat offenders in this country, who would think twice before carrying a firearm during commission of a crime when they know they would no longer be likely to get off easily if caught. I intend to support the Casey amendment in the form as amended by the Poff substitute.

Next, and I believe this is a crucial point, it is unlikely that there can be any truly effective regulation of the use and ownership of firearms if the States and local communities do not work to enact and enforce meaningful laws and ordinances. This point was effectively spelled out in a recent resolution adopted by the Washington Association of Sheriffs and Police Chiefs. The letter and resolution I received from this law enforcement group is as follows:

WASHINGTON ASSOCIATION
OF SHERIFFS AND POLICE CHIEFS,
Moses Lake, Wash., June 25, 1968.

Representative CATHERINE MAY,
House Office Building,

DEAR MRS MAY: I am enclosing a resolution that was passed on June 20, 1968 at the Annual Conference of the Washington Association of Sheriffs and Police Chiefs. We wish to make our feelings known to you on the question of gun control which is very much in the news recently.

We sincerely request that you keep in mind, while considering gun control, that it is law enforcement's request to inconvenience the criminal rather than the law abiding citizens. We have long advocated mandatory severe penalties for persons committing crimes of violence or being involved in any criminal activity while armed. Too often the law abiding citizen is the only one penalized in the enactment of gun control laws.

Sincerely,

WM. E. BJORK,
Secretary-Treasurer.

RESOLUTION

Crimes of violence committed with firearms is indeed a facet of our troubled times that deserves legislative attention. Ill considered or hastily formulated restrictions however can easily create situations that will unreasonably affect responsible citizens and be virtually valueless in combating crime. The Washington Association of Sheriffs & Police Chiefs therefore generally urge the legislative bodies to carefully consider legislative proposals in this area and specifically resolves:

Whereas unrestricted sale and delivery of short firearms by mail order permits irresponsible persons to obtain small weapons and presents a danger to the public. The Association supports restrictions on such sales and deliveries.

Whereas crimes of passion are implemented by immediate delivery of short firearms and present a danger to the public. The Association urges and recommends enactment of a waiting period of 72 hours between the sale and the delivery of such weapons.

Whereas present statutory requirements for obtaining a permit to carry concealed firearms are inadequate to prevent issuance to certain classes of irresponsible persons of such permits and presents a danger to the public,

The Association urges and recommends enactment of stricter requirements for the issuance of a concealed weapon permit.

Whereas present statutory limitations on carrying short firearms in motor vehicles is inadequate and presents a danger to the public and particularly the law enforcement officer,

The Association urges and recommends that carrying short firearms in motor vehicles be classified as carrying such weapons concealed.

It is further resolved that this Association is opposed to the registration of shotguns and rifles.

Passed by the unanimous vote of the members this 20th day of June 1968.

These, Mr. Chairman, are what seem to me to be the kind of positive and enforceable steps which can and should be taken. Together, they should, within a very short period of time, result in a markedly reduced incidence of violent crime with firearms in this country. And that is what we all want to see.

Before concluding I would like to address myself to what has apparently become an alternative to all of this—the proposal calling for Federal registration of all firearms and Federal licensing of their users and owners.

What, after all, is such a proposal designed to accomplish? By making it more burdensome and expensive to obtain and keep a firearm, proponents of this approach seem to think it will help cut down on firearms violence. It is probably true that the costs and inconvenience to be borne by the average gun owner would discourage him from gun ownership. But is this the problem? I do not think so. The problem is the criminal use of firearms, and you can be sure that the criminal types would not register or license their guns. They do not now in those States which have registration and licensing requirements, and they would not under a similar Federal law.

A Federal registration and licensing law would be a monstrosity to administer, and further, the inconvenience, restrictions, and expense caused the law-abiding citizen—the innocent forgotten man in the emotional appeal behind this proposal—far exceeds whatever elusive value that may be implied by such an approach.

And, Mr. Chairman, I submit that if this latter action is one taken by the Congress, many a citizen will be calling on Congress again at a later date, demanding to know why the crime and firearms violence has not abated. I do not want to have that on my conscience, and for these reasons I am absolutely opposed to national gun registration and licensing.

But to reiterate, there are steps we can take which will get at the problem, do it effectively, and which will not overly burden the great majority of our law-abiding citizens. It is these steps I urge my colleagues to take today.

Mr. BIESTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall not take the full 5 minutes. It is my opinion that this question can probably be summed up in the observation and the example which was pointed out on the floor earlier.

Mr. Chairman, our purpose is to assist the States in the enforcement of their laws; not to impose our law upon our State courts.

Mr. Chairman, the observation which was made by the distinguished gentleman from South Carolina [Mr. WATSON] points out how we can help inspire the States. In a field as delicate as the federal system to which the gentleman alluded, I think it would be a great mistake to tamper with it without careful consideration. Doing so would represent a danger to our entire representative system. We should inspire the States to act, not impose our will on them. We should not be so presumptuous as to believe that only this body wishes to act in this regard.

Mr. Chairman, I support the Poff amendment and oppose the Casey amendment. I also oppose the amendment which has been offered by the gentleman from Florida [Mr. PEPPER].

Mr. CORMAN. Mr. Chairman, I would like to join the gentleman from Pennsylvania. He gave us a very cogent argument in support of the Poff substitute amendment and in opposition to the Pepper amendment.

Mr. Chairman, what we would really do by passing the Pepper amendment, would be to supplant the laws of the 50 sovereign States which already exist.

It seems to me that it is a most dangerous infringement on States' rights. We are not justified in imposing our will on the legislatures of 50 sovereign States. We ought not to impose our will upon our State courts.

Mr. BINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall not take the full 5 minutes but I would simply like to commend the gentleman from Pennsylvania [Mr. BIESTER] for what I think is an extraordinary sensible statement.

And, one other thing. It makes no sense to me that the Casey amendment, according to its sponsor, gives the judge discretion to suspend the sentence of

the accused but imposes a mandatory sentence. In other words, he has no choice except to impose the full sentence or let the defendant go. He cannot do anything in between. I cannot see the logic of that.

Mr. LATTA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to ask a couple of questions, as the discussion of the Casey amendment is getting a little bit confusing.

When this matter was brought to the Committee on Rules and we were asked for a special rule so this could be introduced, I was under the impression that the Casey amendment provided for mandatory sentences. Now I understand that the judge could suspend sentences provided for therein.

I will yield to the gentleman from Texas to clarify this matter. Were we in error in our interpretation of this amendment when it was before the Committee on Rules?

Mr. CASEY. If the gentleman will yield, I will say to the gentleman from Ohio that the powers, the privileges, and the prerogatives of the judge to suspend, as he does in all other instances of other Federal crimes, applies to this law, as it does to all others. And in my opinion, he can suspend all or part of it.

Mr. LATTA. I thank the gentleman. I was not under that impression when we were discussing the Casey amendment in the committee. I thought it provided a mandatory sentence that could not be suspended.

I introduced legislation which provides that the judge cannot suspend the sentence, nor can he receive probation before the full sentence is served. This is ironclad. I am for a mandatory sentence. I am not for any court having the authority to suspend the minimum sentence provided for in this legislation.

I want the criminal to know before he uses a firearm in committing a crime that, when he is convicted, just as sure as the sun rises tomorrow he is going to jail for a certain number of years. This is the deterrent that I want to see written into this law, and I do not want any discretion by any court because that is the bugaboo in our present system. He believes that he can beat the rap, and he takes the chance. I want him to know that he cannot beat the rap and that he is going to prison when convicted.

This is what I understood I was voting for when I voted for a special rule in the Committee on Rules, to make the Casey amendment in order today.

Now, if the amendment offered as a substitute to the Casey amendment by the gentleman from Virginia [Mr. POFF] provides for a mandatory sentence to do what I believe should be done, then I am going to support it. But as I understand it, the minimum sentence is only for 1 year. I do not believe 1 year is long enough.

I will yield to the gentleman to tell us what the minimum sentence is in the Poff amendment.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I thank the gentleman for yielding.

Mr. Chairman, one of the major differences between the Casey amendment and the substitute amendment offered by the gentleman from Virginia [Mr. POFF], is that in the one case the sentence cannot, specifically cannot be suspended, nor can probation be granted. And that is why many of us feel that the Poff amendment is superior in that important respect. Many of us want to support a minimum mandatory penalty which is provided in the Poff substitute, and which is not provided in the Casey amendment.

Mr. LATTA. Let me say, Mr. Chairman, that I have always been of the opinion in criminal statutes that the severity of the penalty is not the deterrent; the certainty of the penalty is the real deterrent to the criminal, and that is what I believe we need in this legislation. I believe it is what the American people want. I believe such penalties which are directed at the criminal rather than the law-abiding will do much to stop the use of guns by the criminal element.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from New Hampshire.

Mr. WYMAN. I thank the gentleman for yielding, and may I say, Mr. Chairman, that that is the virtue of the Poff amendment—it has a mandatory 1- to 10-year proviso, which means that the criminal has got to receive at least a 1-year sentence. And it does not make any difference whether he or his lawyer knows the judge. We all know, just as the gentleman has said, that the State laws in this country have the proviso that a sentence may be suspended at the discretion of the judge, and that should not be.

We see the effects of that right here in the District of Columbia where there have been 13 bank robberies in the last month, and the proper steps will have been made by this House today if the Poff amendment is adopted and not the Casey amendment.

Mr. POLLOCK. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Alaska.

Mr. POLLOCK. Mr. Chairman, I would like to say that I concur 100 percent with what was said. The thing that bothers me about the Poff substitute to the Casey amendment is that there are lower prison terms for the criminal offender. I have an amendment, if the Chair will recognize me at the proper time, to increase the term of imprisonment from not less than 5 years to not more than 25 years for the first offense, and in the second instance, sentence would be imposed for from 10 years up to life.

The rest of the provisions of the Poff substitute to the Casey amendment are excellent and should be retained.

Mr. LATTA. I regret to say, as I understand the parliamentary situation, that the gentleman's amendment is not now in order. However, I am in agreement with it.

Mr. POLLOCK. I understand that. But if the Meskill amendment to the Poff substitute is disposed of, I presume my amendment then would be in order.

Mr. DOW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I should just like to intervene for a minute to express a different philosophy about crime and punishment than the one implicit in this debate.

You place entirely too much emphasis on punishment. The idea that punishment acts as a deterrent in the degree of its severity was discredited in the early part of the 19th century in Great Britain.

The English society of that time found out at that time that footpads on the highways would be deterred no more by hanging than by lesser punishments.

The idea that all of our social problems can be solved by force and police action and punishment is a delusion. We have all too many who hold the simplistic notion that punishment cures all.

It is a delusion to suppose, as some do, that our racial problems can be swept under the rug by police action and punishment.

It is a delusion to suppose that student disorders can be allayed by police action and punishment.

It is a delusion to suppose that communism can be curbed in Vietnam by police action and punishments.

Finally, it is a delusion to suppose that the criminal use of weapons can be eliminated in this country by police action and punishment.

Punishment does have a place in the scheme of things—but it relies on just one aspect of our whole social problem. It disregards all of the wiser cures for our social ills.

We need education, religion, understanding, rehabilitation, and moderation of our competitive American philosophies if we are going to have a resolution of the problems of crime and violence in this country.

Mr. HUNT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, much has been said here today about the haste in this legislation. There is considerable confusion as to the meanings of words and as to the jurisdiction of the court.

I would like to point out to this body that the crux of the matter we are trying to get at today insofar as this particular phase is concerned was best explained by the gentleman from Ohio [Mr. LATTA].

It is a well known fact, regardless of what the preceding speaker said, that strong deterrent action has been the greatest cure for crime.

It cannot be disputed in any way, if you go back and look at the analysis of crimes, that tough judges and strong sentences have always been a deterrent to crime.

I am not one of those who would give them a pat on the wrist for using a gun in the commission of a crime.

Where I come from, we give people 30 days to 1 year for being disorderly. Anyone who carries a gun in the commission of a crime is not there for the purpose of attending Sunday school. He is not that helium-headed person who gets a little bit drunk on Saturday night and gets the same penalty. He is the man who

goes out taking a gun to commit a crime whereby he might take another person's life, if he panics or is the hardened criminal type without conscience.

Today we are trying to find a remedy for crime in these United States regardless of creed, color, or anything else.

I say to the gentleman from Alaska who is going to offer an amendment that 5 years is and should be the minimum mandatory sentence where a gun is used to commit a crime.

I am going to support the Casey amendment. I believe what the gentleman from Ohio [Mr. LATTA] has said today makes sense.

I simply say to you ladies and gentlemen in this Chamber—Do not lose the sight of the fact that in some cases amendments that have been proposed here today are inadequate. The atrocious murder of Senator Kennedy in California would not be covered by the terms of certain amendments that have been offered here today. We seek to correct the repetition of that murder by appropriate punishment for anyone who so conspires.

We are simply trying to stamp out crime. We are not here to conduct a Sunday school class, and we are not here to give them a sentence whereby they can stand on their head for one year and get out. It is a fact also that one-third of the policemen in this country who were killed by gunmen last year were killed by men who were on parole.

Mr. Chairman, I say to you that this is the time to stand fast and to enact a strong law to deter crime in the United States, or else quit and go home.

Mr. WATSON. Mr. Chairman, will the gentleman yield?

Mr. HUNT. I yield to the gentleman from South Carolina.

Mr. WATSON. Certainly I commend my friend from New Jersey as a legislator and as one who has an outstanding record as a law enforcement officer. I would like to ask my friend one or two questions. Do you really believe that it would be wise to continue to allow the courts to grant suspensions—and certainly that is what the Casey amendment provides? Do you really support that position, or do you prefer that we have a mandatory sentencing provision, as is provided in the Poff amendment? Is not the problem that the courts are too lenient?

Mr. HUNT. You are so right. I am a strong believer in mandatory sentences insofar as heinous crime is concerned.

Mr. WATSON. That is correct.

Mr. HUNT. I think the amendment is very good. I would like to see it adopted in a mandatory form.

Mr. WATSON. It is purely discretionary in the Casey amendment while the amendment of the gentleman from Virginia [Mr. POFF] would make it mandatory.

Mr. HUNT. There is no reason that it could not be made mandatory.

Mr. WATSON. At present it is not. And I know you want to make it mandatory.

Mr. HUNT. I sure do. I agree with you thoroughly.

Mr. RANDALL. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. RANDALL. Mr. Chairman, I have been seeking recognition for some time now. I will not take the 5 minutes. I take this time to ask the gentleman from Virginia a question. If I understood correctly, the gentleman from Virginia [Mr. POFF], in response to the inquiry of the gentleman from Florida [Mr. PEPPER] as to whether or not in his opinion Congress had the right to confer upon the State courts the authority contained in the gentleman's amendment, the gentleman from Virginia's answer was in the affirmative. Is that correct?

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman from Virginia.

Mr. POFF. I will have to ask my colleague to restate the question because of the confusion.

Mr. RANDALL. Would the Congress have authority to confer on the States the authority to try these cases under the Pepper amendment? I understood the gentleman to answer in the affirmative.

Mr. POFF. The gentleman understood correctly. In support of that, may I offer two examples in which this very thing occurred in our history of jurisprudence.

Mr. RANDALL. I am glad to yield to the gentleman.

Mr. POFF. In 1799, the State courts were vested with jurisdiction to try criminal offenses against postal laws. Extensive reliance was placed on State courts for the enforcement of the embargo acts. There are several other examples.

The gentleman must be laboring under the misapprehension expressed by the gentleman from Illinois. I would not want anything that I said about the amendment offered by the distinguished gentleman from Florida to be understood as abdicating, as a matter of policy, the amendment he is offering. On the contrary, I oppose it.

Mr. RANDALL. Well, of course, I was not asking the gentleman whether he was for or against the amendment but only whether in his opinion the Congress could confer this area of Federal jurisdiction upon the State courts.

Now I would like to ask the chairman, the gentleman from New York, substantially the same question. Is there any doubt about the power of the Congress to confer this jurisdiction on the State courts?

Mr. CELLER. I will say to the gentleman offhand I just do not know. I would like to have the opportunity to look into that question. I would not want to categorically say yes or no. I do not know. I do not think there is any man in this Chamber who knows at this moment This is pounced on us suddenly. I do not think we can decide a question as important as this, as paramount as this—to confer jurisdiction on the State courts—in a thrice, as it were, in 20 minutes or a half hour. You cannot do it.

Mr. RANDALL. Until now I thought you were of the opinion that the Pepper amendment to confer jurisdiction on State courts was just a departure from present practice. In other words, you were saying a while ago you thought it was unwise to assign to the State courts Federal questions. Now you say there is some doubt as to our power. Is that right?

Mr. CELLER. I doubt the power; yes.

Mr. RANDALL. Mr. Chairman, the gentleman from New York heard the gentleman from Florida a moment ago read from the U.S. Constitution saying the Congress can create inferior Federal courts and Congress may elect to confer jurisdiction on the State courts. Would the gentleman respond to these contentions, whether in his opinion they are valid?

Mr. CELLER. I do not know if it can be interpreted that way. That is probably taking it out of context. I will say now, I just do not know, and I have grave doubts. I do not think there is a man in this Chamber who can tell me beyond peradventure of doubt that there is jurisdiction in the Congress to do exactly what the amendment of the gentleman from Florida purports to do.

Mr. RANDALL. Mr. Chairman, while it is true our friend from New York states there is not a man in this Chamber who can say beyond peradventure of doubt that we in the Congress can do what the amendment of the gentlemen from Florida seeks to do, on the other hand, in none of these exchanges has he said it cannot be done. He has only said he has doubts or as he put it, grave doubts. On the other hand, his counterpart on the other side of the aisle has stated affirmatively, in his opinion, the Congress could assign the jurisdiction contained in the amendment of the gentlemen from Florida to the State courts.

While it appears both sides of the aisle believe the amendment may be unwise, one side reaches the conclusion the amendment is constitutional. The other side the chairman of the committee now makes an expression of doubt.

I came to the floor this afternoon intent upon supporting the Casey amendment. The only question I raise against his proposal is that the penalties for first and second offenses are not strong enough. I agree fully with the gentleman from Texas [Mr. CASEY], about the high cost of crime and I know many of the offenses are committed by repeaters. These repeat offenders do not stay in their cells much longer than it takes to apprehend them. Even if mandatory penalties should have the result of filling our prisons then it is money well spent to build more prisons and much better than to spend money to apprehend repeat offenders.

If I may respectfully say so, the Poff substitute to the Casey amendment while it rules out a suspended sentence, it is not strong enough and the penalties are not severe enough. In my opinion the Poff substitute may be a step in the right direction, but it will reach only a small percentage of the total number of crimes. As the gentleman from Texas stated it will cover only about 1,600 cases annually and there will remain outside the coverage of the Poff amendment about 90 percent of the total offenses committed with firearms.

Of course, what we are trying to do by these penalties is to persuade the criminal to leave his gun at home. If he knows he is convicted with a gun and is going to jail, it might serve as a deterrent. The facts are the Poff substitute would eliminate thousands of State

felonies which would be included under the Casey amendment.

In my judgment what the people of this country want us to enact is something that will serve as a deterrent to crime. They are not just interested in firearms or a gun control bill. I do not believe the Poff amendment penalty of 1 year is sufficient. It should be a minimum of at least 5 years. The philosophy of the Poff amendment may be good but the penalty is not sufficient.

In my opinion, the Casey amendment does present a solution. What our people want is not gun control but crime control. A strong deterrent must be written into the law. A criminal must realize he cannot beat the rap. One year is certainly not enough for a minimum sentence.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. PEPPER] to the amendment offered by the gentleman from Texas [Mr. CASEY].

The question was taken; and on a division (demanded by Mr. PEPPER) there were—ayes 21, noes 143.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Connecticut [Mr. MESKILL] to the substitute amendment offered by the gentleman from Virginia [Mr. POFF].

The amendment to the substitute amendment was rejected.

AMENDMENTS OFFERED BY MR. MINSHALL TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. POFF

Mr. MINSHALL. Mr. Chairman, I offer amendments to the substitute amendment offered by the gentleman from Virginia [Mr. POFF].

The Clerk read as follows:

Amendments offered by Mr. MINSHALL to the substitute offered by Mr. POFF: In the first sentence, strike out "one year nor more than ten years" and insert in lieu thereof the following: "five years and up to life".

In the second sentence, strike out "five years nor more than twenty-five years" and insert in lieu thereof the following: "ten years and up to life".

Mr. MINSHALL. Mr. Chairman, it is my firm conviction that the Committee of the Whole this afternoon certainly reflects the mood of America. They want stiffer, stricter laws as pertains to felonies committed with a firearm.

My amendment speaks for itself. We change Mr. POFF's amendment from "not less than a year" to a mandatory sentence of 5 years for the first offense and up to life imprisonment; and in the case of a second offense, 10 years mandatory sentence up to life imprisonment.

Mr. Chairman, I do not believe that mere words spoken here this afternoon could emphasize more strongly than the language of this amendment—"up to life imprisonment for anyone commiting a felony with the use of a firearm."

America wants, needs and demands a strong gun law that will provide heavy penalties for the criminal who commits a felony with a firearm.

I hope the Committee will agree to this amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Ohio [Mr. MINSHALL] to the substitute amendment offered by the gentleman from Virginia [Mr. POFF] for the amendment offered by the gentleman from Texas [Mr. CASEY].

The amendments to the substitute amendment were rejected.

AMENDMENT OFFERED BY MR. POLLOCK TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. POFF

Mr. POLLOCK. Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from Virginia [Mr. POFF] for the amendment offered by the gentleman from Texas [Mr. CASEY].

The Clerk read as follows:

Amendment offered by Mr. POLLOCK to the amendment offered by Mr. POFF as a substitute for the amendment offered by Mr. CASEY: Delete "one year nor more than ten years", and insert "five years nor more than twenty-five years."

Delete "five years nor more than twenty-five years", and insert in lieu thereof "ten years and up to life."

Mr. CORMAN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from California reserves a point of order against the amendment offered by the gentleman from Alaska [Mr. POLLOCK].

The gentleman from Alaska is recognized for 5 minutes in support of his amendment.

Mr. POLLOCK. Mr. Chairman, the entire discussion today has been related I believe, to one thread going throughout, which is that most of us want to severely punish the criminal. We do not want to unduly harass the law-abiding citizens.

The gentleman from Texas [Mr. CASEY] made the remark several times—and I believe it is absolutely correct—that people do indeed want something done. We will all agree something should be done.

I happen to believe the Poff amendment is a decided improvement over the Casey amendment, for the reasons which have been stated on this floor quite eloquently a number of times today. The thing which bothers me about the Poff substitute to the Casey amendment is that the term of imprisonment is simply not adequate; and I do not believe it will meet the criteria which the people of the United States are demanding of this Congress today.

My amendment would, on the first prison sentence imposed provide for a term of imprisonment of not less than 5 years nor more than 25 years. There would be no provisions which would prohibit suspension of sentence or probation. This is on the first offense only. But, in the case of a second or subsequent conviction under the subsection, the felon would be subject to a term of imprisonment of not less than 10 years and up to life; and in this instance the term could not be suspended and probation could not be granted; and further, the terms of the second offense could not be imposed to run concurrently with any term of imprisonment for the commission of the felony itself.

Now, with reference to the Casey amendment, I believe many of us do have a very real fear of making State crimes Federal crimes. I want just as much as my good friend from Texas to provide something very severe as a punishment for the criminal. But my answer to that approach is that the States should enact similar or uniform bills to do that which the gentleman proposes. My own State of Alaska happens to have one in force now, which provides a minimum of 10 years in the first instance and 25 years for the second and subsequent offenses.

I believe that many of us have a fear, and a reason to fear, the creation of a massive Federal police force, which would be created under the Casey amendment.

The Poff substitute to the Casey amendment is stronger than the Casey amendment—there is no question about it—in many respects; but it is simply not strong enough in the terms imposed for the offenses. If we do indeed want something accomplished today, if we want to provide a severe penalty for the criminal, for the man who takes a gun and commits a felonious and heinous crime of violence the second time, then we have the means here to really impose a very heavy sentence, and that is just what we should do to take the unlawful and dangerous gunslinger out of circulation.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. POLLOCK. I yield to the gentleman from New York.

Mr. BINGHAM. Could the gentleman explain how his amendment differs from the amendment just voted down, offered by the gentleman from Ohio [Mr. MINSHALL]?

Mr. POLLOCK. I shall be happy to. The only difference between the amendment submitted by the gentleman from Ohio and my own is that his would have provided a term up to life for the first offense. I would limit the imposition of sentence for the first offense to a term of imprisonment of not less than 5 years nor more than 25 years.

Mr. BINGHAM. The principle is the same?

Mr. POLLOCK. The principle is indeed the same. The difference is simply a matter of not making the sentence go up to life for the first offense, but it would be up to life for the second and subsequent offenses.

Mr. RANDALL. The second offense is for what term?

Mr. POLLOCK. For a term of imprisonment of not less than 10 years and up to life. But in the second instance the imposition of the term of imprisonment could not be suspended and probation could not be granted. Also, the term imposed could not run concurrently with the term of imprisonment imposed for the commission of the felony itself.

Mr. RANDALL. The gentleman from Alaska has a very strong amendment, and I think it ought to be adopted.

The CHAIRMAN. Does the gentleman from California withdraw his point of order?

Mr. CORMAN. Mr. Chairman, I withdraw my point of order.

Mr. PODELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe we have finally come to the realization that in our system of penology the amount of punishment is not a deterrent to crime. While none of us wish to coddle the

criminal, penologists have over the years certainly begun to realize that the length of the term of sentence will never deter a criminal from the act of committing a crime. As a matter of fact, it is interesting to note that there is one country where in the event the crime of stealing or larceny is committed the individual who is convicted has his hand cut off. That is the hand that does the stealing. This has manifested itself, of course, in that the criminal no longer steals with that hand. It did not, however, reduce crime in that country.

I think these amendments which make the punishment more stringent are not the solution. I would certainly go along with the Poff amendment, which gives discretion to the court and the judge. These additional amendments making the punishment more estringent will not go to the cure of the problem.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PODELL. Yes. I yield to the gentleman.

Mr. GROSS. In the case of the country where a hand is cut off for stealing they probably have very few second offenders and no third offenders.

Mr. PODELL. I would like to bring to the attention of the gentleman that they do have second offenders; but no second offenders with that hand.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the so-called Pollock amendment conclude in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Chairman, I can see certain advantages in the so-called Poff substitute, but it occurs to me that it suffers from a fatal flaw in that it applies its additional penalty only to those offenses which are already punishable in Federal court, and which already carry penalties considerably more severe than would be applied here.

If we are really serious about striking a hard blow against the misuse and abuse of firearms, it seems to me that we should support the Casey amendment. The Casey amendment makes these additional penalities both certain and severe. More important, perhaps, is the fact that it makes these penalties applicable to the commission of the gamut of violent crimes which we must curb if we are to make a real impact with this legislation upon the appalling climate of crime and violence in this country.

Mr. Chairman, I believe the Casey amendment would do more than any other proposal thus far advanced to curb violence and crime and the abuse of firearms in the United States.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. CASEY].

Mr. CASEY. Mr. Chairman, let us review just what is pending before the House and the provisions which are contained in the various amendments which have been proposed. Let us review the positions that have been taken.

First, the provisions of my amendment were too high. Second, it was too lenient because the judge could exercise certain discretion. Before that, they said the courts needed discretion. Bear in mind that even though the sentence, under my amendment might be all or partially suspended, the defendant would be under the sentence subject to terms of the suspension for 10 years.

Mr. Chairman, let me say to the members of the Committee of the Whole House on the State of the Union that if you are going to really strike at the criminal and really give the courts something to deal with, let us stick with my amendment. I want to point out again to the gentleman from Virginia [Mr. POFF] that only about 1,600 cases a year would be affected by his amendment, if adopted.

Mr. Chairman, when one considers the number of heinous crimes committed with firearms, I think you are going to be sorry when you go back home and tell your constituency that you voted for legislation which would cover about 1,600 of these 180,000 thugs.

Let us get after all of them. So, I urge you to vote down the Poff substitute and stick with the amendment which we now have, the Casey amendment.

The people are ready to pay for additional courts if they are needed. And if more prisons are needed let us build them.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. DEVINE].

Mr. DEVINE. Mr. Chairman, it is necessary for us to draw upon the expertise of Representatives of the House who have faced these problems and have a rich background in the various areas of crime control which deserve the consideration of the members of the committee.

Mr. Chairman, some of us here are former law enforcement men and some of us are former district attorneys and some of us have served in other similar capacities.

Mr. Chairman, the real issue here is whether or not we should have mandatory sentences as provided by the Poff substitute that would take from the judge the discretion of suspending a sentence or the discretion of placing an accused on probation. I think we can reach a moderate ground on this question by not approving the sentence to 5 years as has been suggested previously.

Mr. Chairman, I am reminded of the time when I served in the Ohio Legislature with the gentleman from Ohio [Mr. LATTA]. I sponsored in the Ohio Legisture a bill to provide for mandatory jail sentences for driving while intoxicated. The mandatory sentence was for a period of 10 days. They reduced it during the course of the consideration of the measure to 3 days. Our judges—and bless them—had to handle these cases on a mandatory basis and as a result thereof they had the sentence start on Friday night at 10 minutes to 12 o'clock and to end on Sunday morning at 5 minutes after 12 a.m.

Mr. Chairman, it is my opinion that we have to impose the mandatory sentence as suggested by the gentleman from Virginia, but not for the 5-year term provided for by the amendment of the gentleman from Alaska [Mr. POLLOCK].

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. SANDMAN].

Mr. SANDMAN. Mr. Chairman, I think that the only amendment that has been offered today that we can adopt is the Poff amendment. However, the Poff amendment in my opinion does not have any particularly great impact, at least in the State that I come from. I do not know of any felony which is committed in New Jersey, whereupon conviction, a man receives less than a 1-year sentence. Therefore, the Poff amendment is not a stiff law insofar as New Jersey is concerned.

However, I am aware of the fact that you cannot make the minimum mandatory sentence too stiff because if you do, you will lose convictions. But I do believe it is necessary to have a mandatory sentence such as that suggested by the gentleman from Alaska [Mr. POLLOCK]. When a man is convicted of a felony while carrying a gun there should be a mandatory sentence that is reasonable, and 5 years is reasonable; it will not hamper the ability of the prosecutor to get convictions. When the offender knows he will get 5 years for such offenses, it is not likely he will carry a gun.

Stiff penalties deter crime. The leading issue is not how to acquire the gun or whether it should be registered—the issue is whether or not the use of the gun has been abused.

The Poff amendment is the best method suggested so far. However, the 1-year mandatory sentence for the first offense of a felony committed while in the possession of a gun is not nearly strong enough; therefore, I support the amendment offered by the gentleman from Alaska which imposes a 5-year mandatory sentence for the first offense and a 10-year mandatory sentence for the second offense.

The Chair recognizes the gentleman from California [Mr. CORMAN], to conclude the debate.

Mr. CORMAN. Mr. Chairman, I rise in support of the Poff substitute, and in opposition to the Pollock amendment.

Now, there is no question but that certainty of punishment is a great deterrent, but we are not talking about the certainty of the punishment in weighing between Pollock and Poff. If we were, we would have to tip the scales in favor of Poff, because every prosecutor knows that when you have a strong mandatory penalty for a first offense, there is reluctance on the part of the jury to convict.

Now, the judge will have a minimum of a year to the possibility of going up to 10 years, not as the total punishment, but as the punishment just for the involvement of the weapon. He still has the principal statute on which he can impose a sentence.

Mr. Chairman, it seems to me that the Poff substitute is well thought out, is reasonable, and will act as a deterrent to anyone bent on committing Federal crimes from using a weapon.

Most important of all, I believe it will lend itself to convictions and to certain penalties. To go to the excess of the Pollock amendment to the substitute,

will diminish the possibility of conviction in a great number of cases of a first offense. Beyond that when we hear about these judges who say "we are going to impose a maximum sentence in a given kind of case" before they ever see the defendant, or know the circumstances of the crime, we must be aware of the dangers of gross injustice, and I would suggest that we should not give a judge the ability to put someone in jail for 25 years if we have judges who are going to say, before they hear any evidence in a specific case, that they are going to mete out the maximum punishment. I believe 1 to 10 and 5 to 25 years are reasonable, and rational.

Mr. Chairman, I hope the Pollock amendment will be defeated, and that the Poff substitute amendment will be carried.

Mr. HALL. Mr. Chairman, for weeks now we have been inundated with material on guns. Statistics, citizens' committees, mailing campaigns, and proposed legislation both pro and con, have appeared from all parts of the country.

I am convinced that we have heard everything that possibly could be said about these cold inanimate objects. Yes, these are nonliving things composed of steel, aluminum, wood, and/or fiberglass. Items of such composition have no conscience, nor do they possess feelings. They are completely subservient to the direction or misdirection of man.

For these reasons, I believe that the sounder legislative approach, is to put sanctions on man and his actions. By controlling man and his acts only, can we control these tools by which he commits acts of violence. Man is subject to legislation, although I sometimes question if love and morals should be included.

Man has taken guns in hand and has committed every conceivable crime. Would it not make more sense to have legislation aimed specifically at man? Would it not be desirable to maintain the legal and availability of firearms for those persons who find the protection of the law inadequate and wish a gun for self-defense, or who hunt for profit or pleasure?

Mr. Chairman, if time permits today, I plan to submit two amendments to H.R. 17735, the State Firearms Control Assistance Act of 1968. These amendments are aimed specifically at the man or criminal behind the gun. They would provide for mandatory sentences for those convicted of certain felonies where a firearm is used.

My first amendment would apply a 5-year mandatory sentence when one is convicted of certain Federal felonies when the use of a gun is involved. This amendment pertains to the Federal crimes that are codified in title 18 of the United States Code.

My second amendment would invoke the commerce clause of the Constitution to place a 5-year minimum sentence on anyone who possessed, during the commission of the certain State felonies, a firearm that was transported across State boundaries. This amendment also has a mandatory sentencing provision. It is my hope that this amendment would serve as a model for State legislation regarding those convicted in State courts.

Mr. Chairman, in the event that the gun bill is passed or rejected without these amendments, or similar ones, I certainly plan to submit them for legislative consideration. They follow:

AMENDMENTS TO H.R. 17735, AS REPORTED, OFFERED BY MR. HALL

AMENDMENT 1

On page 32, after line 11, insert the following new section:

SEC. 3. (a) Chapter 227 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3575. Possession of a firearm; increase in sentence

"In addition to any sentence imposed upon any person after his conviction for the commission of an offense punishable as a felony (other than involuntary manslaughter) under chapter 51 (homicide), chapter 55 (kidnaping), chapter 84 (Presidential assassination, kidnaping, and assault), chapter 99 (rape), or chapter 103 (robbery and burglary), of this title, there shall be imposed upon such person if he possessed a firearm (as defined in section 921 of this title) during the commission of any such offense, an additional sentence of five years' imprisonment. The imposition or execution of any sentence imposed under this section may not be suspended, and probation may not be granted.".

(b) The table of sections for chapter 227 of title 18, United States Code, is amended by adding at the end the following new item:

"3575. Possession of a firearm; increase in sentence."

Redesignate the succeeding sections accordingly.

On page 32, line 13, immediately before "this" insert the following: "section 2 of".

On page 32, line 15, strike out "amendment" and insert the following: "amendments".

AMENDMENT 2

On page 20, after line 8, insert the following:

"(m) Whoever—

"(1) has been convicted in any State court of a burglary, a kidnaping, a homicide (other than involuntary manslaughter), a rape, or a robbery, punishable by imprisonment for a term exceeding one year; and

"(2) possessed during the commission of any such crime a firearm (as defined in section 921 of title 18, United States Code) which was transported in interstate commerce;

shall be imprisoned for not less than five nor more than ten years. The imposition or execution of any sentence imposed under this section may not be suspended, and probation may not be granted.

On page 27, line 12, immediately after "chapter" insert the following: "(other than subsection (m) of section 922)".

Mr. HORTON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from Virginia [Mr. POFF]. When I entered the House Chamber this afternoon, I came prepared to offer an amendment which would provide stiff, mandatory sentences of imprisonment for persons convicted of committing violent crimes with firearms.

The bill now before us, Mr. Chairman, provides several badly needed Federal controls on the interstate sale and importation of firearms. It takes several needed steps toward seizing from the criminal, the opportunity to purchase guns with which to further his attack on the lives, property, and safety of innocent Americans.

But what this bill lacks, Mr. Chairman, is a clear-cut focus on the criminal who is apprehended and convicted of a violent crime with the use of a firearm. The Committee on the Judiciary, has, in its wisdom, seen fit to report favorably on stiff controls on the possession, sale, and transportation of firearms, and they have taken appropriate care to protect the rights of those citizens whose interest in owning and using firearms is, far from criminal, but is instead directed at recreation, through the shooting sports, and through the encouragement of firearms safety and good marksmanship.

But without amendment, Mr. Chairman, this bill lacks a specific focus on the cause of much of the fear, the danger, the violence, and the disorder in America. It lacks the teeth which would enable our Federal law enforcement efforts to move toward snuffing out America's public enemy No. 1—the criminal.

According to the Director of the Federal Bureau of Investigation, the Honorable J. Edgar Hoover, there has been a sharp increase in crimes of violence, particularly those crimes involving firearms. In a letter earlier this week to my colleagues here in the House, I pointed out some statistics from the FBI records.

Let me now repeat those figures.

In 1967 one of every five assaults was committed with a firearm. Vicious street crimes, such as armed robbery, jumped 30 percent last year. Firearms were used in 58 percent of all robbery offenses. Sixty percent of the people murdered during 1966 were killed by firearms. That was 6,000 persons.

When a person commits a crime with a firearm, he uses his weapon to terrorize his victim with the threat that, with the flick of his finger, he can snuff out one or more innocent lives. Even where the crime does not result in death or injury, the use of a gun extends both its potential and actual seriousness beyond that of crimes committed without deadly weapons or with weapons effective only at a very short range. The "equalizer" as it has been called, is a tool of terror, death, and injury in the hands of a criminal. He who stoops to point its barrel at an innocent victim, for money, for revenge, for "kicks," or for any other purpose, deserves to be singled out by the laws as the worst kind of social menace.

Mr. Chairman, I believe that this amendment, which adds more severity to the punishment of such offenders, is a legislative necessity. This amendment adds a mandatory sentence of not less than 1 year nor more than 10 years to the prison term of anyone who:

First, uses a firearm to commit any felony which may be prosecuted in a court of the United States; or

Second, carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States.

This amendment takes a further important step—by singling out repeat of-

fenders. In cases of second or subsequent offenses, this provision would impose a mandatory 5- to 25-year prison term. Any term of imprisonment imposed under this section would not be suspended, not be subject to probation, not be imposed to run concurrently with any term of imprisonment imposed for the commission of the felony itself.

Mr. Chairman, there is one area which this amendment does not cover, which was covered in the amendment I prepared to offer here today. It does not enable Federal prosecutors to seek these stiffer penalties for persons guilty of violent crimes in the several States. It is, after all, the States, which have principal responsibility for enforcement of laws against violent crimes. But even without the specific inclusion of this provision, I am hopeful that the House will adopt this amendment, and that its implementation and strict application will inspire the States to follow suit in their own criminal codes.

This is an essential provision of law, Mr. Chairman, and I implore my colleagues to support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska [Mr. POLLOCK] to the substitute amendment offered by the gentleman from Virginia [Mr. POFF].

The amendment to the substitute amendment was rejected.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Virginia [Mr. POFF] to the amendment offered by the gentleman from Texas [Mr. CASEY].

The question was taken; and on a division (demanded by Mr. CASEY), there were—ayes 158, noes 30.

So the substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. CASEY], as amended, by the substitute amendment.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. M'CLORY

Mr. McCLORY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCLORY: On page 32, after line 11, insert——

Mr. McCLORY. Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

Mr. DINGELL. Mr. Chairman, I object.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 32, after line 11, insert the following:

"CHAPTER 44a—REGISTRATION OF HANDGUNS

"Sec.
"931. Definitions
"932. Registration
"933. Sales of Firearms and Ammunition
"934. Penalties
"935. Disposition of Firearms to Secretary
"936. Rules and Regulations: Periods of Amnesty
"937. Disclosure of Information
"938. Assistance to Secretary

"§ 931. DEFINITIONS.—As used in this chapter—

"(1) The term 'firearm' means a weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, but shall not include a firearm as that term is defined in chapter 53 of the Internal Revenue Code of 1954, or a rifle, shotgun or antique firearm as those terms are defined in section 921 of this title.

"(2) The term 'Secretary' means the Secretary of the Treasury.

"(3) The term 'licensed dealer' means any importer, manufacturer, or dealer licensed under the provisions of chapter 44 of this title.

"(4) The term 'ammunition' means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

"(5) The term 'sell' means give, bequeath or otherwise transfer ownership.

"(6) The term 'possess' means asserting ownership or having custody and control not subject to termination by another or after a fixed period of time.

"§ 932. REGISTRATION.—(a) It is unlawful for a person knowingly to possess a firearm not registered in accordance with the provisions of this section. This subsection shall not apply with respect to—

"(1) a firearm, previously unregistered, if such firearm is held by a licensed dealer for purposes of sale: *Provided*, records of such firearms are kept as may be required by the Secretary;

"(2) a firearm possessed by a person on the effective date of this Act and continuously by such person thereafter for a period not to exceed one hundred and eighty days;

"(3) a firearm, previously unregistered, possessed by (A) the United States or any department or agency thereof, or (B) any State or political subdivision thereof.

"(b)(1) A licensed dealer who sells a firearm to a person in whose possession the firearm must be registered shall require from the purchaser a completed application for the registration of the firearm and shall file the application with the Secretary at the time of sale.

"(2) When a person other than a licensed dealer sells a firearm, the purchaser shall file an application for its registration with the Secretary prior to receipt of the firearm.

"(3) A person who possesses a firearm on the effective date of this Act shall, unless he sooner sells the firearm, file an application for registration of the firearm with the Secretary within one hundred and eighty days.

"(3) An application for registration of a firearm shall be in a form to be prescribed by the Secretary, which shall include at least the following:

"(1) the name, address, date and place of birth, and social security or taxpayer identification number of the applicant;

"(2) the name of the manufacturer, the caliber or gage, the model and the type, and the serial number of the firearm; and

"(3) the date, the place, and the name and address of the person from whom the firearm was obtained, the number of such person's certificate of registration of such firearm, if any, and, if such person is a licensed dealer, his license number.

"(d) An application for registration of a firearm shall be in duplicate. The original application shall be signed by the applicant and filed with the Secretary, together with a fee of $1, either in person or by certified mail, return receipt requested, in such place as the Secretary by regulation may provide. The duplicate shall be retained by the applicant as temporary evidence of registration. The Secretary, after receipt of a duly filed completed application for registration, shall send to the applicant a numbered certificate of registration identifying such person as the registered owner of such firearm.

"(e) Registration of a firearm shall expire upon any change of the registrant's name or residence unless the registrant shall notify the Secretary within thirty days of such change.

"(f) It is unlawful for a person to carry a firearm required to be registered by this chapter without having with him a certificate of registration, or if such certificate has not been received, temporary evidence of registration, or to refuse to exhibit such certificate or temporary evidence upon demand of a law enforcement officer.

"§ 933. SALES OF FIREARMS AND AMMUNITION.—(a) A registrant of a firearm who sells the firearm shall, within five days of the sale, return to the Secretary his certificate of registration, noting on it the name and residence address of the transferee, and the date of delivery.

"(b) Whoever acquires a firearm required to be registered by this chapter shall require the seller to exhibit a certificate of registration, and shall note the number of the certificate on his application for registration.

"(c) A licensed dealer shall not take or receive a firearm by way of pledge or pawn without also taking and retaining during the term of such pledge or pawn the certificate of registration. If such pledge or pawn is not redeemed the dealer shall return the certificate of registration to the Secretary and register the firearm in his own name.

"(d) The executor or administrator of an estate containing a registered firearm shall promptly notify the Secretary of the death of the registrant and shall, at the time of any transfer of the firearm, return the certificate of registration to the Secretary as provided in subsection (a). The executor or administrator of an estate containing an unregistered firearm shall promptly register the firearm, without penalty for any prior failure to register it.

"(e) Whoever possesses a firearm shall within 10 days notify the Secretary of a loss, theft or destruction of the firearm, and if, after such notice, the firearm is recovered, shall notify the Secretary of the recovery.

(f) A licensed dealer shall not sell ammunition to a person for use in a firearm required to be registered without requiring the purchaser to exhibit a certificate of registration or temporary evidence of registration of a firearm which uses such ammunition, and noting the certificate number or date of the temporary evidence of registration on the records required to be maintained by the dealer pursuant to section 923(d) of this title.

"§ 934. PENALTIES.—(a) Whoever violates a provision of § 932 or § 933 shall be punished by imprisonment not to exceed two years, or by a fine not to exceed $2,000, or both.

"(b) Whoever knowingly falsifies any information required to be filed with the Secretary pursuant to this chapter, or forges or alters any certificate of registration or temporary evidence of registration, shall be punished by imprisonment not to exceed five years or a fine not to exceed $10,000, or both.

"(c) Except as provided in subsection (b), no information or evidence obtained from an application or certificate of registration required to be submitted or retained by a natural person in order to comply with any provision of this chapter or regulations issued by the Secretary, shall be used as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application for registration containing the information or evidence.

"§ 935. DISPOSITION OF FIREARMS TO SECRETARY.—(a) The Secretary is authorized to pay just compensation for firearms voluntarily relinquished to him.

"(b) A person who lawfully possessed a firearm prior to the operative effect of any provision of this title, and who becomes ineligible to possess such firearm by virtue of such provision, shall receive just compensation for the firearm upon its surrender to the Secretary.

"§ 936. RULES AND REGULATIONS; PERIODS OF AMNESTY.—The Secretary may prescribe such rules and regulations as he deems reason-

ably necessary to carry out the provisions of this chapter, including reasonable requirements for the marking of firearms that do not have serial numbers, and may declare periods of amnesty for the registration of firearms.

"§ 937. DISCLOSURE OF INFORMATION.—Information contained on any certificate of registration or application therefor shall not be disclosed except to the National Crime Information Center established by the Federal Bureau of Investigation, and to law-enforcement officers requiring such information in the performance of their official duties.

"§ 938. ASSISTANCE TO SECRETARY.—When requested by the Secretary, Federal departments and agencies shall assist the Secretary in the administration of this title."

Mr. DINGELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane.

The CHAIRMAN. The Chair will be glad to hear the gentleman on the point of order.

Mr. DINGELL. Mr. Chairman, the fundamental purpose of the amendment must be germane to the bill. Here the amendment goes far beyond the purposes of the bill and imposes a whole new series of responsibilities on the Secretary, including registration of firearms, regulation of estates of decedents, and provides a means whereby firearms may be turned in under periods of amnesty, and sets forth the provisions whereby registration will be regulated by the Secretary.

The purpose of the rule on germaneness, as I understand it, and I quote: "is to prevent hasty and ill-considered legislation, prevent propositions being presented for consideration of the body which might not be reasonably anticipated and for which the body might not be properly prepared."

This is from a decision by John J. Fitzgerald, September 22, 1914.

Here, Mr. Chairman, we are possibly faced with two individual propositions.

If that is so, Mr. Chairman, I submit an individual proposition may not be amended by another individual proposition even though the two might perhaps belong to the same class. But since, Mr. Chairman, this bill is a general prohibition against the transportation of firearms in interstate commerce, as both its title and proponents attest, then the provisions of the rules state a general subject may not be amended by specific propositions of the same class. For example, in a case concerning foods, fuels, apparel, rent, and machinery, an amendment adding to that law, "cotton," was not germane.

Two subjects, Mr. Chairman, are not necessarily germane because they are related. For example, under a bill prohibiting sale of liquor in Alaska, it was held an amendment providing for a licensed system of sale was not germane.

I would stress, Mr. Chairman, this particular ruling was particularly relevant to the matter we have before us today.

In another case before the body, Mr. Chairman, a proposal to investigate the cost of armor plate was faced with an amendment to fix the terms of purchase. In that instance, Mr. Chairman, it was again held not germane.

Further, Mr. Chairman, in provisions relating—and there are several, Mr. Chairman, in this body—to commerce between the States, it has been universally held that amendments relating to commerce within the States are not germane.

Another example, Mr. Chairman, in the case of a general tariff bill, it was held an amendment creating a tariff board was not germane.

Further, Mr. Chairman, in matters wherein the legislation would have granted discretionary powers, mandatory restrictions for the use of powers were held not germane.

I would point out, Mr. Chairman, this particular ruling is again very relevant to the matter before the body.

Further, in a proposal to regulate grain exchanges by taxation, it was held to regulate them by prohibition of transmission of message was not germane.

I submit, in conclusion, the amedment offered by my friend goes far beyond the matter before the House, compels entirely new duties and responsibilities, adds entirely new classes of persons, creates entirely new regulatory problems, and, indeed, advances and enhances in enormous manner the scope of the bill, far beyond that which was submitted to this body and far beyond that which was contemplated by the committee.

I would point out, Mr. Chairman, that this body has not had the opportunity to consider the legislation that the gentleman would add to this bill, and I would point out, Mr. Chairman, no hearings have been held, and I suspect the body would be entirely unprepared to vote on a proposal of such sweeping impact, and upon which so little preparatory work has been done by the committee responsible for this bill.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MCCLORY] desire to be heard on the point of order?

Mr. MCCLORY. Mr. Chairman, I would like to be heard briefly.

Mr. Chairman, I would like to point out this bill we are considering today is the State Firearms Control Assistance Act of 1968, and the purpose of my amendment is to assist the States and to assist the Federal Government in carrying out and in enforcing the provisions of the main bill.

Certainly, firearms and handguns, which are the subject of my amendment, are subjects which are frequently used in interstate commerce and in which there is a great traffic in interstate commerce, and with respect to which we have recently enacted certain legislation.

Furthermore, handguns are used in connection with the commission of a great many Federal crimes with which the Congress of the United States is concerned, such as crimes against the postal service and the assassination of public figures and such things as that.

This amendment will facilitate enforcement and the carrying out of the congressional objectives and purposes from this registration, and also will fulfill the needs with regard to attending to the movement of this type of firearm in interstate commerce. I suggest that it is entirely germane. With respect to the other subjects to which the gentleman made reference, which do not in my opinion relate to the subject of germaneness, I shall respond to in general debate.

Mr. RAILSBACK. Mr. Chairman, I should like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman, and trusts he will be brief.

Mr. RAILSBACK. Mr. Chairman, I shall try to be brief.

There is a provision, I believe, in the gentleman's amendment, section 935, which would have the effect of authorizing the Secretary to pay just compensation for firearms which are voluntarily relinquished to him. It seems to me, with estimates ranging anywhere from 50 million firearms outstanding to 200 million firearms outstanding, this could be a tremendous drain on the Federal Treasury. It would seem to me, with respect to the point of order, that especially when considered in the light of this particular provision the amendment goes much farther than anything included in the original bill. If 50 million people decided voluntarily to turn in their firearms, say at $25 apiece, that would cause a drain of about $1,250 million on the Federal Treasury.

The CHAIRMAN (Mr. ROONEY of New York). The Chair is prepared to rule.

The gentleman from Michigan [Mr. DINGELL] has made a point of order against the amendment offered by the gentleman from Illinois [Mr. MCCLORY].

The Chair has listened carefully to the arguments on each side. The Chair might say, with regard to the statement by the distinguished gentleman from Michigan [Mr. DINGELL] that his reference to the late John J. Fitzgerald brought back many memories to the present occupant of the Chair. The late John J. Fitzgerald who was chairman of the full House Committee on Appropriations at the time of World War I, voluntarily retired from the House of Representatives after many years of distinguished service, to engage in the practice of the law in New York City. Subsequently the late Franklin D. Roosevelt, when he was Governor of the State of New York, appointed John Fitzgerald a county judge of Kings County. In later years the present occupant of the chair when he was a prosecutor tried a number of murder cases before the same John J. Fitzgerald.

Now, with regard to this point of order, the bill which the Committee of the Whole is now considering seeks to regulate the various transactions involving rifles, shotguns, and handguns. It provides for the identification of such firearms by manufacturers and importers and, as amended by the Committee on the Judiciary and by this committee earlier this afternoon, specifies that this identification shall include serial numbers. Licensed importers, dealers, and manufacturers are required to retain descriptions of the firearms with which they deal.

The amendment proposed by the gentleman from Illinois [Mr. McCLORY] is drafted as a further amendment to title 18, United States Code, the same portion of the Code amended by the pending bill. It carries the concept of registration or identification to the persons having handguns in their possession. The system of registration established by the amendment would be under the jurisdiction of the Secretary of the Treasury, the same officer designated for this purpose by the bill.

The Chair notes that the bill makes at least three major innovations in the existing law concerning gun control: it extends that law with respect to transactions in rifles and shotguns; it brings ammunition within the scheme of the law; and it modifies the law regarding shipment and sale of destructive devices. Since present law is modified in the foregoing ways, an additional change in the law and the bill—a change that is an extension of a subject already carried in the bill—is germane.

The Chair therefore overrules the point of order.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield for a question.

Mr. STRATTON. Mr. Chairman, does the gentleman's bill provide for this registration by the Federal Government, or does the gentleman give the States the authority or perhaps the mandate to license the guns themselves?

Mr. McCLORY. This is Federal legislation and I will bring out certain points as to why it should be that way. There are many who feel that there should not be this type of registration.

Mr. Chairman, getting back to my statement the cost to which I referred as a result of crimes committed with firearms does not include the number of American lives that are lost because of firearms, some 20,000 a year, including 7,000 murders and other homicides.

Now, many may ask why there should not be State registration of handguns inasmuch as there is State registration of automobiles, boats, and of many other things. Indeed, I am one who honestly supports the performance of governmental functions at the lowest possible level.

In the case of firearms, it would seem to me that maximum benefit and minimum cost would result from a national registration system.

I am sure that many have visited the FBI National Crime Information Center. Information as to stolen vehicles is available to local and State law enforcement officials in a matter of minutes and sometimes in only seconds. Furthermore, there is one registry instead of 50 or more. This is a type of operation which is particularly suitable to computers, and where a service can be rendered to all law enforcement officials equally.

Consider, for instance, the subject of a crime investigation, where the police have located a gun and want to ascertain the ownership of the last owner. If transported illegally across State lines, which would certainly be the case in many instances, the difficulty of tracing that ownership and assisting in the apprehension of the criminal would seem to be impeded by a requirement for State registration.

Moreover, if only some of the States enact such registration laws, the entire purpose is thwarted. The gun is a mobile article—it can be moved freely and secretly without ready detection. This amendment is closely related to the precise subject with which we are involved today in this measure—the prohibition of interstate trafficking in guns.

It seems to me that a program for national registration of handguns would be most beneficial to the law-abiding citizens as well as our dedicated law enforcement officials.

When J. Edgar Hoover, Director of the FBI, was queried recently about registration, he declared:

> I see no great problem to the individual in requiring all guns to be registered, if the owner has nothing to hide and if he is a law abiding citizen.

Mr. Hoover went on to say that:

> If the best that could be done would be to get the registration of handguns, that would be a step in the right direction because they are the guns that are used principally in murders.

Mr. Chairman, this amendment is definitely a step in the right direction. It is a step in behalf of the law-abiding citizen. It is a long step toward detecting and apprehending those who violate the law and in so doing use firearms.

The amendment provides specifically that none of the information in the application for registration shall be available except to law enforcement officials—that is further assurance to the law-abiding citizen that the record is between himself and the Secretary of the Treasury, and is available only to those who enforce the law, and not the law breakers.

I have been asked about the cost of such a national registration program. Let me say, first of all, that the cost is but a fraction of the amount that may be saved through the reduced number of burglaries and robberies—to say nothing of the lives that, I believe, can be saved.

But to be more specific, I would estimate that the cost of setting up such a Federal registration system might total about $15 million, with a continuing cost per year of $8 to $10 million a year.

While prosecution of violations of this registration would be brought in the Federal courts, the enforcement could be undertaken by local and State law enforcement officials.

My attention has been drawn to several public opinion polls—all of which appear to favor strong gun control legislation, including registration of firearms. The amendment which I offer has brought overwhelming popular support. I believe it has support in the hearts and minds of the Members of this body.

Today, indeed, is a momentous one in our Nation's history—and I hope our voice will ring out loud and clear in behalf of respect for law and in respect for the rights of others—including a right to find greater protection against an almost unrestricted use of firearms in this country.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from New York.

Mr. McCARTHY. Mr. Chairman, I want to compliment the gentleman from Illinois for his courage and independence in offering this amendment. We all know that it took some guts.

Mr. Chairman, I have called up the Department of Justice just this morning. We have heard a lot of talk about mandatory sentences. Well, what good is it if the criminal is never brought to justice? I received these figures from the Department of Justice.

Last year there were 71,000 armed robberies in this country. How many of those remain unsolved, where the criminal has never been brought to justice? Seventy percent.

Of the 55,000 assaults with firearms last year, 31 percent remain unsolved. And of the 7,700 murders, 12 percent remain unsolved.

Mr. Chairman, I believe what the gentleman from Illinois is offering is a method not only of deterring the potential criminal from obtaining a firearm, but also detecting the owner of that gun and assisting in his apprehension if he should commit a crime.

Mr. McCLORY. I thank the gentleman for his contribution and for his support of this legislation.

Mr. Chairman, let me say that the International Association of Chiefs of Police, the National Association of Counties, and the U.S. Conference of Mayors, and a great many other organizations support this legislation.

This legislation was presented by the Department of Justice, and prepared there, and it has their support.

Also I am sure the Members know that it has the support of the President through a message that he delivered here to the Congress.

Mr. Chairman, I have the statement here from Mr. Quinn Tamm, the executive director of the Association of Chiefs of Police, in strong support of this type of legislation.

It seems to me that, in addition to that, there should be overwhelming support for this by the Members.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to join in commending my colleague from the other side of the aisle, and a member of the Committee on the Judiciary, for introducing this—what to me is the most well-thought-out amendment that has been produced to date with regard to this very important legislation. I believe the reasoning of the gentleman is very cogent and sound.

Mr. Chairman, I hope that the amendment will carry.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New Jersey.

Mr. JOELSON. Mr. Chairman, I thank the gentleman for yielding.

I also want to associate myself with the remarks of the gentleman from Michigan [Mr. CONYERS].

Mr. JOELSON. Mr. Chairman, although I deeply regret that it took a series of tragedies to induce the Congress to consider gun control legislation, I am nevertheless pleased that at long last we are doing so.

I know that legislation will not entirely solve the problem, but we must do everything within our power to try to keep guns out of the hands of the wrong people who want them for the wrong reasons. The ease with which immature, irresponsible, and even deranged persons have been able to obtain lethal weapons is disgraceful. I support strong and meaningful control legislation to control this murderous traffic, and I hope that the House will enact an effective measure.

Registrations of handguns will not prejudice law-abiding citizens, and the slight inconvenience will be more than compensated for by the aid to law enforcement that this amendment will provide.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, I thank the gentleman for yielding.

I want to congratulate the distinguished Member from Illinois [Mr. McCLORY] for the amendment he has introduced.

The McClory amendment is vital and long overdue. Handguns, in the main, are kept in drawers and cupboards as a protection against intruders, but a large number of them are in the hands of criminals. It was handguns not long guns which were used in the 40,000 armed assaults and 50,000 armed robberies perpetrated last year. Because it is so easy to conceal, it is an ideal weapon for the mentally deranged, emotionally disturbed, alcoholistic dope addicted, and the plain garden-variety thugs which roam with such freedom in our cities today.

The McClory amendment which would make the registration of all handguns mandatory, will provide the police with much more effective control over the criminals who are terrorizing our citizenry.

The sportsmen, like myself who do like to use handguns for target shooting, and the hundreds of other Americans who want a handgun to protect their home, will not be denied handguns by this amendment. They will merely have to register their guns in the same way that they register their car and dog.

The McClory amendment will be a major step toward controlling the rising wave of crime in our country. The Bingham amendment, soon to be offered, makes another important step toward the same goal by providing for the registration of all guns in America as long-guns, shotguns as well as handguns.

Mr. Chairman, it is not enough just to register handguns. The rifle, long gun, and shotgun are widely used by criminals and account for a good number of the 20,000 people who died last year from the misuse of firearms.

It was a rifle which killed President Kennedy in 1963. It was a rifle which killed Dr. Martin Luther King last April. It was a rifle which Charles Whitman used, only a few miles from where President Kennedy was assassinated, to murder 13 people and wound 30 others from the top of a tower at the University of Texas.

The Bingham amendment will not prevent a single legitimate hunter or sportsman from purchasing rifles, long guns and shotguns. It merely provides for the registration of all guns. The hunter will still be able to buy his favorite shotgun for the fall duck shooting; the sportsmen his favorite rifle for clay pigeon shooting. But the extremist groups which have found it so easy in the past to arm themselves to the teeth, would find it more difficult to purchase weapons, with the police having a register of all firearms in the country.

It is the extremist groups who are the main opponents to this law. On either side of the spectrum, the Klu Klux Klan, the Minutemen, Christian Youth Corps, the National States Rights Party, the Paul Revere Association Yeomen, the Black Revolutionary Action Movement, and the Black Panthers, are all lined up against this amendment and this bill.

If this amendment fails, the extremist groups will be able to continue to arm themselves with the ease which they have done in the past. For a charge of $10 any member of an extremist group can set himself up as a gun dealer, and not only arm his unit, but also arm the unit at wholesale prices.

The third amendment which must be passed this afternoon is also being offered by Mr. McCLORY and would provide for the licensing of all gun owners with the police. This would allow the police even more control over the criminals within our society.

All three of these amendments have been endorsed by leading newspapers across the country.

The New York Times stated today:

> It is imperative that Congress approve the bipartisan amendments sponsored by Representatives McClory of Illinois and Bingham of New York to require the registration of every gun and the licensing of every gun owner with the police. The prattle about "hardships" for sportsmen is silly. Gun registration would be no more of a hardship than walking to the post office to by stamps or applying to the State Department for a passport.
>
> Let no Congressman think that he will have done his duty by voting for a mail order ban on rifles and shotguns. This issue is not going to go away until registration and licensing are required by law.

In discussing the three amendments this morning, the Washington Post stated.

> An affirmative vote on all three proposals would send to the Senate a gun bill based on the recommendations of the John Glenn Committee and the Justice Department. It would open the way for the kind of sound and sensible gun controls which this country needs and most of the world's most advanced nations already have.

Mr. Chairman, leaders in all fields of life and from both political parties, have come out for a strong gun control. The President and all the presidential candidates are supporting gun control.

Attorney General Ramsey Clark has asked:

> How long will it take a people deeply concerned about the crime in their midst to move to control the principal weapon of the criminal: guns? How long will it take us to realize that times have changed, that indiscriminate traffic in guns needlessly subjects thousands annually to death, injury, fear and property loss?

The Attorney General answered his own questions before a Senate hearing last year:

> We are not the pioneer venturing into the wilderness, depending on his rifle for food and protection. We are 200 million highly urbanized and interdependent citizens of the most technologically advanced and affluent nation in history. We must control the indiscriminate flow of firearms to those who use them for crime.

The Justice Department yesterday issued a new compilation of firearm statistics.

Since 1900, the Department said, 600,000 Americans have lost their lives in all of this country's wars, while nearly 800,000 Americans have died through firearms misuse within the country.

It continued:

> States with strong firearms laws tend to have fewer murders with guns than States with weak firearms laws and tend to have lower overall murder rates.

States with strong gun laws such as Pennsylvania, New Jersey, New York, Massachusetts, and Rhode Island have murder rates between 1.4 percent and 4.8 percent per 100,000 persons. States with weak gun laws such as Arizona, Nevada, Texas, Mississippi, and Louisiana, has a murder rate between 6.1 percent and 10.6 percent. In the strong gun law States, the percentage of murders committed by guns ranged from 24 to 44 percent; in the States with weak gun laws it ranged from 62 to 71 percent.

These statistics point to a direct correlation between uncontrolled gun sales and crime. They provide impressive evidence of the effectiveness of gun control as a means of cutting down crime.

We know just how much damage is wreaked by guns. We have statistics pointing to the correlation between multiplying gun sales and the massive increase in crime.

Mr. Chairman, the time to act is now. I urge this Chamber to pass this gun control bill with the three amendments.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, I thank the gentleman for yielding.

I also want to congratulate the gentleman from Illinois for introducing his amendment. I am in favor of it.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the gun-registration amendment of the gentleman from Illinois [Mr. McCLORY]. All afternoon, I have heard speaker after speaker discuss the urgency for action on gun legislation—that America wants something done. However, the emphasis this afternoon is on laws to punish the wrongdoer; the emphasis is on the result rather than the cause.

The efforts to this point have merit—but the only effective deterrent to gun violence is to remove evil and violence from the criminal mind or to curtail the availability of the gun as a tool to the criminally inclined.

Certainly, registration is a stronger gun-control device than any other we have discussed today. It would restrict guns from the incompetent and the irresponsible. It would insure more responsible use of guns by those who have legitimate need for them.

In my judicial experience, I have seen hundreds of defendants discharged with a disclaimer of ownership of a gun discovered at the scene of a crime, or in an automobile at the scene of a crime—return to the police property room and recover the weapon equipped to commit a gun crime on another day. Every month, a major city police department accumulates a ton of guns—subject to being reclaimed by the criminally inclined. This circumstance makes a mockery of justice. This circumstance makes safety on our streets and in our homes an impossible hope.

If the police were able to confiscate and destroy the weapons found at the scene of a crime, they could make some headway in reducing the incidence. If the police were able to connect the abandoned gun to the registrant, the police could then determine if the registrant was in any way connected with the crime. If the registrant should be found unresponsible in permitting his handgun to fall into the hands of criminals or irresponsible people, he could be denied the privilege of registration or reregistration.

Registration will certainly reduce the availability of guns—to only responsible people—and protect their right to weapons from those who are criminally inclined or who would abuse the right.

If we really mean what we say, if we really support strong gun control, this amendment is the proper course. Registration of handguns will come and must come, and the need to legislate must not be put off while additional loss of life occurs while we delay.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to say that I too support the pending amendment, and I will also support the amendment to this amendment to enlarge the coverage to cover long guns, the amendment to be offered by the gentleman from New York [Mr. BINGHAM]. I believe that we need to move in this direction.

Mr. Chairman, I recently completed a poll in my district which showed that about 80 percent of the people favored registration of guns. This was a poll that brought more responses than any poll that I have ever submitted to the people of my district.

Mr. Chairman, again I thank the gentleman for yielding.

Mr. KUPFERMAN. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. KUPFERMAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I just want to add my strong support for the proposal, and the statement of the gentleman from Illinois [Mr. MCCLORY]. I will also support the later amendment by the gentleman from New Jersey [Mr. BINGHAM].

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from California.

Mr. TEAGUE of California. Mr. Chairman, I am no "Johnny come lately" on the subject of stricter gun control. Over 4 years ago, I introduced a bill which would have required registration of guns. My mail was overwhelmingly against my proposal at that time, and I received very few communications from persons who agreed with me. Again, about 3 weeks before Senator Robert Kennedy was assassinated, I stated in my report to my constituents that I could not understand why law-abiding citizens were opposed to the registration and regulation of firearms. I make these statements as evidence of the fact that my present support of the Tydings bill or something of that nature is not based on hysteria.

Before coming to Congress, I owned a shotgun, a rifle, and two pistols. I have given away all of these guns except one pistol, and if I keep that one, I certainly will have no objection to procuring a license to own it and then registering it.

One reason I had the guns was that we had several hundred ground squirrels in a nearby pasture, which had become pests. First, I tried my .22, but do not remember ever hitting one squirrel. Then, I used to sneak up behind oak trees and try to destroy these little animals with my shotgun. There, again, I had little or no success because I was such a horrible shot. We finally had to poison the poor little things.

In the neighborhood of 5,000 persons have communicated with me on one side or the other of the gun issue. I have at least scanned almost all of these letters, wires, postal cards, and petitions. I have the distinct impression that if any hysteria is involved most of it is on the part of those opposed to any action by Congress.

I simply cannot accept the argument that firearms control is some sort of a Communist plot or that it is a prelude to the confiscation of all weapons. I know of no Member of Congress who would deprive any law-abiding citizen of the right to own guns for the protection of himself, his family, and his property, or for use for sporting purposes. It is argued that the registration and the payment of a small fee would be an inconvenience and a hardship. But, to me, if only a few hundred lives are saved per year out of the more than 7,000 which are lost some small inconvenience would be justified.

Of course, we all know that requiring a license to possess guns and to have them registered is not a cure-all for crime. There will be some rather substantial portion of the criminal element which will procure guns through one source or another. However, it seems clear to me that we should make that procurement as difficult as possible. Many persons are apprehended or arrested for such offenses as street fighting, disturbing the peace, and drunkenness, which in themselves are not serious crimes. I believe it would be tremendously helpful if, when such persons have in their possession guns which they are not licensed to possess or registered to them, that this should constitute a more serious offense than the others mentioned. The guns should be confiscated, and the persons involved sentenced to a rather severe term in jail.

One aspect of this whole problem seems to me to have been somewhat neglected. It is, of course, true that a person bent upon committing murder can obtain a knife or a baseball bat and probably accomplish his purpose. In that connection I will remind you again that the percentage of murders committed by firearms is substantially lower in States with strict gun laws than in the other States. But, armed robbery in this country has grown at an appalling rate. It is difficult, indeed, to rob a bank, a grocery, drug, or liquor store with a baseball bat or a knife as the weapon in hand.

In taking my position in favor of tough gun laws, I realize that I may be sounding my own death knell as a Member of Congress. At least many of my constituents have written to me in that effect. In any event, the world will not come to an end if I am defeated nor will the House of Representatives suffer any very great loss.

I state once more that I not only favor the basic legislation under discussion here today, but will vote for amendments which will go considerably further than the House Committee on Judiciary recommends.

Mr. ANDERSON of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman.

Mr. ANDERSON of Tennessee. Mr. Chairman, there is a great deal of solid work to be done in strengthening police and correctional capabilities, in curbing the glorification of criminal violence as an expression of manhood or political protest. These things can and must be done, but the cause is not aided by the diversion of energy and passion into symbolic but ineffective legislative gestures. The measure which we are considering here today is just such a gesture.

If it were possible to pass a law which would selectively and effectively deny firearms to the criminal, the assassin, the irrational juvenile, the addict, the insurrectionist and the plain fool, I would not only support it—I would personally sponsor it. But the facts to be dealt with are these: There are roughly 120 million guns in private ownership in this Nation; foreign sources of supply are plentiful and easily accessible in daily trade; by their nature guns are easily concealed, stolen, and smuggled. Indeed, teenagers have manufactured guns in substantial quantities in some cities. No enforceable Federal law I have seen has any realistic prospect of preventing those listed above from acquiring basic firearms—and other lethal weapons. Many of those so vigorously calling for burdensome gun restrictions and even suggesting measures approaching confiscation have no concept of or concern with the rural life where the need for a gun is manifold.

There are on the books at this time some 20,000 firearms laws, including New York's rigidly restrictive Sullivan Act. None of these laws have prevented crim-

inals from attacking—with firearms or without—the law-abiding citizen.

Advocates of restrictive firearms legislation contend that the rising national crime rate is reason enough for its enactment. However, they fail to point out that crime flourishes most actively in many of those jurisdictions where the most restrictive firearms statutes are already in existence. In areas where the citizen is effectively disarmed, the burglar, the rapist, the thug, or the strong-arm man can do as he wishes, unconcerned about the possibility of armed citizens protecting their homes, families and persons.

The fact that 90 percent of all of the robberies in New York State occur in New York City perhaps is due to the fact that a holdup man can be fairly sure that his victim will not have the protection of a privately owned firearm.

In South Carolina, where manufacture and sale of handguns is absolutely outlawed, the rate of homicides and assaults by firearms is among the highest in the country.

New York City, with the most repressive and punitive law dealing with pistols and revolvers, which limits possession of these devices to only 17,000 of that city's 8,000,000 citizens, has a crime rate which makes not only the streets but the homes of its people unsafe from criminal attack. There the hoodlum may undertake his nefarious work, happy in the knowledge that zealous enforcement of an unwise law have made the criminal's intended victim a ready and helpless prey.

Of 183 standard metropolitan statistical areas surveyed by the FBI, 131 had overall homicide rates lower than New York. Not one of these areas has firearms laws as severe as the infamous Sullivan Act. Some of these cities are Des Moines, Denver, Milwaukee, Portland—Maine and Oregon—Oklahoma City, Spokane, Tulsa, and Wichita.

The omnibus crime control bill, already passed by Congress restricts the interstate mail-order sales of handguns and the sale of bombs, grenades, mines, bazookas, antitank weapons, mortars, and so forth. It does not affect the existing rules with regard to shotguns and rifles, which have not been a major factor in crimes of violence. Within the State of residence handguns will be purchasable under the conditions stipulated by State law. The omnibus crime control bill contained several excellent provisions to strengthen State and local law-enforcement agencies. I supported the measure, though I entertain considerable doubt that the handgun provisions will prove effective as an anticrime measure. I do approve the added restrictions placed on mines, bombs, grenades, mortars, bazookas, and so forth, which should be reasonably enforceable. Further, the Post Office has just put into effect a rule requiring local postmasters to inform local law-enforcement authorities when firearms are delivered by mail to local residents. Thus the authorities will know when guns have been acquired by those prohibited by State and local laws from possessing them. These measures merit a fair trial, but I see no benefit in further Federal legislation. I find particularly ill-advised an attempt to exploit a moment of national grief and frustration to pass sweeping laws with which we would have to live for years to come.

One of the amendments presently under consideration calls for the Federal registration and licensing of all the privately owned firearms in the Nation. I can see no purpose in this very costly measure, except two: First, an inconvenience and tax upon these law-abiding gunowners who would comply with the measure; and second, a necessary prelude to confiscation measures. There is nothing wrong or immoral about owning a gun which merits a nuisance tax. And any confiscation design is frankly little short of ridiculous. It would be even less enforceable than was prohibition. A flourishing black market in guns would inevitably develop. The law abiding would be disarmed in their homes before the criminal who would certainly not comply. I do not believe that the right of men and women to protect themselves, their families and homes is an outdated and romantic frontier tradition. Rather, present crime levels indicate that this right was never more relevant. Unilateral disarmament is not a feasible solution to our international or domestic problems; so long as some men or nations be violent, it is futile to expect the others to disarm themselves to defenselessness.

Gentlemen, no one believes, no one claims, that these proposals on interstate commerce in long guns and Federal registration will affect the criminal. It is contended that the law abiding sometimes commit crimes of passion with a gun, or have accidents with a gun, and that they should therefore be protected against themselves by burdensome Federal legislation which will make it difficult for all to acquire firearms. Crimes of passion are committed with the weapon nearest at hand. I doubt that any man would predict that with the passage of the legislation before us today, the number of violent crimes or the number of crimes of passion will be reduced.

And if such crimes are not reduced, as they clearly will not be—then what? Gradual confiscation to that exemplary degree now in effect in New York City where violent crime is virtually unheard of and all the citizens feel safe?

Let us stop this well-intentioned but foolish train of events now and here.

Mr. PODELL. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. PODELL. Mr. Chairman, I also rise in support of the amendment and congratulate the gentleman from Illinois [Mr. McCLORY] on his excellent amendment.

I also intend to support the Bingham amendment to include registration of all guns.

Mr. Chairman, the character of the gun law we pass is no longer the critical center of the gun law controversy. The Congress has for so many years stalled on this issue that we are now confronted with a crisis in confidence, a crisis as to whether the Democratic process continues to respond to the needs of the people. Certainly the people of our Nation will not tolerate a Congress which has so fully acquired an organic quality of its own, that it can breathe, live, and act without regard to the wishes of the people they are sworn to represent. Nor are our people disposed to substitute a government for lobbyists in place of the Government for the people.

The life of a nation, as with all living things, is one of constant change. We are living in a period of ferment, in our own Nation and in every country in the world. The tides of change are even eroding the monolithic structure of the Communist world. We can channel these tides into constructive courses, or be engulfed by them and pulled by the undertow into directions uncharted and toward objectives unknown. This then is the challenge of gun control legislation: whether the future of our Nation is to be circumscribed by obsolete interests too long vested, or move forward into the future in safety and security.

The people killed by gunfire in my city during the past 2 weeks, the tragic victims of gunfire in other cities, towns, and villages of our Nation, were anonymous people, with their tragic deaths earning a momentary newspaper headline. Yet to their families, to their parents and children, to their husbands and wives, these victims were their universe. And with their death, these universes exploded beyond repair.

This then is the time for resolution; the time for dedication. Let us not wait until another President of the United States is assassinated. Let us not wait until another U.S. Senator is assassinated. Let us not wait until another Nobel Laureate is assassinated. Let us do now what we should have done years ago. Let us pass a law for gun registration and licensing. Let us put an end to that part of an America which serves as a dumping ground for unwanted weapons by merchants of death throughout the world. Let us demonstrate to our people, to our constituents that we represent them with concern and with honor.

The CHAIRMAN. For what purpose does the gentleman from Illinois [Mr. RAILSBACK], a member of the committee, rise?

Mr. RAILSBACK. Mr. Chairman, I rise in opposition to the amendment.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman.

Mr. SNYDER. Mr. Chairman, I rise in opposition to the McClory amendment.

Advocates of gun registration and licensing proposals loudly proclaim that such restrictive legislation is necessary to stop crime—that it will be a valuable tool in tracking down the guns used by criminals.

But, these same advocates are deadly silent on the effect of the U.S. Supreme Court decision in the case of Haynes against the United States. To shed a little light on the subject—and hopefully to relieve the heat—let us look at this case.

The defendant Haynes had been prosecuted under the National Firearms Act for possession of an unregistered sawed-off shotgun, which is one of the prohib-

ited weapons under that act. Before the Supreme Court, he argued that to register his illegal weapon would have been self-incriminating. In other words, when he registered the weapon as required by one part of the act, he would have automatically incriminated himself under another title of the same act.

Since the Constitution protects citizens from being forced to incriminate themselves, Haynes claimed immunity from the requirement of registration. The Supreme Court agreed with this contention. In effect, the ruling of this highest court in the land was that being forced to register a weapon, the obtaining or making of which is illegal, amounts to forcing a criminal to testify against himself, and therefore violates his constitutional rights under the fifth amendment. The Court therefore ruled that Haynes had the legal right not to register his prohibited weapon.

This means that any gun registration law enacted would be unconstitutional as to the criminal who illegally acquired the gun—in that registration would be self-incriminating.

To put it plainly—the Supreme Court has held that gun registration laws apply only to honest citizens. For the criminal it is an unlawful forced confession of guilt.

The argument has often been made by responsible firearms owners that it is unthinkable that a criminal would voluntarily register a gun he planned to use in his "work" and that a registration law would, for all practical purposes, affect only the responsible, law-abiding citizen who owned firearms for sporting purposes.

This argument was given substance, in January, by the Supreme Court of the United States, by saying that the undesirables—and only the undesirables—have the legal right to refuse to register their guns. You and I must register, pay the fee, be photographed and fingerprinted, and maybe psychoanalysed in order to possess a skeet-grade shotgun or a deer rifle, but the ex-con who burglarizes our home or robs our bank has the official sanction of our highest court to refuse to submit to all this.

Mr. MESKILL. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Connecticut is recognized.

Mr. MESKILL. Mr. Chairman, I would like to ask the gentleman from Illinois [Mr. McCLORY] a couple of questions, because I am not for or against this amendment at the present time, but I am deeply troubled by the constitutional questions. All of these people who have spoken over the years in favor of registration have done so prior to the action of this Congress in passing the omnibus crime bill. But when this Congress passed the omnibus crime bill and it was signed into law, it made it a Federal offense for a felon to own or to possess a firearm.

If your amendment is going to require persons, including a felon, to register their firearms, you would be violating his constitutional rights against self-incrimination according to the Haynes case in January of this year. This concerns me greatly because I know the Counselman case back in 1892 said that this can be done constitutionally provided you would grant immunity to the criminal. I know this is not the gentleman's intent. I would like to hear the gentleman's remarks on that particular point, because I think it is awfully important that we do not adopt an amendment here which is unconstitutional.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. MESKILL. I am happy to yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, if the gentleman will yield, I would like to respond to that in this way. I am aware of the limitations which are contained in the Haynes case. However, I would like to point out that in that case the person was in possession unlawfully of a weapon which he was forbidden to possess. In that case, in order to register the weapon, he had to violate the law.

Now it is contemplated that under this Federal registration, the only criminal responsibility will be the person who signs the application and attempts to register his pistol has committed some offense with that firearm at some prior time. We have provided specifically that no evidence contained in the application shall be used against the person with regard to a crime that is being committed at the time he makes the application, that is, if he falsifies the application, or the information in that application will disclose a crime which he committed prior to that time.

I am advised by the Attorney General that there is no constitutional impediment whatever and that this does meet requirements of the Haynes as well as the Counselman cases.

Mr. MESKILL. Mr. Chairman, I would reply to the gentleman that in the Counselman case the Supreme Court said no information obtained from the declarant could be used in any manner in any criminal proceeding.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. MESKILL. I yield to the gentleman from New York.

Mr. MURPHY of New York. Is the gentleman aware that in Counselman the position was narrowed in the Murphy versus Waterfront decision in 1954, and in March Eddy and in Haynes, and the court specifically invited Congress to impose use restrictions to save the statutes from being invalid under the preference, so that in subsequent cases after Counselman it was narrowed down. This was taken into consideration by the drafters of the amendment, and we have no question whatsoever about the constitutionality of the McClory amendment.

Mr. McCLORY. Mr. Chairman, I would respond to the gentleman by saying that the Haynes decision approved the Counselman holding, but I think it left us in a situation where Congress has to provide that it will not permit information in an application being used in another case as evidence. That is the intention of this amendment. However, we would not want to grant immunity to the criminal, which is a ridiculous result, and I do not think this is intended.

Mr. ADAMS. Mr. Chairman, if I may add on that particular point, that is mentioned in the later gambling cases as to the decision which can be made on it, but in the specific gun registration, they referred to the fact that if we go to a general class, as in the case of registration of automobiles, and restrict application to criminals, then we would be in the position as to actions after the registration—that is, the prosecution would be in that position, but there is no incrimination as to actions that occurred before, because protection is offered.

Mr. JACOBS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to propound a question to the gentleman from Illinois, author of the amendment.

Mr. Chairman, I understood it does not include registration of ballistics from weapons.

Mr. McCLORY. Mr. Chairman, it is correct, if I understand the word ballistics.

Mr. JACOBS. The gentleman understands in order to register the ballistics characteristics of the weapon, the weapon is fired into some kind of mechanism and then a photograph is taken of the lands and grooves marks and recorded.

Mr. McCLORY. That is not required.

Mr. JACOBS. Mr. Chairman, it strikes me under the gentleman's amendment, the only practical benefit to the police in solving crimes would occur when the police did obtain a murder weapon or a weapon use in a crime, whereas if the ballistics of the weapon were registered and on file, then the pellet or slug could be traced.

Mr. McCLORY. Mr. Chairman, if I understand the amendment offered by the gentleman from Texas [Mr. DOWDY] earlier, that was included in the prior amendment, but it was not in my amendment. My amendment would require identification by serial number.

Mr. JACOBS. Mr. Chairman, I do not intend to offer an amendment to the gentleman's amendment. I simply suggest it for consideration of the gentleman and for consideration of the committee.

Again I would like to make a point that in the case of registration, of only a serial number of a firearm, the police would have to have the firearm before they could trace the owner. But in the case of registration of ballistics, all they would have to have is the slug that entered the victim's body, in order for a file, such as the FBI file on fingerprints, to lead the police authorities to the owner of the gun from which the slug was fired. And I think that might materially aid the police in solving crimes.

Mr. POLLOCK. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Alaska.

Mr. POLLOCK. I should like to say, the gentleman may not have a good understanding of ballistics when he makes that comment. After a firearm is fired a number of times the grooves become worn. One cannot compare a bullet fired at an earlier date with a bullet fired at a later date.

Mr. JACOBS. The gentleman is entirely correct. I do have some knowledge on the subject. I am a former police officer.

The fact is that many weapons which are used in crimes have not been fired many times. There are many occasions when the tracing could take place accurately, and could aid the police materially in tracing the weapon.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Texas.

Mr. ROBERTS. The gentleman makes a valid point, considering the modern state of the art on the use and design of firearms.

When one starts out by using the button rifling and swaging in the processing of the rifles, they do not change characteristics that much. Those things are so exact it is impossible to determine one from another. If a person took serial number one and number one hundred there might be a difference.

Under the button rifling and swaging process, that is no longer valid. It might be for handguns, but certainly not for rifles.

If the gentleman will yield further, I should like to ask a question.

The gentleman spoke of serial numbers, also. There are a great many people who build their own guns, custom guns, and otherwise, very expensive guns. There is no serial number one can assign to those guns.

Does the gentleman's amendment make any provision so that the name can be stamped on in place of the serial number? Is there any provision for registering a custom-built gun?

Mr. JACOBS. Is the gentleman talking about a zip gun?

Mr. ROBERTS. No, I am talking about the finest guns made in America. They are custom-made guns.

Mr. McCLORY. Mr. Chairman, if the gentleman will yield, I believe there would be a requirement that the person have a serial number affixed to his gun in order to register it. That would probably be done by regulation. I do not see that specifically in the bill. There is a requirement, as to the application, to have a serial number.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from New York.

Mr. BINGHAM. Is it not correct that in section 936 of the gentleman's amendment it is stated that the Secretary shall prescribe such regulations as he deems necessary to carry out the provisions of this chapter, including reasonable requirements for the marking of firearms that do not have serial numbers?

Mr. McCLORY. That is correct.

Mr. BELL. Mr. Chairman, I rise in support of the gentleman's amendment.

Mr. Chairman, I rise in support of the amendment of the gentleman from Illinois [Mr. McCLORY]. With the issue of registration of handguns now before us we come at last to a crucial point of testing and proving our real desire—our real intent—to deal forcefully and effectively with the gun menace in our Nation.

Restricting mail-order sale of weapons is important. In contrast to the need and the magnitude of the national problem, however, limiting the ability of the public to purchase guns through the mail is only a small part of the solution that an aroused public is today demanding.

I am hopeful that we will not satisfy ourselves with a mere token gesture in the direction of gun control.

This is one of those moments of opportunity in Congress.

It is within our power to take truly significant action on this subject that is capable of being fully understood by our constituents.

A system of gun registration which provides information about the location and ownership of handguns is a vital part of real gun control in the United States. Without such registration, without permanent institutionalized official knowledge, we will not really have gun control.

We may pass a bill dealing with control of guns but we will know and our thoughtful constituents will know that we have not dealt directly and courageously with the real problem of guns in the United States.

Mr. Chairman, the proposed amendment which would require registration of handguns is easily absorbed into the basic bill presently before us and is immediately workable as law.

California, where I live, has an excellent gun registration law with many points of similarity to the amendment we are considering.

It has served us well.

The quick identification of the gun used by the alleged assassin Sirhan Sirhan is just one recent demonstration of the usefulness of the California registration law.

But good State laws are simply not enough today.

Society is too mobile. None of us is fully protected unless all of us are protected.

That is why we need a Federal law; that is why we need a Federal gun registration requirement; that is why I support the amendment.

AMENDMENT OFFERED BY MR. BINGHAM TO THE AMENDMENT OFFERED BY MR. M'CLORY

Mr. BINGHAM. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Illinois [Mr. McCLORY].

The Clerk read as follows:

Amendment offered by Mr. BINGHAM to the amendment offered by Mr. McCLORY: In section 931, entitled "Definitions," subsection (1), defining "firearm," after the words "Internal Revenue Code of 1954," delete the following: "or a rifle, shotgun".

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I am glad to yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise to support the gentleman's amendment extending registration to long guns. The time for lengthy argument about the merits of effective firearms-control legislation is drawing to a close. We must today decide whether we will enact legislation to protect the public safety, or whether we will permit specious arguments to prevent our fulfilling our responsibility to the people. We must legislate to require registration not only of handguns, but of long guns. The long gun is a weapon of the lunatic and the assassin. If we do not extend registration requirements to them, long guns will soon become the weapon of the criminal also. Over 70 percent of the American public favor registration of all firearms. Such registration would not prevent the sportsman from hunting or the farmer from protecting his animals; it would provide our law enforcement officers with a tool they need to help prevent criminal violence with guns.

The Members know that there exist in our country groups committed to violence, groups such as the RAM, the Black Panthers, the Klan, organized street gangs, and others. These groups possess private arsenals of weapons ranging from handguns to high-powered rifles. Under present law there is no way to prevent such irresponsible groups from stockpiling weapons, because guns may be sold to anyone, and the guns need not be registered. The very existence of such arsenals in the hands of irresponsible private bands threatens the safety of all of us. In addition to such maniacal groups, we know too well the frequency with which deranged individuals obtain guns and use them wantonly against others.

It would be disingenuous for me to represent to the Members that this amendment will stop all violence and all crime. But this Congress has time and again acknowledged that we must help our law enforcement officers in their effort to bring order and safety to our communities and streets. The police believe a registration law would assist in curbing crime, and I believe them.

On June 28, Mr. Quinn Tamm, executive director of the International Association of Chiefs of Police, stated to a subcommittee of the other body:

Enactment of legislation that will expedite a nation-wide system of reporting firearms data will materially aid law enforcement agencies in bringing to justice those persons who use such weapons in the commission of crimes.

I wish to commend the gentleman for his efforts in bringing this amendment forward for consideration. As a lawyer, I have been concerned with the possible effect on firearms registration laws of the Supreme Court decision in Haynes against the United States, decided this year. But I believe the gentleman's amendment avoids any serious problems arising from the Haynes decision through its provisions on amnesty and excluding some kinds of evidence from criminal trials.

Mr. Chairman, in closing, I would remind the Members of one simple fact. We consider hundreds of bills in every Congress. But seldom do we have the occasion to decide an issue which, quite literally, is a matter of life or death. In my opinion, this amendment involves such an issue.

I urge the Members to search their consciences and to vote with me to pass the gentleman's amendment.

Mr. BINGHAM. I thank the gentleman.

Mrs. KELLY. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I am glad to yield to the gentlewoman.

Mrs. KELLY. Mr. Chairman, I am in complete support of the gentleman's amendment.

Mr. Chairman, I consider it to be a real tragedy that we do not have before us today a gun-control bill with real teeth in it. Such effective legislation is worth fighting for if for no other reason than public opinion demands such legislation.

H.R. 17735, the State Firearms Control Assistance Act of 1968, which we consider today, is similar to a bill I introduced early in the 90th Congress which included controls on mail-order purchases of firearms and on the selling and transporting not only of handguns, but rifles and shotguns. Since that time, I have publicly stated my support for the licensing and registration provisions recommended by the President. The bill before us today should include these additional safeguards, and I will support all amendments which may be offered, aimed at strengthening the provisions of this bill.

During the past several months, the National Rifle Association conducted a massive lobbying campaign to prevent the enactment of really effective firearms controls. Why the NRA has embarked on this course is not completely clear. None of the gun-control legislation which has been under consideration would, in any way, prevent hunters, sportsmen and other qualified persons from owning and using firearms.

The New York State Sullivan law, which is one of the most stringent firearms control laws in the country, is applicable to handguns. As of April 1968, there were no fewer than 578,135 handgun licenses presently outstanding in New York State. I, for one, believe this to be ample proof that stringent gun-control laws do not prevent those who are qualified to possess firearms from acquiring them. The slight inconvenience entailed in the registering and licensing process is a small price to pay for the benefits to be gained from such procedures.

Therefore, I compliment the gentleman from New York [Mr. BINGHAM] for his amendment to H.R. 17735, requiring the registration of all firearms, and I hope this will become part of this much-needed legislation.

I need not detail the tragic murders of the late President John F. Kennedy, Rev. Martin Luther King, Jr., and Senator Robert F. Kennedy through the use of firearms. Nor is it necessary for me to detail the thousands of less-publicized deaths and woundings caused by firearms each year. Too much time and too many lives have been lost for the Congress to stall or hesitate any longer or to quibble over the need for this legislation. My constituents have overwhelmingly endorsed the enactment of a strong and meaningful gun-control measure. How much longer must they and their fellow Americans tolerate inaction and the inability of this Congress to enact laws which will offer a decent degree of protection from the consequences of uncontrolled traffic in firearms?

Mr. BINGHAM. I thank the gentlewoman.

Mr. Chairman. I wish to commend my colleague, the gentleman from Illinois [Mr. MCCLORY], for offering his amendment to add provisions for the registration of handguns to this legislation. I very strongly agree with the principle of his amendment—that H.R. 17735 does not in its present form do enough to assist the States in the control of firearms crimes and deaths, and that a system of national registration would add considerably to the ability of the States and localities of this Nation to deal with the gun problem.

My amendment to the McClory amendment is very simple. It would extend the national registration system proposed in the McClory amendment to cover all guns—handguns and long guns alike. It would do this by including long guns in the definition of the term "firearm" in section 921(1).

The major purpose of a national registration system is to provide a new and better tool for the detection of crime, and to deter the use of firearms in the commission of crimes. Law enforcement experts have made it clear that a national firearms registration system would enable police in any State or locality in the country to trace within a matter of minutes the owners of weapons used or suspected to have been used in a crime, no matter where in the country the weapons were purchased or housed.

The Census Bureau estimates that some 35 million Americans move and acquire new residences each year in this country. Of these, 6½ million move across State lines. With such a mobile population—the most mobile in the world—only a federal system of registration can keep track efficiently of firearms as they are exchanged and moved with their owners across State lines.

With a national registration system, a significant number of individuals who might be contemplating crimes would be certain to know that guns can easily and quickly be traced, and would therefore be deterred from using them. These crimes might still be committed—with weapons other than firearms. But no one dare forget or overlook the fact that the chances of the victims of crimes for survival are 400 percent better when weapons other than guns are used. One of every 20 assaults with a weapon other than a firearm results in the death of the victim. But when firearms are used, one of every five assaults results in the death of the victim. While reduced use of guns in crime may not mean a reduced incidence of crime, it can certainly be expected to reduce the number of innocent persons who will die at the hands of persons engaged in criminal acts.

Admittedly, many gun crimes are crimes of passion, committed with little forethought or calculation. A national gun registration system will probably not prevent this kind of crime. But it would certainly make the solution of such crimes easier for our already hard-pressed State and local law enforcement officials.

To exclude a particular class of weapons from a national gun register would seriously reduce the usefulness of the registration system for law enforcement. If there is to be national registration—and my colleague from Illinois and I, along with many other Members of this body, agree that there should be—it seems to me that we should make it as complete and comprehensive as possible, and thereby make it as useful and efficient a tool as we can for crime detection.

The argument most frequently made in favor of excluding long guns from gun control provisions—whether it be mail-order sales, registration, or licensing—is that the majority of crimes in which a gun is used involve the use of concealable handguns. That, of course, is true. Handguns accounted for about 70 percent of the gun murders committed during the period 1964 to 1966. The remaining 30 percent, however, involved some 4,960 deaths—certainly not an insignificant number. Can we possibly argue that long guns need not be registered because they were used to kill "only" 4,960 from 1964 to 1966, and to kill "only" 1,850 people in 1967?

We in the Congress are very much concerned with air safety—and properly so. The Federal Government spends a lot of money on this problem, and air travelers are often inconvenienced by delays that are caused by the safety procedures and regulations. But do you know how many deaths from airplane accidents there were last year? Two hundred and fifty on scheduled airlines, and 1,468 altogether. This is substantially less than the 1,850 deaths from rifles and shotguns.

On Wednesday I spoke of the many and varied national organizations that want strong Federal gun controls, including registration and licensing. The list appears on page 21828 of the RECORD. So far as I know, not one of these organizations favors the exclusion of long guns from registration. And J. Edgar Hoover earlier this year stated that registration of all firearms would be very helpful to law enforcement.

For the killer, a rifle is often preferable to the handgun, especially because of its accuracy at long range. Think of Lee Harvey Oswald, and the killer of Dr. Martin Luther King. The rifle has been the chosen weapon of most of the people who have gone berserk and started killing at random. Think of the University of Texas tower killer, for example, and the young building superintendent who began killing his neighbors the other day in my home county of Bronx, N.Y.

It may well be that there is something about the telescopic sight and the idea of crosshairs, depicted so often on TV, that has a particularly destabilizing effect on persons with homicidal tendencies.

Then there is the very fact that killing by rifle can be impersonal, because it is carried out at a distance.

A single individual with a rifle can, as we have seen too many times in the last several years, conceal himself in a high place with a commanding view in all directions around him. From there he can kill or injure a particular person or dozens of persons at random with unerring accuracy before he can be dislodged.

The accumulation and potential use of long guns on an organized basis is even more terrifying. It is clear that long guns are the sinister staple of the ex-

tremist paramilitary and vigilante organizations springing up throughout the country. The Minuteman's publication, "On Target" has on occasion made clear the importance these groups attach to rifles. During the past few days, the familiar Minuteman message, "Even now the crosshairs are on the back of your neck," was sent to certain school officials on Long Island.

The growing number of these organizations and the caches of weapons they are assembling is frightening, as noted by the FBI and others.

A national registration system covering all guns would greatly assist the FBI and other law enforcement agencies to detect the location and weapons strength of these dangerous, extra-legal organizations.

The basic legislation under consideration today—H.R. 17735—is, in itself, an admission that the gun control measures are incomplete and inadequate without similar controls on long guns.

In my own city and State of New York, which have some of the most stringent gun-control laws in the country, control only over handguns has been found to be only a partially effective means of reducing firearms crimes and deaths. Governor Rockefeller has urged passage of State legislation that would add regulation of the sale and possession of long guns to existing State regulation of handguns contained in the Sullivan law. New York City, at Mayor Lindsay's urging, recently passed its own legislation regulating the sale and possession of long guns within the city to supplement the Sullivan law.

The New York experience proves both that gun-control laws can be effective—New York ranks 24th in murder per 100,000 of population and 48th in the percentage of killings by firearms—and that controls only over handguns is not good enough. The New York experience should be a clear signal that to ignore long guns in a national registration system would only necessitate additional legislation later on to close the loophole. In the meantime, Americans are dying from crimes committed with long guns at a rate of better than 1,800 a year.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I am glad to yield to the distinguished gentleman from New York.

Mr. RYAN. Mr. Chairman, I wish to associate myself with the remarks of the distinguished gentleman from New York [Mr. BINGHAM]. I support the gentleman's amendment to the amendment.

Mr. Chairman, in my opinion it is essential that there be Federal registration not only of handguns as provided by the McClory amendment, but of rifles and shotguns as well.

According to the Uniform Crime Reports issued by the FBI, in 1966 there were an estimated 10,920 murders; 9 percent were committed with a shotgun, 7 percent with a rifle, and 44 percent with a handgun.

Although the figures for 1967 have not been published, I am informed that the statistics will show that murders with shotguns and rifles again will constitute about the same percentage of the murders.

It is clear that all guns—shotguns, rifles, and handguns, as well as ammunition—should be subject to registration and licensing. This will be of direct assistance to law enforcement officers in solving crimes. It will make it more difficult for criminals and would be criminals to obtain deadly weapons, thus helping to prevent crime.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I am glad to yield to the gentleman from Rhode Island.

Mr. TIERNAN. Mr. Chairman, I rise today to urge the immediate adoption of the strongest possible gun-control legislation. The proposal now before us, banning interstate commerce in rifles, shotguns, and ammunition except by licensed persons, is the second of several steps necessary for effective control of firearms. The gun-control provisions of the omnibus Crime Control Act will curtail the murderous traffic of handguns, but it left untouched the widespread shipments of long guns and ammunition that account for approximately 30 percent of the annual total of gun murders.

Let me point out that Chairman CELLER's bill would not prevent sportsmen and other persons who are permitted under State law to own guns from purchasing weapons manufactured in other States. It would merely require them to order the firearms through a licensed dealer or a police official who is authorized to receive weapons which have been shipped in interstate commerce. When you consider that as many as 50 percent of the gun murders in the United States can be traced to mail-order guns, we cannot in all good conscience fail to control this insane traffic of firearms.

As essential as Chairman CELLER's bill is, it is far from the ultimate weapon in our fight against America's appalling rates of gun murders, accidents, and suicides. Unfortunately, few people realize that private firearms have caused more American deaths since the turn of the century than wars have caused since the beginning of the Nation. Few are aware that America has the highest gun accident rate, the highest gun suicide rate, and the highest gun murder rate among 16 of the leading nations of the world. The tragic events of the past several months have magnified these facts, and now we cannot fail to act.

Last summer in Detroit, an estimated 70 to 80 percent of the individuals whose weapons were confiscated during the riots had previous criminal records. These rioters were able to purchase weapons easily in a neighboring State, where under present law dealers are under no obligation to refuse sale of firearms to convicted felons.

Situations such as this one in Detroit point up the need for more uniformity in State gun control procedures. This uniformity can only be imposed by Federal legislation which sets minimum standards for State gun permit and registration systems. The licensing of all gun owners and the registration of all firearms under standard Federal requirements are necessary if we are to effectively lower the appalling crime rate in this country.

Licensing provisions similar to those in title III of Senator TYDING'S proposal would set the standards for "adequate permit systems" at levels stringent enough to keep weapons out of the hands of potentially dangerous individuals. Federal permits would be required in those States whose permit systems are not found to be "adequate."

Registration of firearms would serve as a necessary adjunct to the licensing of owners. Registration laws would enable law enforcement officials, and them alone, to know not only who owns weapons but also what firearm that person owns and its serial number. Such information would facilitate criminal investigations and help establish control over the traffic of firearms to lawbreakers.

Despite these advantages, there are those who oppose all attempts to control firearms. But these criticisms arise more from fear than from reason. For example, many fear that registration and licensing will lead to confiscation. But just as State licensing and registration systems for automobiles have not led to the confiscation of our cars, this gun licensing and registration plan does not look to the eventual confiscation of our firearms. For those who have nothing to hide, a permit could be obtained easily and at a minimal fee. As more and more law-abiding citizens obtain permits and register their firearms, the criminal who possesses and uses a weapon illegally could be isolated more easily.

There are three other basic arguments which I have heard in opposiion to strong gun laws. The first is the implication that such a law would violate the second amendment to the Constitution. It should be pointed out that courts have consistently interpreted this amendment as referring to a collective right, not an individual privilege.

The second charge is that guns are not the only instruments of violence which are used in crimes, and therefore we cannot control crime by merely controlling firearms. The fact is, however, that 60 percent of all murders in the United States are by firearms. One out of every 20 assaults with a weapon other than a firearm results in the death of the victim. However, when firearms are used, one out of every five assaults results in death. How can we justify the fact that it is easier to obtain a gun than it is to obtain penicillin tablets, for which a doctor's prescription is needed? It is easier to buy an instrument which takes lives than it is to buy an instrument which saves lives.

With regard to the third basic complaint regarding punishing criminals, I would agree that we must severely punish those who use firearms illegally. I wonder, however, how many criminals ponder over whether they will receive a 20- or 30-year jail term or whether they will be executed before they commit murder. This is supported by the fact that 75 percent of all homicides and 66 percent of all criminal assaults are "crimes or passion." The only way to control these crimes is to keep guns out of the hands of convicted felons, al-

coholics, drug addicts, and the mentally unstable. We must stop this lunatic system by which a person can walk into a store and 5 minutes later come out with a firearm.

By supporting this legislation I certainly have no desire to overburden those honest citizens who wish to possess firearms for protection or recreation. There would be no undue restrictions on these activities under this legislation. In any case, the advantages in public safety to be gained by this legislation far outweigh the minimal inconvenience that might result.

Gun-control legislation has been long overdue. For years none but a few Americans were consciously aware of the severity of America's gun problem. Now, as before, the public demands effective control of firearms. As a representative body, can we fail to act when over 70 percent of the people of this country are demanding this legislation?

Mr. Chairman, too many people have died. The peace and safety of our Nation demands a ban on the mail-order sales of long guns and ammunition and the liscensing and registration of all guns and their owners. We must respond with strong national control legislation to provide a uniform basis for a more concerned State and local attack on crimes of violence.

Mr. BRASCO. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the distinguished gentleman from New York.

Mr. BRASCO. Mr. Chairman, I wish to associate myself with the remarks of the distinguished gentleman from New York [Mr. BINGHAM] and agree with him wholly in his comments.

Mr. CELLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, what I am about to say now is the result of a very careful retrospect.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Illinois [Mr. MCCLORY]. I do so only to keep a pledge which I made to the members of the Committee on Rules.

I do not oppose as a matter of conviction legislation of this type. In fact, the Members of this body know I have introduced a bill which seeks to accomplish the same objective.

Thus, I speak for myself alone. I can only urge that each Member vote his own conviction. It is because I made that pledge that I rise in opposition to the amendment.

Mr. Chairman, I shall not dwell upon the merits of the proposed amendments. Each of you understands, I am sure, as legislators the compelling reasons for my having given my word.

Now, Mr. Chairman, I ask unanimous consent that all debate on the McClory amendment and all amendments thereto close at 5:15.

Mr. SIKES. Mr. Chairman, reserving the right to object, would the distinguished gentleman at least make it 5:30? The proponents of this legislation have done all of the talking here. However, there are some of us who are against this matter.

MOTION OFFERED BY MR. CELLER

Mr. CELLER. Mr. Chairman, I move that all debate on the McClory amendment and all amendments thereto conclude at 5:30 p.m.

The CHAIRMAN. The question is on the motion of the gentleman from New York [Mr. CELLER].

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland [Mr. MACHEN].

Mr. MACHEN. Mr. Chairman, I rise in opposition to the amendment, and the amendment to the amendment, for the simple reason that for years we have been trying to get prohibitions against the sale of firearms through the mails. At this late date, and this late stage of our proceedings, any attempt—regardless of the merits—in my opinion to put these amendments into the bill is going to doom the whole bill to failure.

So, Mr. Chairman, in order to insure the enactment of the basic bill with the very worthwhile amendments placed on the bill already, I certainly hope that these proposals will be voted down.

Mr. Chairman, I support the provisions of H.R. 17735, a bill to provide for better control of the interstate traffic in firearms. This bill will prevent persons other than licensed dealers or police officers from receiving a gun shipped in interstate commerce. It will prevent persons who could not obtain a firearm under local law because of age, criminal record, or mental instability, from acquiring one through outside channels.

The ban on mail-order firearms proposed in this bill will not prevent the sportsman and other persons permitted under State law to own guns from purchasing weapons manufactured in the United States. It will merely require them to order the firearms through a licensed dealer or police official authorized to receive weapons shipped in interstate commerce. This prohibition will prevent persons who could not obtain weapons under local law—such as convicted criminals, drug addicts, juveniles, or the mentally unstable—from obtaining them from States with weaker gun laws.

When we passed the Safe Streets Act earlier this year and with it a prohibition on the mail-order sale of handguns and limitation on over-the-counter purchases to State residents 21 years of age and older, we recognized that the legislative process is one which requires compromise in some instances to get future results. When this legislation was considered, I stated that I did not believe the gun control provisions of the bill went far enough and I said I would support a prohibition on the mail-order sale of all guns. Today we are considering just such a bill and I will vote for it because I believe it is needed to provide for better control on the interstate traffic in firearms.

Why do we need this legislation? It has been estimated that mail-order guns account for as many as 50 percent of the gun murders in the United States. About 25 percent of the 4,069 mail-order guns shipped by two Chicago firms went to convicted criminals, according to a 1965 study. Over 25 percent of the recipients of mail-order guns in the District of Columbia had criminal records ranging from assault with a dangerous weapon to homicide.

I believe the need for this legislation is clear. It has been argued that the requirement that a person has to appear in person to purchase a gun will cause some inconvenience. This may be true to a certain extent, but I believe it is worth it. However, let us not exaggerate this inconvenience.

First of all a person will still be able to choose from the same variety of long guns that are now available to him through mail-order catalogs. This is true because the only difference this legislation would make is that he would have to order the long gun through an authorized dealer at whose place of business he would have to appear at some point before receiving his gun. He can have the same catalogs at home or look at them in the gun dealer's shop. In either case, he will have the same choice as he has today.

This bill will take no firearms away from the law-abiding citizen. It does not require the Federal registration or licensing of firearms. I am not certain what the impact of the President's most recent request for legislation authorizing the Federal registration of all firearms will have, but I do believe that this approach is impractical and registration of firearms should be a matter best left to the States to control.

It is of the utmost importance that a law banning the mail order sale of all firearms and ammunition be enacted now. Therefore, I urge all my colleagues to join with me in voting for H.R. 17735 as reported by the Judiciary Committee. I am very apprehensive about any amendments which would substantially change the thrust of this bill and I urge, that if any amendments are proposed, they be defeated. The Casey amendment as amended by the Poff provision is also a further step in the right direction of dealing severely with criminals convicted of serious Federal crimes committed with the use of a firearm.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. MACGREGOR].

Mr. MACGREGOR. Mr. Chairman, I rise in opposition to the amendment offered by the distinguished gentleman from Illinois [Mr. MCCLORY].

On June 24, President Johnson urged the Congress to require gun registration and gun user licensing by the Federal Government. He cited the present system of registering automobiles, boats, and bicycles, and of licensing fishermen, hunters, and drivers. But these registration and licensing examples are all functions of State and local governments, and those, Mr. Chairman, are the proper forums where gun registration and gun user licensing questions should be decided. The Federal Government has no policing capability to administer and enforce national gun registration or licensing laws.

Mr. Chairman, I surely do not favor the creation of any national police force, with respect to the pending amendment.

What may be appropriate in the State of Rhode Island surely would not fit for the State of Montana.

This is in my judgment, Mr. Chairman, the strongest practical argument against a national gun registration law. Surely, until the States have an opportunity to act we should not usurp the field.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. RANDALL].

Mr. RANDALL. Mr. Chairman, I rise in opposition to both the McClory and the Bingham amendments. I believe that we are opening up Pandora's box. We have no idea what the total costs of either of these proposals will be. It is unwise to adopt either at this time. While I have not had the benefit of the exact wording of either the amendment of the gentleman from Illinois [Mr. McCLORY] or the gentleman from New York [Mr. BINGHAM,] I am in opposition to the registration of either handguns or long guns. In my opinion, such registration is within the proper jurisdiction of the States and the States only. I fail to see how registration could possibly serve as a deterrent to crime. I think we should recognize a criminal will always find some means to get hold of a firearm. If registration is enacted, of course, it will be preferable for the criminal to steal a registered firearm and attempt to throw the blame on the owner of the firearm, and detract the focus of apprehension from himself.

We all know that in the Safe Streets Act which we passed in June we put a mail-order ban on the sale of handguns. To go further and to adopt the proposal to register handguns as well as long guns could be accomplished only at a tremendous cost and great burden upon the Federal Government. The $1 fee for registration would not be sufficient to pay even for the paper or the forms that would be required. The State of New York estimates a figure of $25 as the cost to register each firearm.

One of the most ridiculous provisions of the McClory amendment is the provision that would permit firearms to be turned in and for the Federal Government to pay the reasonable value of these firearms. If for example 50 million firearms were turned in and each valued at only $25 the Federal Government would have to have ready and available over a billion dollars to pay for them. All of this is over and above the cost of registration. While the mayor of New York recently estimated the cost at $25 per gun it could run higher. Thus, if we combined the cost of over $1 billion to pay for those guns which may be turned in and add the cost of approximately $5 billion to register all guns, it would seem this money could be better used for more courts, for more and better parole officers, for better detection methods of crime, for more money paid to our faithful police officers for a more adequate salary and to add more police officers to the force.

Another danger of both the McClory and Bingham amendments lies in the fact that they preempt the States in the field of registration. These amendments would kill the laws of those States which have made an effort at registration. Some clever staff member has hit upon the choice to call this bill, the State Firearms Control Assistance Act of 1968. How in the name of Heaven can you assist the States if the Federal Government preempts in the field of registration? This is not assistance.

Finally, Mr. Chairman, I oppose both the McClory and Bingham amendments because they will both take away the rights of our good citizens. This Congress should not hurt law-abiding citizens and at the same time assist the criminal. No one can make me believe these registration lists can be classified or kept confidential or out of the hands of the criminal. For a long while it was argued motor vehicle registration lists were unavailable for reference. Yet everyone knows they are bought and sold again and again by motorcar dealers and others.

I am not sure registration would lead to an ultimate confiscation of firearms as has been suggested. But I do know that if there was registration of all firearms and a criminal was intent upon assaulting an individual or robbing him that criminal could make reference to registration lists and find a home or a person who had no firearms for their own protection such a home and such a person would thereafter be a sitting duck for the criminal. I hope no Member of Congress will support a provision which could lead to a situation such as this. Let us not do anything to hurt the lawabiding citizen. Finally let us all remember the subject of firearms legislation that there are enough laws on the books now if we just enforce the laws we have. That is all we need. Remember, finally it is the man back of the gun who commits the crime.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. BINGHAM].

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from New York [Mr. McCARTHY].

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HUNT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. BINGHAM. Mr. Chairman, I am prepared to stand and yield to the gentleman from New York [Mr. McCARTHY] during the period of my time, and I do not understand that that requires unanimous consent.

The CHAIRMAN. The gentleman from New York may stand and yield for a question.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I will be glad to yield to the gentleman from New York for a question.

Mr. McCARTHY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to elaborate just a little on the remarks of the gentleman from California [Mr. BELL] on their registering system out there.

In the first year of its operation it thwarted the purchase of guns by 806 persons who would have purchased them illegally otherwise, including 697 ex-convicts. What they have out in California is just what we have in mind for the entire country, a central computer bank, which they have in Sacramento. Within a matter of seconds the Los Angeles Police, which uses a "hot line" directly to Sacramento, can find information about a gun that has been picked up at the scene of a crime such as the last registered owner, his address, and so forth.

This is what the U.S. Attorney General has talked about, a national bank, just as we have now on stolen cars, where they will collect such information.

The CHAIRMAN. The time of the gentleman from New York [Mr. BINGHAM] has expired.

The Chair recognizes the gentleman from New York [Mr. McCARTHY].

Mr. McCARTHY. Mr. Chairman, one thing about the California law is that it does not cover guns that were acquired privately or through the mail or brought in from outside the State.

It is obvious what a tremendous tool it would be in the detection of crime to have a central bank of guns.

The Attorney General has told me that a policeman, if he has picked up a gun at the scene of a crime, can go outside to the police patrol car and within 60 seconds have the name of the last registered owner of that gun. An all-points bulletin then can be sent out for that person.

Yes, it is obvious what a tool this would be in crime detection.

Just to conclude, Mr. Chairman, I would like to recite some figures which show that countries that have strong gun laws have murder rates considerably under our murder rates.

In England you must have a certificate from the local police before handgun or rifle can be purchased.

In a recent 3-year period 400,000 criminals were arrested in England and Wales and only 159 were carrying guns.

France requires permits for handguns.

In Sweden one must show a need for a gun and be able to demonstrate knowledge of its use.

In Germany gun permits are issued only to registered hunters and members of shooting clubs.

Canada requires registration of handguns.

The homicide rate for 1966 in the United States was 3.5 per 100,000 people—54 times the rate in Britain, 23 times the rate in Germany, and five times the rate in Canada.

Experience of other advanced industrial countries shows that strict gun laws and registration reduce murders and curb crime.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Chairman, I support the amendment to the McClory amendment. Registration of all firearms is needed—not only handguns, but long guns as well.

The Congress has been intimidated for too long from taking action to protect the American people from the wanton slaughter committed through the irresponsible use of firearms. The easy and unrestricted availability of lethal weapons has been a major factor in the high

homicide rate in the United States. This country has both the highest homicide rate and the most lax regulations with respect to firearms of any industrial nation in the world.

I fail to understand the opposition to gun registration by responsible citizens. The minor inconvenience of registration is outweighed by the assistance which this requirement will render to law enforcement officials in controlling and preventing violent crimes. Unless one believes that invasion is imminent, that the $80 billion defense effort of the United States is for naught, or that the Government of the United States wishes to register weapons because it is about to turn Communist or Fascist, I fail to see the logic of opposition to firearms registration.

Registration will not prohibit sportsmen and other legitimate owners of guns from possessing firearms. What it will do is to enable law enforcement officials to keep track of guns in their communities, to trace guns used in connection with crimes, and to keep them out of the hands of criminals.

The registration of automobiles accomplishes two analogous purposes: it enables officials to control their misuse, and to trace stolen vehicles used in connection with crimes. Although automobiles can be lethal, there are not designed as weapons. Yet we register cars—but fail to register firearms.

It is disgraceful that it took the assassination of our most promising leaders to bring registration even within the realm of possibility. I urge my colleagues to support the amendment to the amendment requiring the registration of all firearms.

The CHAIRMAN. The Chair recognizes the gentleman from Montana [Mr. BATTIN].

Mr. BATTIN. Mr. Chairman, I yield to the gentleman from Michigan, my colleague [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, if anyone thinks that these registrations are going to stop crime, they have but to look at the classical case that has placed this legislation before us. I refer to the unfortunate and very evil assassination of the late Senator Robert F. Kennedy from New York.

He was shot with a registered gun. Registration did not stop that then and it will not stop it now.

Let us look at the cost of registration of firearms.

The Mayor of New York said it would cost $25 per gun. At between 50 million and 200 million guns in this country—that means the cost is going to be somewhere between $1 billion and $5 billion to register firearms in this country.

Let us take a little further look at this situation. The whole cost of law enforcement on the State, Federal and local level in this Nation is less than $5 billion.

If we propose to fight crime—and I hope this body does—let us do it intelligently. We are not going to do it by the spending and giving away of that enormous sum of money on something that everybody agrees will not stop crime.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, there are some more things.

If this Nation wants to spend enough money to stop crime, let us use that level of expenditure to stop crime. Let us use it to have better courts.

Let us use it to have more probation officers and to have parole officers to supervise those who are turned loose by the courts and out on the street.

Let us have something that our juvenile court judge back home, which the distinguished gentleman has been, that is to provide caseworkers for proper supervision and mental health care and adequate and decent places for detention.

Let me point out that Michigan is not unique in this need. Every State in the Union has this need. Let us spend the money on the kind of law enforcement which will put the police in the streets to make the streets safe.

Let us pay adequate salaries to attract the best type of police officers and encourage our fine officers that we have now to remain.

I suggest that is the way to handle it.

There is one other point about this legislation. This legislation is denominated as the State assistance program, but what does the amendment that has been offered do? It preempts the field of firearms registration. That is what it does. It kills every State registration program. Is that State assistance? I say it is not.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. KAZEN].

Mr. KAZEN. Mr. Chairman, I rise in opposition to the amendment, and at this time I yield to the gentleman from Florida [Mr. SIKES].

Mr. SIKES. Mr. Chairman, what is proposed here is an extremely broad grant of power through bills that have not even been heard in committee. Only the sponsors know what they are proposing, and they have not explained it. This broad brush treatment is a ridiculous way to legislate. The sponsors could not possibly know, and certainly we in the House can not possibly know, what problems would arise in the administration of these bills, or what abuses they might bring. We do not know what the cost could be to the taxpayers, or how many additional Federal bureaucrats would have to be hired, we do not even know what the processes would be for legally obtaining a weapon. These proposals are submitted ostensibly to curb crime. They will do exactly the opposite. They will rob many law-abiding citizens of the means with which to protect themselves. They will give the criminal a freer hand to rob and burn and rape and kill.

Have we forgotten April in Washington? Have we forgotten the 1,450 fires which sprang up faster than a harassed fire department could hope to cope with?

Have we forgotten a thousand stores and homes looted? Have we forgotten that in the first days of this reign of terror nothing was done to stop the arson, the looting, or to prevent the rights of the innocent bystander?

Well, the American people have not forgotten. They knew what happened here and elsewhere. They want crime curbed, not guns. That is why law-abiding citizens do not want to give up their weapons or to be faced with difficulties and restrictions which could make it impossible for them to own a weapon. They know the criminal will continue to get weapons and his will not be the weapons which are registered.

Do not ask us to put dog tags on law-abiding citizens who seek to exercise their constitutional right, backed by the constitutions of 35 States, in all of which it is explicity stated that a law-abiding citizen has the right to own weapons. He has this right without the harassment of bureaucracy. Do not ask the Congress to add to lawbreaking by enacting another prohibition. Give us strengthened law enforcement. That will curb crime and that is what America wants. It is the criminal, back of the gun, who kills. It is not the gun which is at fault. Just enforce the laws we have, and we will not need any of the proposals which now are before us. I urge the defeat of both amendments.

Mr. TENZER. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from New York.

Mr. TENZER. Mr. Chairman, I rise in support of H.R. 17735—the State Firearms Control Assistance Act of 1968. I am a cosponsor of this important legislation (H.R. 17771) but at the same time have supported strengthening amendments, particularly those relating to registration and licensing standards for all firearms.

The subject of firearms control has been debated in the Congress for too many years without adequate legislative action. The arguments against legislating a ban on mail order sales of guns have been shot full of holes by the recent incidents of violence in the United States and by statistics on the use of firearms in felonies during the past year.

The statistics are frightening. It is important that our citizens know the facts. It is time we brought to the forefront of public attention the frightening statistics of crimes in the United States with the use of firearms.

Let our citizens know that it is estimated that there are 100 million guns of all types in the hands of our 200 million population.

That more than 3 million weapons which spell potential death were sold in 1967 alone.

That more than 6,500 persons were murdered in 1967 where a gun was used as the weapon.

That there were 43,000 aggravated assaults and 60,000 robberies committed with firearms last year.

That each day, 50 lives—more than one every half hour—are destroyed by firearms.

That since 1900, three-quarters of a million people have died in the United States by firearms, more than in all our wars.

That in 1967 alone, assaults with a gun rose 22 percent and one out of every five assaults is committed with a gun.

That firearms are used in 58 percent of all robberies.

That countless thousands have been

injured, crippled, and maimed by accidental firing of guns.

That snipers' bullets have killed many and injured thousands.

That snipers have deterred policemen and firemen in the performance of their duties and injured many of them.

That snipers' bullets have killed many and injured countless thousands of innocent people walking in the streets—engaged in peaceful pursuits—riding in passenger trains, or in automobiles.

That the United States has a higher rate of deaths by guns than any nation in the world and that we also have the least amount of gun control.

Is it because the others do not have a National Rifle Association?

If our laxity in passing more effective gun control laws is one reason for the growth of our crime rate then why in the name of sanity do we not pass the necessary laws to control, regulate, and license the manufacture, shipment, and sale of guns of all types.

Under the strictest of the various gun control bills, it would be relatively simple for a responsible person to apply for a gun permit or be able to register a gun for any legitimate purpose.

Such laws will at least afford us an opportunity to control possession or purchase of a gun—by persons convicted of a crime, by the mentally ill, by persons under age, and by persons under severe emotional strain or stress who seek to purchase a gun and provide an outlet for such emotions.

Is it unduly restrictive to ask those who want to purchase a gun for a legitimate purpose to do so within the State in which they reside, to register the gun and to apply for a license from their local police authority?

Such procedure may result in a short delay, but at the same time, it may result in dramatically reducing the number of guns purchased by criminals, the mentally unstable, those under age, and others not entitled to purchase them.

During the debate on Wednesday, I spoke on the general subject of the need for strict gun controls. However, I did not touch on the subject of registration and licensing.

Let us examine this partial list of the supporters and opponents of gun control:

SUPPORTERS

Federal Bureau of Investigation.
International Association of Police Chiefs.
National Council on Crime & Delinquency.
American Bar Association.
National Association of District Attorneys.
President's Commission on Law Enforcement.
President's Commission on Civil Disorders.
Americans for Democratic Action.
American Civil Liberties Union.
AFL–CIO Industrial Union Department.
United Auto Workers.
Leadership Conference on Civil Rights.
U.S. Conference of Mayors.

The nation's 3 top gun manufacturers: Remington, Winchester, Savage.

Also *in favor* of strong gun control laws are:

Three-fourths of the American People. (Every responsible poll taken for the past 30 years has shown that from 70% to 80% of the American people support strong gun control laws.)

Two-thirds of the gunowners. (A Gallup poll last fall showed 60 percent of the gunowners favoring firearm controls; a Harris poll earlier this year showed 65% in favor of strong laws.)

OPPONENTS

National Rifle Association.
John Birch Society.
H. L. Hunt's Lifeline (which calls gun control a "prelude to oppression.)
Liberty Lobby (Which has urged people to stockpile guns in case a gun control law is enacted.)
National States Rights Party (which calls gun control a pro-communist left-wing scheme to disarm whites.)
Ku Klux Klan.
Most other right-wing extremists groups and individuals such as Dan Smoot, Billy James Hargis, and Kent and Phoebe Courtney.

Mr. Chairman, after the tragic assassination of Senator Robert F. Kennedy, many people asked what they could do to stimulate Congress in the fight for effective gun controls. I took the matter directly to the people of my district on Long Island, N.Y., by organizing a citizens' committee for effective gun control legislation.

Within a few short weeks, I received more than 10,000 signatures on a petition urging Congress and the New York State Legislature to adopt more effective firearms controls, including registration and licensing standards for all firearms.

This public response rebuts the theory that the responsible citizen does not want regulation of firearms. It rebuts the arguments advanced for so long by certain lobbying groups who have tried every maneuver to stall and defeat proposals to curb the interstate shipment of guns.

This support for gun controls by the people, has been evidenced in newspaper advertisements, in editorial comment and in constituent mail from every corner of the United States. This is truly a "people's lobby" and it is the responsibility of Congress to hear the voice of the people on this important subject.

I urge my colleagues in the House to support H.R. 17735 and to support the McClory and Bingham amendments for the establishment of minimum standards for State registration and licensing of all firearms. Under this bill, the public will be protected from those persons who are not capable of meeting the responsibility of owning a firearm and the responsible person who owns or desires to own a firearm for a legitimate purpose will not be inconvenienced by such controls or by the registration requirements.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. BRASCO].

Mr. BRASCO. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The amendment is not in order at this time and will not be in order until a vote is had on the Bingham amendment. The Bingham amendment is being debated from now until 5:30. So the gentleman is confined at this point to discussing the Bingham amendment.

Mr. BRASCO. Mr. Chairman, will I have an opportunity to present my amendment at another point?

The CHAIRMAN. Yes.

Mr. BRASCO. Then at this point I would like to use the time to explain to the Committee what this amendment would do.

Mr. Chairman, the amendment that I will offer at the appropriate time will be an amendment that would mandate the manufacturers of handguns to test fire the weapon and send the bullet of that particular weapon, along with the serial number and the general description of the weapon test fired, to the Federal Bureau of Investigation, who shall maintain such records.

Obviously, the point of this amendment is to create a national bank of ballistics information which would allow law-enforcement agencies an opportunity to detect those who would commit criminal acts with firearms—in this particular case, handguns.

I would like to point out that the amendment does not include rifles or shotguns because of the many complications with the removing of the barrels of rifles, and, of course, there is no rifling in the shotguns.

There are many crimes which are committed where the gun is disposed of. In this particular case, as long as a bullet is recovered at the scene of the crime, this would allow a law-enforcement agency to send the bullet to the Federal Bureau of Investigation, who would then be able to identify the bullet by comparing it with the test-fired bullet, thus identifying the serial number and gun used to commit the crime.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. ECKHARDT].

Mr. ECKHARDT. Mr. Chairman, I yield to my colleague from Texas [Mr. FISHER].

Mr. FISHER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FISHER. Mr. Chairman, I rise in opposition to the mandatory Federal registration of firearms. The enactment of pending amendments would not make a dent in the crime rate. A registered gun is just as lethal as an unregistered gun in the hands of a criminal.

If the purpose of registration is to assist in tracing ownership of a weapon that is used for illegal purposes, then its usefulness for that purpose should be examined. The National Firearms Act of 1938, now the law, requires all gun dealers to keep records of every sale, to whom sold, the buyer's address, and so forth. It is only in rare instances that police are not able to trace the ownership of a gun used in the commission of a crime—once that gun is obtained. Many such weapons are stolen, and that creates a tracing problem. But that would be true whether the gun is registered or not registered.

It is a kind of a cruel hoax, in an atmosphere of emotionalism, to lead people to think that registration of firearms would to any noticeable degree solve the mounting crime problem.

Instead of arousing false and unfounded hope related to registration, such people as the Attorney General would do much more good for the cause

of law enforcement if they would crack down on criminals and engage in some vigorous prosecutions. Let us keep this responsibility for law enforcement in proper perspective.

Moreover, the Attorney General would be well advised to spend more of his time as head of the Department of Justice, where he is supposed to advise the President on judicial appointments, to seek out highly competent men to fill vacancies on the Supreme Court, as well as on lower courts, when such vacancies occur.

Instead of talking about gun registration as a magic cure, let there be something meaningful done about the coddling and pampering applied to the criminal element. There is too much restraint applied to the performance of duties by police officers. The only way to prevent the repitition of crime is by the example of punishment—and the certainty of it.

Lukewarm, timid, vacillating treatment of the rioters and other hoodlums is an open invitation for more crime, and we have seen too much of that.

There is no place for sob-sisters and bleeding hearts in dealing with criminals. That is particularly true as applied to those who use firearms illegally. In such instances the punishment should be particularly severe.

Records reveal that some 80 percent of major crimes are committed by those with prior criminal records, many of them favored with light sentences and manifestly unjustified probationary treatment.

Thus, there are many areas of timidity and weakness in the broad field of law enforcement which desperately need attention. All the talk about gun registration as even a partial answer to crime is simply begging the issue. Let us get to the heart of this problem and the obvious contributing causes of the upsurge in the crime rate and not be diverted by side issues which are of little consequence.

Mr. Chairman, there are serious constitutional questions involved in compulsory gun registration on the Federal level. I will cite one recent case which throws light on this issue. In Haynes against United States the defendant was charged with knowingly possessing a firearm which had not been registered with the Secretary of the Treasury, as required by the National Firearms Act.

In that case Mr. Justice Harlan wrote the opinion for the Supreme Court on January 29, 1968, and ordered the defendant released. The opinion contained this language:

> We hold that a proper claim of the constitutional privilege against self-incrimination provides a full defense to prosecutions either for failure to register a firearm under Sec. 5841 or for possession of an unregistered firearm under Sec. 5851.

In any event, there is serious doubt about the constitutionality of the pending registration amendments.

We already have a fairly strong gun-control law and have had for 30 years. The enforcement of this law leaves much to be desired. Only recently Congress prohibited mail-order sales of pistols and the sale of such weapons to youngsters, ex-convicts, and so forth. The pending bill would extend this law to rifles and shotguns, and prohibit sales to minors, dope addicts, mental cases, criminals, and certain others.

Such enactments will work no magic, but they could be helpful in preventing sale of guns to the wrong people. The important thing in considering the pending bill is to do nothing that would interfere with the right of a law-abiding citizen to purchase a gun from his gun dealer and then use it in any legal way he desires.

Mr. ECKHARDT. Mr. Chairman, I rise in opposition to the amendment by the gentleman from New York and in support of the amendment by the gentleman from Illinois. I do this for three reasons:

First, there are enemies of all registration who would support the Bingham amendment in order to defeat all reasonable regulation;

Second, rifles and shotguns are so commonly employed for wholesome uses and pistols are so commonly used for crime that I believe the distinction to be valid; and

Third, if registration is limited to pistols the authorities will not have their time and enforcement efforts occupied by registering sportsmen's rifles and shotguns.

I feel the law would be more effectively enforced.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. HUNT].

Mr. HUNT. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HUNT. Mr. Chairman, during previous debate on the legislation now before us it has come to my attention that a considerable number of figures cited in the RECORD on various crime statistics by proponents of gun registration and licensing are highlighted in the July 1968 issue of ADA World, the official publication of the Americans for Democratic Action, whose figures were only as current as 1965. While the intent is evidently to demonstrate that strong gun laws decrease the incidence of violent crimes involving a gun, I would like to note just a few figures, current through 1967, in the cases of New York and New Jersey which perhaps have the most stringent gun laws of any States in the Nation.

The preliminary statistics on serious crimes for New Jersey in 1967, considering the enactment of the New Jersey gun law in 1966—Chapter 60 of the Public Laws of 1966—are as follows:

Serious crimes as a percentage increase in 1967 over 1966

	Percent
Murder	9.2
Robbery	33.9
Assault	5.7
All serious crimes	23.5

Comparative figures for 1966 and 1967 as a percentage of serious crimes in which a gun or weapon was involved

	Percent
Murder by gun:	
1966	43.2
1967	46.9
Robbery (involved weapon [1]):	
1966	44.6
1967	51.9
Assault (involved gun):	
1966	9.1
1967	12.0

[1] Figures not broken down for guns, knives, etc.

In the case of New York, the increasing incidence of homicides by gun, despite the Sullivan law, which has been on the books for decades, is further evidence of the misdirection of too stringent a gun law. In New York City, the police reduced the number of permits to keep "protection" handguns in homes or places of business by 77 percent between 1950 and 1965. In this same period, the number of homicides increased from 294 in 1950 to 702 in 1965 or almost 240 percent—source, FBI Uniform Crime Reports—in 1967, the number of homicides increased by 21 percent over 1966.

It is clear the crux of the matter rests with the criminal who must be dealt with swifty and firmly by law-enforcement authorities and by the courts that administer criminal justice. Mandatory and stiff penalties must be imposed as the price the criminal user or possessor of a firearm must pay. Leniency by the courts is indefensible. For example, the 1966 Uniform Crime Report, page 48, reveals that over two-thirds of the gunmen who have murdered policemen are exconvicts who have received leniency from a judge and a third were on parole at the time. Of further interest is the view of a criminal, Charles Lee Howard, who is currently serving a sentence at the Ohio State penitentiary for armed robbery and kidnapping. He states:

> No criminal I know would obey a gun law while committing a crime of equal or greater seriousness (than that for which he was convicted) * * * most of the guns used by criminals in my "circle" were either stolen outright or bought from shady friends * * * since criminals, not guns, commit crimes, it strikes this convict that taking away one of the citizen's means of self-defense is not the best way to protect him.

A convict serving time in Folsom, Calif., State Prison, James F. Gallagher agrees with Howard that stiffer gun laws would benefit criminals and hamper honest men. Gallagher, who is said to have committed some 50 robberies favored stricter gun laws "only if I continue to make my living as an armed robber when I get out of here."

It has been repeated time and again by proponents of the strictest gun controls that registration and licensing would represent only a slight inconvenience to the estimated 43 million Americans who now possess firearms and would not deny the right of the law-abiding individual to acquire a gun. It is also said that these provisions are designed to "protect" the law-abiding citizen. From whom? Mr. Chairman, you may be assured that to the contrary, the rights of our citizens will be abridged for by the very nature of the system that would be required to implement a registration and licensing program, and by virtue of the subjectivity necessarily employed to judge competency, equity would border on the impossible. Secondly, while it would be assumed, or at least expected, that all who now possess a fire-

arm would subject themselves to registration and licensing under penalty of law, the criminal most certainly would not subject himself to such incrimination, and that fact has been upheld by the Supreme Court. As to inconvenience, we need only look to our constituent mail, and in any case where an individual is involved with the Federal bureaucracy, I doubt few would say that this is not a frustrating, and in some cases futile, experience.

One other point that bears repeating is the fact existing laws pertaining to firearms; namely, the National Firearms Act of 1934 and the Federal Firearms Act of 1938, have not been enforced in those instances where they clearly apply. Both acts contain rather detailed provisions for record keeping including precise identity of the firearm, disposition, and the identity of the person who possesses it. While this issue, in the context of the times, is purported to demand the enactment of more and more legislation, I contend that no legislation or law can be effective without the will and intent to enforce it.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. McEWEN].

Mr. McEWEN. Mr. Chairman, I rise at this time in opposition to the amendment offered by the gentleman from Illinois and the amendment thereto offered by the gentleman from New York.

The bill before us, Mr. Chairman, may be cited as the "State Firearms Control Assistance Act of 1968," and the bill in its present form, I believe, would be an act to assist the States in controlling their firearms. The amendments proposed by the gentleman from Illinois and the gentleman from New York in my view are not an assistance to the States, but a takeover of the powers of the States and the local communities, which they now have, and in many cases they have exercised those powers to control firearms through registration.

To apply this heavyhanded application of a Federal takeover in this field would, as I see it, give two certain results. First, that the law-abiding gunowners of America, whether metropolitan or rural, East, West, North, or South, would be burdened and, second, as the gentleman from Michigan [Mr. DINGELL] pointed out, this would be done at a cost greatly in excess of what the registration fees are that are provided in the amendment offered by the gentleman from Illinois.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. GREEN].

Mr. GREEN of Pennsylvania. Mr. Chairman, I rise at this time in support of both the amendment offered by the gentleman from Illinois [Mr. McCLORY], and the amendment offered by the gentleman from New York [Mr. BINGHAM].

It is not enough to provide for the registration of handguns. It is true that ordinarily the handgun or pistol is the tool of the thug, the robber, the criminal.

But the long gun has played a prominent role in the menacing outburst of assassinations and murders committed by sick or evil people. This was true in the assassination of President Kennedy, as it was in the murder of Dr. Martin Luther King and the 31 men, women, and children struck down from the tower of the University of Texas several years ago.

In addition with the appearance of extremist paramilitary groups which take the law into their own hands and spread terror in communities, we need a check on the flow of arms, both long and short.

The FBI supports this position, most State and local police forces support this position and I believe the people of this country support this position.

Local laws are not enough. My city of Philadelphia has a strong ordinance, but its effect, as the police there will tell you, is substantially weakened because surrounding communities have failed to act similarly.

In Philadelphia we have kept guns from criminals with licensing. I urge the House to accept these amendments which focus on the nature of crime in the country and reduce the risk to American men, women, and children.

Mr. BURTON of California. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BURTON of California. Mr. Chairman, I rise to commend the gentleman from Pennsylvania [Mr. GREEN] for his thoughtful remarks.

I join with the gentleman in supporting the Bingham amendment and the McClory amendment.

The gentleman from Pennsylvania and I recently participated in the campaign for the Presidency by the late Senator Robert F. Kennedy. Those of us involved in this effort may not be any more concerned than our colleagues about the impact of the lawless use of guns—long ones as well as short ones—in the recent political assassinations in the country.

As the shadow of Senator Robert F. Kennedy, his brother, President John F. Kennedy, Dr. Martin Luther King, and Medgar Evers, among others, looms over this body today, I fervently hope that these amendments are adopted and that a strong gun control bill becomes the law of the land.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. WHITENER].

Mr. WHITENER. Mr. Chairman, the amendments which are now before us are noteworthy because of the lack of understanding the membership of the House has of their contents.

I do have in my possession a so-called explanation, written by the Justice Department, which I assume was sent to all members of the Judiciary Committee. I note from this so-called explanation that the Secretary of the Treasury will be authorized to purchase a firearm from anyone who wishes to relinquish it to him. According to the explanation, this requires the Secretary to pay reasonable compensation for a firearm surrendered by any person in lawful possession.

I take it that under the amendment offered by the gentleman from New York [Mr. BINGHAM] and the gentleman from Illinois [Mr. McCLORY] the Secretary of the Treasury is really going into the gun purchasing business. I can imagine there could be some really substantial arguments about fair compensation for them. There must be a few people in this country who would like to have the Secretary of the Treasury as their customer.

This provision for purchase of weapons is just one of the objectionable features of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. BROYHILL].

Mr. BROYHILL of North Carolina. Mr. Chairman, I rise in opposition to this amendment and ask that it be voted down.

Mr. Chairman, I yield to the gentleman from Ohio [Mr. McCULLOCH].

Mr. McCULLOCH. Mr. Chairman, I rise in opposition to the McClory-Bingham amendments not because I have stated that I would be opposed to such amendments for registering and licensing guns but because I am of the opinion that there are grave constitutional questions on the right of the Federal Government to do so in some, if not many, cases.

Furthermore, there are practical questions and difficulties involved, and I am interested in seeing effective yet moderate gun control legislation enacted in this session of Congress.

It is my studied judgment, Mr. Chairman, that if registration and licensing of guns and owners thereof becomes a part of this legislation it just will not pass. I want this Celler bill to be passed in the House of Representatives on Monday next.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. HUNGATE].

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding.

I should like to point out that in my opinion my amendment would strengthen this legislation, and it would have greater support in the House of Representatives, and also it would have overwhelming support around the country.

I think this is really a day of decision insofar as we are concerned. I see no reason why we cannot act freely and favorably on it. It seems to me we are meeting a tremendous part of the crime problem.

Mr. Chairman, I also want to say this. I support the bill that has been presented by the gentleman from New York [Mr. CELLER] and support it wholeheartedly. That is part of the attack on crime. I supported the omnibus crime bill in every phase because that was also a part of the comprehensive attack on crime. This amendment is only one part of the comprehensive attack on crime but it is an important part.

With the rising number of guns and the increasing number of murders by guns, it seems to me that the Congress should take effective action.

The CHAIRMAN. The Chair recognizes the gentleman from Alaska [Mr. POLLOCK].

Mr. POLLOCK. Mr. Chairman, I rise in opposition to the amendment by the gentleman from New York to the amend-

ment by my good friend the gentleman from Illinois [Mr. McCLORY].

If we register handguns, the next step is to register long guns—and many, many people in the United States greatly fear a Federal registration system—an enormous cost to the American taxpayer.

It should properly be in the province of each State to provide for registration, if the State legislature has the collective bad judgment to so enact gun registration.

Just by requiring a registration we provide the machinery for ultimate confiscation—don't ever forget that confiscation can be accomplished just as surely by excessive levy of registration fees or by taxation of firearms as by outright expropriation.

The situation is so very different in different States; why force every State to conform to a uniform pattern that may have practical value in one location and create nothing but enormous problems in another.

We should not compare Federal gun registration with State registration of automobiles or illegitimate babies. The situations are strikingly different.

Why do we confuse the ownership of guns with the incidence of crime? This is a mass indictment to every sportsman and every lawful gun owner in the Nation.

Why do we get entrapped into the misleading belief that registration will reduce crime? It absolutely will not.

This body today voted against the Pollock amendment to the Poff substitute, which would have imposed far more severe penalties upon the criminal. Now we consider a gross harrassment of the law-abiding citizen through a device that will have little or no effect on the criminal, who certainly will not comply with the registration provisions we would now impose upon the Nation.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. FRASER].

Mr. FRASER. Mr. Chairman, I want to express my appreciation to the gentleman from Illinois [Mr. McCLORY], for presenting what appears to me to be a very carefully drafted amendment. It provides that a gun need only be registered once by one owner. It provides that there has to be paid only a $1 fee, and out of this we will get a kind of national gun registration which will enormously assist our law-enforcement agencies. These are very simple provisions which would place no burden on law-abiding citizens.

Mr. Chairman, I think we ought to pass this amendment with the Bingham amendment added.

We need a firearms bill that not only restricts mail-order and over-the-counter sales of guns and ammunition, but also provides for registration of firearms and the licensing of their owners. Inclusion of registration and licensing is critical if the American people are to have the protection they deserve against the misuse of firearms that causes so many thousand deaths and injuries each year.

My convictions about this legislation have been strengthened during the last 2 weeks by the response to a questionnaire that I mailed to every household in my district of Minneapolis. Partial returns from the questionnaire reaffirm that what public opinion polls have been showing for years: a majority of the people want more stringent gun regulations.

I want to make clear, Mr. Chairman, that the citywide questionnaire is not a scientific poll, but only a sampling of public sentiment on the firearms issue. This legislation has inspired the heaviest flow of mail that I have received on any subject during my three terms in Congress. Tabulation of the results is not yet complete, but the percentages have remained fairly constant since the returns started coming in.

When the results are complete, I intend to make them public. It appears that the final number of questionnaires returned will total more than 12,000, or 7.5 percent of the 160,000 mailed out. I offer the following figures—based on the first 6,000 questionnaires returned—as part of the debate in the House in the hope that they will reemphasize the need for both the House and Senate to pass a strong bill: Eighty-five percent favor some kind of gun registration. Sixty-eight percent favor licensing of gun owners.

Overwhelming percentages believe that persons should be disqualified from obtaining a gun license on the basis of alcoholism, mental illness or incompetence, narcotics addiction, and felony convictions.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I am glad to yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, I would like to add my remarks to those of the gentleman from Minnesota in complimenting the gentleman from Illinois on offering this amendment. It is a good amendment and it meets the constitutional tests. The people of America should be grateful to him.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. REID].

Mr. REID of New York. Mr. Chairman, I rise in support of the McClory amendment and in support of the Bingham amendment.

Mr. McCLOSKEY. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from California.

Mr. McCLOSKEY. Mr. Chairman, I would like to speak against the amendment of the gentleman from Illinois [Mr. McCLORY] for one reason. This amendment represents a classic case of a philosophy of government to which the majority party has adhered for some 36 years.

That philosophy, simply stated, is exemplified by the immediate use of Federal power to react to local problems with some great new extension of Federal jurisdiction. We have just passed a comprehensive anticrime bill in which we stated our finding, reached after months of deliberation, that "crime is essentially a local problem that must be dealt with by the State and local governments if it is to be controlled effectively." We went on in the crime bill to state our declared policy to assist State and local governments in strengthening and improving law enforcement. We refrained from the creation of a Federal police force to control crime.

Is it not clear also that the abuse and misuse of firearms is basically a local problem? Let us confess to ourselves and to our constituents that only recently have we come to grips with the need for gun legislation. We do so primarily because our citizens demand it. They in turn demand it because we have recently seen some of our most prominent and able leaders murdered with firearms.

The pressures of a nuclear and urban society have led to a great increase in crime. Times are changing and understandably our attitudes toward firearms are changing. At this juncture in our history, however, it does not seem necessary to extend Federal jurisdiction without at least seeing what State governments do to meet a situation we ourselves have only recently confronted.

If we are honest in our declaration in the Omnibus Crime Control and Safe Streets Act of 1968, we should at least give the opportunity to our State governments to legislate with respect to the problem. Previously, State legislation was made ineffectual by the great loopholes of unrestricted use of the mails and interstate commerce for the shipment of firearms. We close those loopholes today. Before we intrude in a matter we admit to be primarily of local concern, should we not allow a reasonable time to elapse for the State governments to act in response to the same desires of our people that have been so urgently placed before us?

The essential quality of success in our history has been the balance between local, State, and Federal Government. We have seen the programs of the Great Society fail to meet the needs of the very people they sought to benefit. Why? Because we find that the Federal Government cannot properly meet local problems with complex, cumbersome agencies with headquarters and administrative regulations drawn in Washington. For these reasons, Mr. Chairman, I would urge the defeat of the amendment.

Mr. REID of New York. Mr. Chairman, I believe both amendments are essential to any comprehensive gun control bill dealing with registration and licensing. The figures of the Department of Justice seem eminently clear to me. In strong gun law States, the percentage of murders by firearms and the overall rate of murder are much lower than in weak gun law States. For example, in Pennsylvania, which has strong gun laws, the percent of murders by firearms is 43.2 percent and the overall murder rate is 3.2 per 100,000 population. In Arizona, a weak gun law State, 66.4 percent of all murders are committed with firearms and the overall murder rate is 6.1 per 100,000 population—almost twice as high. National registration, I believe, is essential to any coherent record of firearms and would permit the National Crime Information Center to put out an all-points bulletin within some 60 seconds and thus identify the owner of a gun used for a violent act. Such a bulletin might have been broadcast almost im-

mediately after the assassination of President Kennedy, and Lee Harvey Oswald might have been apprehended more quickly. Had this kind of system been in effect, Dr. King's alleged assassin might never have been able to leave the United States.

Neither the glaring facts and statistics nor the issue will be made to disappear by any inaction on a serious bill by this Congress. No other major country permits such easy access to deadly weapons by the mentally ill, by ex-convicts, by the ruthless, by the angry and unbalanced. As a result, the rate of homicide in the United States is from seven to over 35 times greater than in Australia, England, France, Canada, and Japan.

Only a comprehensive bill containing licensing and registration requirements will meet the imperatives of the problem. These amendments would establish the needed registration provisions and would also provide that ammunition be sold only for registered weapons and to registered owners.

Surely, Mr. Chairman, we have had in our society tragedies and assassinations which make it incumbent upon us to make a decision now.

Mr. Chairman, I strongly urge the adoption of the Bingham amendment to the McClory amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. TEAGUE].

Mr. HALPERN. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman from New York.

Mr. HALPERN. Mr. Chairman, I rise in enthusiastic support of both the McClory and the Bingham amendments.

Mr. Chairman, I thank the gentleman from California [Mr. TEAGUE], for yielding.

The bill before us, H.R. 17735, the State Firearms Control Assistance Act of 1968, as far as it goes is good. But, regretfully, it does not go nearly far enough if we are to have meaningful firearms controls. This bill must be strengthened by these two amendments. It is my fervent hope that this House will correct the shortcomings of the bill and add the vitally needed registration and licensing features.

These amendments contain registration and licensing features of provisions in my own firearms legislation, and have as their purpose the disarming of lawless people, helping State and Federal agencies in preventing and solving gun crimes by requiring registration of all firearms and licenses for the purchase and possession of all firearms and ammunition, and to encourage the States to enact their own firearms laws.

I repeat what I said during general debate that this is not a question of acting on a bill under the atmosphere of hysteria. There is a big difference between emotional hysteria and the righteous indignation of a long-suffering public aroused by a blatant inequity in our laws and the reluctance of Congress to do something about it.

The public is aroused, too, by the power of a well-organized, well-financed lobby, which has for entirely too long thwarted its will. The problem has been here for a long time, and the need to remedy it is long overdue. There is nothing the least bit hysterical about that. If ever there was responsible, well-thought-out legislation, it is the McClory and Bingham amendments, which will bring workable, effective, and meaningful controls over all firearms. I trust they will be adopted today.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I thank the gentleman for yielding, and urge adoption of both of these amendments. In my sincere opinion they are very necessary.

Mr. Chairman, I support this bill, and I particularly urge the adoption of the amendments for the registration of all firearms and ammunition and the licensing of all firearm owners. Legislation which I have introduced would accomplish much the same end.

Statistics from my own congressional district in suburban Maryland are evidence to the blatant reality of crimes involving guns in our Nation. Since January of 1967, 70 percent of all murder crimes were committed with rifles, handguns, and shotguns, Sixty percent of all instances of concealed weapons charges involved guns. Fifty percent of all the suicides were inflicted with guns, 40 percent of all aggravated assaults, and 50 percent of the robberies involved guns.

No one can deny that steps must be taken to reduce these appalling percentages. The control of interstate traffic of firearms and ammunition, and all traffic in regard to minors, felons, fugitives, narcotic addicts, the mentally incompetent, and those under indictment for a crime are essential steps. The registration of all guns and ammunition, and the licensing of firearm owners are also highly necessary. The passage of stringent gun-control legislation would show the grave concern of the House of Representatives about the unacceptable instances of violence in our Nation today.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, we now have an opportunity to enact into law effective gun control legislation—legislation that will save lives and prevent in measure the needless deaths and injuries that result each year from the abuse of the privilege of firearms ownership. The McClory and Bingham amendments under consideration provide for the registration of all firearms in the Nation and require a license for the possession of any species of firearm or ammunition. The amendments represent a comprehensive attempt to regulate in a responsible fashion the unchecked traffic in guns that contributes so substantially to the present disruption of our national life. Of all the crime control legislation proposed during these last several months, the measure now before the House seems to me to be the most significant. Although it is possible that the bill will not result in a dramatic drop in the violent crime rate in the first few years after its enactment, as a long-range measure it will have the effect of steadily eroding the supply of guns that find their way into criminal hands.

This bill, as amended, will, to be sure, involve some inconvenience to responsible gun owners, but it will be even a greater inconvenience to criminals who have had thus far virtually unlimited access to firearms which in their hands become instruments of death and destruction. Any citizen who is mentally competent, of sufficient age, and without a criminal record will be able to possess a firearm under the provisions of the present legislation. The registration requirements of the proposed bill will provide law-abiding gun owners with an added measure of protection from theft and will be an invaluable aid to law-enforcement authorities, in the apprehension and conviction of criminals. As I have suggested before in this Chamber, the choice between avoiding a small inconvenience and taking substantive steps to stem the tide of gun deaths is no choice at all. When I compare the tiny outlay in time and money required by the licensing and registration procedures contained in this bill to the immeasurable grief that is the lot of those families that have lost a father, or a mother, a son or a daughter, because of the easy availability of firearms, I think the choice is clear.

The bill and the amendments represent the strongest gun control legislation yet proposed. It is thorough and thoughtfully drawn; most important, it is strong enough to achieve its purposes. It allows the States to exempt themselves from its provisions by passing effective laws of their own. I urge its passage.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, First, I would like to say that in my opinion we have had a constructive and a most informative debate upon this subject. I am pleased with the debate which has taken place.

On the other hand, Mr. Chairman, I would like to answer some of the arguments that have been made which in my opinion do not hold water.

Mr. Chairman, a great many Members say, "Yes, I am for registration, but I do not want this type of registration." But, let me say this is the type of registration which is most desirable—and most workable. If we should have registration in all 50 States of the Union, we could not solve crime nor protect law-abiding citizens nearly as effectively as can be done from a single registration system.

And, Mr. Chairman, when various Members of the House talk about economy, this could be the most economic, the most efficient and the most beneficial procedure to follow with respect to this problem.

Further, let me say this: There is no suggestion in any part of my amendment which would cause anyone to give up any weapons. I think that should be made perfectly clear.

Let me say further we are not touching the subject of shotguns and rifles which are the weapons used most frequently by hunters and sportsmen.

So, let me urge upon you to defeat the amendment which has been offered by the gentleman from New York [Mr. BINGHAM] and give your wholehearted support to my amendment.

I think the opponents of this amendment are misjudging the temper of this Nation, they are misjudging what the people want and I think that statement applies particularly to a great many Members of this body on this side of the aisle.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. CELLER] to close the debate on these amendments.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New York.

Mr. ROSENTHAL. Mr. Chairman, I rise in support of both the McClory amendment and the Bingham amendment and I want to simply commend both of my colleagues for the leadership on this very, very important subject.

I do think there is an important point that needs to be made and that is this: that the States have the first opportunity of licensing and registration. I think something can be said about that. But I think the important thing is that one way or the other that these steps should be taken today forthwith and the importance of the matter is such that we must do this.

Mr. Chairman, I commend my colleagues on the committee.

Mr. Chairman, I intend to offer an amendment which may help resolve the legitimate concerns of both those who want strong Federal registration and licensing provisions and those who believe our State and local governments competent to administer such provisions.

My amendment provides for the States to submit a State plan which will specify how the State will administer the Federal registration and licensing requirements. Each of our States is different from the others and each would be given an opportunity to build licensing and registration systems appropriate to their State government structures, their geographical limitations and their existing systems for firearms control.

But the Secretary of the Treasury will retain final jurisdiction in determining both whether a proposed State plan meets Federal requirements and whether the administration of the plan is adequate to those requirements.

The Secretary, in the area of weapon registration could specify, for example, that each weapon registered by a State was reported to a national gun control registry, or other Federal office, on specific forms and at specific times. This would be a requirement on the State governments which they would, in turn, apply to their citizens who register guns. But whether the local police precinct or the State internal revenue service or the State highway police actually registered the weapon would be a matter for State determination. Neither speed, nor accuracy nor completeness will be sacrificed by allowing local officials to participate in the registration procedures.

Similarly, licensing would be allowed by appropriate State authorities after the Secretary of the Treasury approved a State plan detailing how the State would meet these Federal standards for licenses. But the Secretary would retain, even under those State plans he approved, a responsibility for following the administration of the State procedures. As under registration, whenever the Secretary determined that the State plans had either been weakened through amendment or threatened by lax administration, he could reassert Federal controls until and unless the deficiencies were removed.

Mr. Chairman, these amendments strengthen the Federal standards for licensing and registration, not by substituting Federal officials, but by relying upon the local and State officials to enforce national standards.

I believe that those of us who want Federal controls can meet those who prefer State administration upon this amendment's common ground.

Mr. MONTGOMERY. Mr. Chairman, I rise in opposition to the Bingham amendment requiring registration of all firearms.

Just the cost alone of such an attempted program would be fantastically high and its effectiveness would be questionable at best, even if it could be implemented.

I certainly think this is a very unwise approach to the problem of our constantly increasing crime rate. Any type of further gun control legislation should be left up to the proper authority of the individual States and local governments.

Probably the best starting point would be to begin to enforce the laws we already have on the books and to administer just and speedy punishment to those guilty of breaking our criminal laws.

If this amendment were enacted into law, it would make violators of a substantial percentage of law-abiding citizens in all parts of the country. Many people are simply not going to register the firearms that they already own. And after spending great sums of money that our country cannot afford, the program would be impossible to enforce.

It is still a basic constitutional right for a citizen to bear arms to protect his home and family.

Mr. Chairman, the answer to this problem is not to punish the law-abiding citizen, but to punish the criminal. I hope this amendment will be defeated because the people of this country and the people of my State simply do not want it.

The CHAIRMAN. The time of the gentleman from New York has expired. All time has expired.

The question is on the amendment offered by the gentleman from New York [Mr. BINGHAM] to the amendment offered by the gentleman from Illinois [Mr. MCCLORY].

Mr. MCCARTHY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. BINGHAM and Mr. MCCULLOCH.

The Committee divided, and the tellers reported that there were—ayes 68, noes 172.

So the amendment to the amendment was rejected.

AMENDMENT OFFERED BY MR. BRASCO TO THE AMENDMENT OFFERED BY MR. M'CLORY

Mr. BRASCO. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Illinois [Mr. MCCLORY].

The Clerk read as follows:

Amendment offered by Mr. BRASCO to the amendment offered by Mr. MCCLORY: At the end of the McClory amendment insert the following:

"That the manufacturers of any refiled handgun shall test fire the same, preserve a test bullet and forward it along with the serial number and the description of the weapon test fired to the Federal Bureau of Investigation who shall maintain such records."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BRASCO], to the amendment offered by the gentleman from Illinois [Mr. MCCLORY].

The question was taken; and on a division (demanded by Mr. BRASCO), there were—ayes 50, noes 146.

So the amendment to the amendment was rejected.

AMENDMENT OFFERED BY MR. ROSENTHAL TO THE AMENDMENT OFFERED BY MR. M'CLORY

Mr. ROSENTHAL. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Illinois [Mr. MCCLORY]

The Clerk read as follows:

Amendment offered by Mr. ROSENTHAL to the amendment offered by Mr. MCCLORY: Title I, "Registration of Firearms," is amended by inserting after section 938 the following new section:

"§ 939. States Right of Preemption and Exemptions

"(a) The provision of this title shall not apply in any State which the Secretary determines has a system requiring registration of firearms, including at least the information required by that title, which will adequately and effectively carry out the provisions of this Act.

"(b) For the purposes of making the determination necessary for subparagraph (a) above, the Governor of such State shall submit to the Secretary of the Treasury after the date of enactment of this Act, for this approval, a State plan for registration.

"(c) The State Plans submitted under this section shall meet the provisions elsewhere in this Title for registration of firearms and shall require such information and procedures as may be specified by the Secretary to insure complete adherence to those provisions. The Secretary shall issue guidelines for the preparation of State Plans which shall be published in the Federal Register.

"(d) The Secretary may prescribe such rules and regulations as he deems reasonably necessary to insure that firearms registration reports from the States operating under approved State Plans for firearms registration are uniform in format, timeliness and accuracy and thereby efficient in their contribution of information to the National Crime Information Center established by the Federal Bureau of Investigation.

"(e) Whenever the Secretary of the Treasury determines—

"(1) that the approved State Plan has been so changed that it no longer complies with the requirements stipulated in subsections (a), (c), or (d) above; or

"(2) that, in administering said plan, there is a failure to comply substantially with such requirements, he shall notify the Governor of the State that this title shall apply in the State until he is satisfied that such deficiencies have been corrected."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ROSENTHAL], to the amendment offered by the gentleman from Illinois [Mr. MCCLORY].

The question was taken; and on a division (demanded by Mr. ROSENTHAL) there were—ayes 25, noes 117.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MCCLORY].

Mr. MCCLORY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. MCCLORY and Mr. DINGELL.

The Committee divided, and the tellers reported that there were—ayes 89, noes 168.

So the amendment was rejected.

Mr. BLACKBURN. Mr. Chairman, every congressional office is receiving hundreds of letters arguing the pros and cons of gun control. In excess of 60 percent of mail arriving in my office opposes the legislation offered by the present administration to require registration of all firearms at the Federal level.

I am very certain that not one of my constituents who now oppose such legislation would oppose reasonable legislation, arrived at by a deliberative Congress. This was certainly true of the public reaction to the recently enacted Omnibus Crime Control and Safe Streets Act of 1968 which I supported. That bill, in titles IV and VII provides quite well for Federal laws relating to pistols, or what is referred to as handguns, and establishes a basis for State action where further laws are needed.

Let me review some of these provisions contained in the two titles I mentioned:

First. It is unlawful for any person to be engaged in importing, manufacturing, or dealing in firearms or destructive devices or ammunition, unless federally licensed. Dealers may not ship or transport in commerce firearms—excluding long guns—or ammunition for destructive devices to nonlicensed persons.

Second. It is illegal for any person who is one of the following to receive a firearm: Those convicted of a crime punishable by imprisonment for a term exceeding 1 year; those discharged from the Armed Forces other than honorably; the mentally incompetent; U.S. citizens who have renounced their citizenship; and aliens illegally present in the United States.

Third. It provides that a person who transports or receives a firearm in commerce with intent to commit a felony or with reasonable cause to believe that a felony will be committed therewith may be fined $10,000 and imprisoned for 10 years.

Fourth. It is unlawful for a licensee to sell or deliver any firearms to persons that the dealer has reasonable cause to believe are under 21 years of age.

Fifth. It prohibits a nonlicensee from transporting or receiving in the State of his residence a firearm if obtained outside his State. It further prohibits him from transporting into or receiving in his State any firearms obtained outside the State if purchased or possession is taken in the State or local subdivision would be unlawful.

Sixth. It prohibits dealers from delivering or selling firearms to nonlicensees who are reasonably believed to be out-of-State residents.

Seventh. It provides that a licensee may not sell or deliver to any person destructive devices, machineguns, or sawed-off weapons unless transferee has in his possession a sworn statement of the principal law-enforcement officer of the locality where the transferee resides attesting that there is no prohibition against the receipt or possession thereof, and that the local officer is satisfied of the transferee's intent as to possession for lawful purposes.

Eighth. Distribution or disposal of firearms is expressedly forbidden to persons who are fugitives, felons, or indicted persons.

Ninth. It makes it unlawful for a fugitive, felon, or those under indictment to ship a firearm or ammunition for a destructive device in commerce.

Tenth. It makes it unlawful for felons, fugitives and those under indictment to receive firearms or ammunition.

Eleventh. It prohibits stolen destructive devices from being shipped in commerce.

The Omnibus Crime Control and Safe Streets Act of 1968 contains a very comprehensive section on firearms regulation. It does not apply to rifles or shotguns; however, under this law, the States may enact additional safeguards commensurate with the will of the people of each State, maintaining a proper State-Federal relationship in this area.

What is ignored by those supporting strong gun control legislation is that the most widely discussed, recent crimes committed with guns—the slaying of Senator Kennedy and Dr. Martin Luther King; the killings in New York City recently—all were committed in States with very comprehensive gun control laws. Sirhan violated California statutes in five instances; and New York City, with its Sullivan Act has one of the highest crime rates in the Nation.

To the argument advanced that registration will tell us how many guns there are, where they are, and in whose hands they are held, obviously overlooks the unlikely registration of guns in the hands of criminals. They would never register their weapons. The registration legislation would once more give a Federal administrator power to establish regulations for acquisition. Under such regulatory powers, which have the full force and effect of law, the citizen would soon find himself facing the most extensive and time-consuming regulations prior to his buying a firearm, for whatever purpose. I feel the entire measure sets a dangerous precedent in this country.

I have every confidence that the electorate of my State will make their wishes known to the General Assembly of Georgia. Local officials are acutely aware of the need to prevent crime and preserve law and order.

Many persons are unaware of the degree to which States have comprehensive gun control laws. Thirty-four States require that a person obtain a permit or license before he can either purchase or carry a firearm. Many State legislatures are now considering more comprehensive gun control legislation.

Before the Congress considers new legislation it should inspect legislation enacted by the States.

The State of Georgia, for instance, has the following gun control provisions on the books:

First. Any person having or carrying about his person a firearm, unless fully exposed to view, shall be guilty of a misdemeanor.

Second. It shall be unlawful for any person to have or carry about his person or to have in his manual possession outside his own home or place of business, any pistol without first obtaining a license.

Third. All applicants for a pistol license must be at least 18 years old and must give a bond in the amount of $100 conditioned upon the proper and legitimate use of firearms. A license may be refused to an insane person or a person with a record of a felony conviction.

Fourth. It is illegal for any person to knowingly sell or furnish any minor with a pistol.

Fifth. It is illegal for any person to purchase a machinegun without a permit signed by the mayor of the town or county sheriff and a permit must be displayed to the seller before the machinegun shall be sold.

Sixth. All persons who have a license to sell firearms must be 21 years of age.

The last session of the General Assembly of Georgia enacted two additional bills concerning firearms control.

The first bill is concerned with the possession of firearms during the commission of a crime. This law states that any person who has in his possession a firearm during the commission of, or an attempt to commit any crime which is punishable by confinement in a penitentiary is guilty of a felony and shall be imprisoned for not less than 1 year or more than five. This sentence is not reducible to a misdemeanor status.

The second bill, the Georgia Firearms and Weapons Act, states that no person shall have in his possession any sawed-off shotgun, sawed-off rifle, machinegun, dangerous weapon or silencer. Any violation of this act is punishable by imprisonment for not less than 1 year and not more than 5 years. This action by the Georgia Assembly shows that the States are moving rapidly to provide adequate laws concerning firearms.

The Omnibus Crime Control and Safe Streets Act of 1968 is a good start on returning normalcy to this land.

I have felt for many years that certain constitutional restrictions must be considered before the Congress can enact broad gun ownership registrations.

When examining the cases which have come before the U.S. Supreme Court concerning the "right of the people to keep

and bear arms," one finds that the Court has never fully delineated the area within which Congress may act.

The first case ever brought before the U.S. Supreme Court involving construction of the second amendment was United States against Cruiskank, and others in 1870. This case involved a Reconstruction statute relative to the intimidation of persons of African descent. The Court held that the right to bear arms is not granted by the Constitution but the second amendment does no more than provide that the Congress shall not infringe on this right and has no other effect to restrict the powers of the National Government.

In the case of Presser against Illinois in 1886, the Court expanded the original Cruiskank decision to state that the provisions of the second amendment restrict the right of the States to prevent all capable citizens from bearing arms who constitute the reserve military force of the United States. The Court further stated that the States cannot deprive the United States of the rightful resources for maintaining public security. This case revolves around an Illinois statute which placed limitation on the rights of citizens to parade with arms.

In 1894, the Court stated in the case of Miller against Texas that, in many instances, the second amendment did not apply to the States.

During the 1930's, the United States was racked by criminal violence beyond all proportion. In 1934, the Congress enacted the National Firearm Act which placed Federal control over the sale of machineguns, sawed-off shotguns, and other destructive devices.

The case to test the constitutionality of this act was United States against Miller, and others in 1939. The Court held in this case that any firearm which could not be used in the service of a militia was subject to control by the Federal Government.

The right to bear arms was originally part of the English common law. Since the English have always feared a large standing Army, the right to bear arms was considered essential to the preservation of freedom against the tyranny of kings. Furthermore, it is part of English common law that every man has the right to defend himself and his property. These basic tenets are inherent in American law.

During the Revolution, one of the main objections of the colonists was the disarming of the people of Boston. General Gage's famous march to Lexington and Concord to disarm the militia, created the incident now famous as "the shot heard around the world," signaling the beginning of this country's fight for independence.

The intention of the framers of the second amendment is quite clear in considering this historical background.

In light of all these facts, Federal legislation which infringes upon the lawful purchase, possession, or use by individuals of firearms would be an undue restraint upon the citizen's right to bear arms.

The person who commits a crime utilizing a firearm should be punished for the abuse of the right to own firearms.

I introduced in the month of October 1967, H.R. 13753, a bill to prohibit the use in the commission of crimes, firearms transported in interstate commerce. This measure provides that whomever uses a firearm transported in interstate or foreign commerce in the commission of robbery, assault, murder, rape, burglary, kidnaping, or homicide, shall be imprisoned for not less than 10 years for the first offense and not less than 25 years for the second offense. I feel that my bill provides the strongest deterrent possible against the use of firearms in the commission of a crime.

Mr. GRIFFIN. Mr. Chairman, I rise in opposition to the McClory amendment. Federal registration of guns and Federal licensing of guns owned by individual citizens would, in my opinion, be an unwarranted invasion of their rights and privileges. It would restrict law-abiding citizens in their pursuit of lawful activities, especially in regard to sports and hunting. Such a provision in the statutes would bring the United States perilously close to a dictatorship which demands the disarming citizens to remain in power indefinitely.

Allusion has been made to automobile registration and licensing as if the same requirement for guns would similarly be in the public interest. I submit there is no comparison whatsoever between the registration of automobiles and the registration of guns. Automobiles, historically, have been licensed and registered by the States for taxation purposes. There is no Federal registration of automobiles. There is no Federal licensing of automobiles. Therefore, such an analogy does not apply and is nothing more than a spurious argument in an attempt to justify an untenable position.

Additionally, I oppose the McClory amendment and the Celler bill, H.R. 17735, because both would authorize a Federal dossier on every citizen. Under this bill, every transaction involving the sale and purchase of guns or ammunition would be reported to Federal agents along with the names and address of the citizen involved. Unquestionably, this far-reaching and dangerous provision would give Federal bureaucrats the opportunity and authority to question innocent citizens whenever a crime is committed in that locality.

Mr. Chairman, when the U.S. Government has a dossier, or file, of every citizen purchasing guns and ammunition, will there be knocks on the door by FBI agents in the middle of the night as happened during the steel price increase investigation of only a short 6 years ago?

This legislation is extremely dangerous and should be soundly defeated.

Mr. MONTGOMERY. Mr. Chairman, after witnessing the turmoil, confusion, and senseless destruction of public property by the Poor People's Campaign in Washington; after seeing the Supreme Court hand down decision after decision which handcuff our police officers; after watching those who loot and burn our cities being set free by lenient courts; and now after violence in our own State, I am firmly convinced that the first order of business of our Government must be the return of law and order to America.

We have reached the point where strong corrective action is not merely a preferred course of action—it is now the only course of action, unless we are willing to abandon our streets to those who are contemptuous of our institutions and laws.

We cannot be permissive about violence; we cannot accept excuses for bombing, looting, and killing. Let us remember that among all civil rights there are none more fundamental than the right of an honest man to his life, the right of a child to walk the streets without peril, and the right of all citizens to live without fear.

As long as we, as American citizens, are capable of reason, our first obligation must be to the law-abiding citizen. If we refuse to punish a criminal for reasons of compassion, are we not denying compassion to the past and future victims of crime?

On many occasions I have expressed my firm opposition to further Federal control of firearms. New and far-reaching firearm control legislation has been submitted to Congress in the wake of Senator Robert Kennedy's tragic death. These proposals which would require Federal registration and licensing of all guns and which would control ammunition sales represent, in my opinion, the first step in an attempt to completely rid the American public of individual gun ownership.

Apart from the obvious constitutional questions there are many other aspects to be considered involving Federal gun control legislation. If we rush headlong into new gun control laws, without proper time for deliberation and consideration, then we shall forfeit our legislative process to sheer emotion and mass hysteria. For this reason, I would think that any new gun control legislation passed by this Congress would be ill-advised and ill-considered. If firearms are to be regulated, it should properly be the responsibility of each State or local government.

We already have enough laws on our books that are not being enforced. The obvious answer to many of these problems is to simply enforce the laws that they have already been enacted.

The situation is absolutely appalling. My colleague, the gentleman from Michigan, Congressman JACK MCDONALD, in a recent newsletter, pointed out the following figures from a survey of citizens in high crime areas in two cities: 48 percent of the people stay home at night—out of fear; 35 percent do not talk to strangers—out of fear; 21 percent drive or take cabs rather than walking—out of fear.

And on the national level: one-third of the American people feel unsafe at night in their own neighborhoods; over one-third keep firearms for the same reason; and 28 percent keep dogs for protection.

Our national crime rate has risen by a fantastic 88 percent in the period between 1960 and 1967, while during the same period our population has risen only 10 percent. What is the reason?

The permissiveness of our Government must bear a large share of the blame. Young offenders are dealt with too leniently, repeaters are thrown back on the street after sentences often too short, and in far too many instances charges are re-

duced to the point that the criminal quickly decides that crime does pay.

The story of alarming crime increases each year is not a new story. It is old and it is true. One appalling aspect is the fact that many people in positions of responsibility continue to deny this truth. They prefer to close their eyes and hope that crime, if ignored, will go away.

What is the answer to this grave problem? The permissiveness in our society has resulted in a general air of defiance of the law on the part of many of our citizens. The policeman on the corner, who once was admired and respected, is today the target of abuse.

Restrictions placed on law-enforcement officers have made it far more difficult to present cases that will stand up in court.

The answer to our Nation's crime problem will be found in direct, positive action—not by waiting and hoping the problem will go away. A good beginning would be to let the guilty criminal know that when he is arrested, he will promptly be prosecuted and punished for his deeds.

Mr. SKUBITZ. Mr. Chairman, I, too, am alarmed with the rising rate of crime and lawlessness in this country. I, too, was shocked and sickened with the announcement of the senseless assassination of President John Kennedy, Dr. Martin Luther King, and the late Senator Robert Kennedy. But I am fearful that the legislation we are considering today will not achieve the results that some profess.

Mr. Chairman, I have no objection and will support legislation to stop the interstate shipment and mail-order sale of rifles and shotguns. I believe that such legislation will at least serve as a deterrent in preventing guns from falling into the hands of incompetents and minors.

I believe the committee showed sound judgment when it omitted from the bill provisions for the registration and licensing of guns. Does anyone here believe that any kind of legislation would have prevented the assassins who murdered President Kennedy, Dr. Martin Luther King or Senator Robert Kennedy? Does anyone here believe that legislation will keep guns out of the hands of the criminal element or that they will register their guns or purchase a license? How do you force registration and licensing on a Federal level? The FBI has less than 7,000 employees. It will take a hundred thousand to do this kind of a job.

I submit that if the people want gun registration and licensing, do it on the State level where the machinery is now in existence.

Mr. Chairman, I do not pretend to be an expert in the field of crime detection or crime prevention but I am convinced that one of the basic causes for the increase in crime is traceable to the attitude of our courts. Too often our judges are more interested in protecting the rights of the criminal rather than the rights of society. Criminals are released on technicalities only to repeat their crimes. Penalties are assessed and within months pardons and paroles are granted. I am convinced that those who have made crime a profession are not deterred by the severity of a sentence. The real deterrent lies in the knowledge that the penalty pronounced is going to be enforced. I therefore urge this body to support the amendment to be presented by the gentleman from Virginia [Mr. POFF]. This amendment would provide that whoever has in his possession a gun while committing a crime—will be guilty of a crime—the crime of possessing a gun while in the act of committing a felony. This amendment would therefore take from the courts any discretion in determining whether a crime has been committed. Possession of a gun in the commission of a crime is a crime in itself. In my opinion this amendment will do more to deter crime than anything else. I am hopeful the States will follow with similar legislation.

Mr. BROYHILL of Virginia. Mr. Chairman, it is positively amazing that there should be so much controversy and disagreement on the subject of gun control legislation. I say this, Mr. Chairman, because I am confident the overwhelming majority of the American people are in complete accord that every possible means must be taken to guard against guns and lethal weapons reaching the hands of a minority element in our national community who are mentally ill, drug influenced, or criminally oriented. There is no argument about the fact that firearms are dangerous and there have been needless loss of lives in thousands of cases that could have and should have been prevented.

Yet, I have received thousands of letters on this subject, almost equally divided between those who oppose any gun legislation and those who support the pending legislation and some measures far stronger. There are, as all of our colleagues know, almost as many gun proposals in the hopper today as there are Members in this Chamber.

Obviously, Mr. Chairman, we cannot comply with all these demands nor can we write sound legislation in an atmosphere of panic and hysteria. We must make certain that whatever we do in trying to solve this problem will be in the direction of disarming the criminal and the law violator and assuring that law enforcement authorities will more vigorously work toward the apprehension, conviction, and punishment of those who have improperly used these weapons of destruction. The most dangerous thing we can do here today is to let ourselves be lulled into a false sense of security in believing that gun control legislation alone is a panacea for unlawful gun use, crime and violence.

Let us evaluate the laws already on the books in regard to gun control in order to better determine what additional laws are needed. I have found among the thousands of letters I have received a rather amazing lack of knowledge of what the Congress has done in the past in this area. Let us look at the record. We have on the books today the following gun control laws: The National Firearms Act of 1934, the Federal Firearms Act of 1938, the Federal Aviation Act of 1958, as amended, and the Omnibus Crime Control Act of 1967. These laws provide:

First, for the Federal licensing of all manufacturers, importers and dealers in firearms, handgun ammunition and components;

Second, for the keeping of detailed records of shipments and sales of all firearms by licensed manufacturers, importers and dealers;

Third, for the prohibition of any stolen firearm buying, selling or transport;

Fourth, that it is illegal for any dealer to ship any firearm into any State requiring a permit to purchase a firearm without first receiving evidence that the prospective buyer has such a permit;

Fifth, for the prohibition of firearms possession by any person who is under indictment, who is a fugitive from justice or who has been convicted of a crime;

Sixth, for the registration and payment of a $200 tax on any fully automatic rifles of less than 16 inches in length, and shotguns of less than 26 inches;

Seventh, for the payment of a $5 tax on the transfer of any shot pistols, or rifles less than 12 inches, and all weapons capable of firing a shot if such weapons can be concealed;

Eighth, for the endorsement of postal laws prohibiting shipment of concealable firearms such as pistols and revolvers through the mails except to law enforcement officers;

Ninth, for the ban of mail order sales of all handguns;

Tenth, that all crimes committed with guns be punishable by fines up to $5,000, 5 years imprisonment, or both; and

Eleventh, that anyone committing a Federal crime, with a firearm for which the sentence is more than 1 year should receive a fine of $10,000 and 10 years in prison.

During the period of 1963 to 1967 there were 2,294 criminal cases involving firearm violations of existing gun control laws prepared by the Treasury Department. During the same 5 years the Justice Department attempted to prepare cases for prosecution on 1,192 of these violations. In other words, almost half of these cases which were prosecutable and ready for trial according to the Treasury Department resulted in no action by the Justice Department. This is hardly a record of vigorous enforcement.

I intend to support the pending legislation, Mr. Chairman, realizing that some people will feel it does not go far enough while others will feel it goes too far. It is the best compromise that we can hope to get enacted into law this year, and it will be a step in the right direction, without infringing upon the rights of our people to own and use weapons. But I repeat for emphasis, Mr. Chairman, that it is vigorous prosecution of all gun control laws, at all levels of government, which will ultimately bring the problem with which we are faced today under control.

Mr. FINO. Mr. Chairman, I rise in support of this bill which will prohibit interstate mail-order sale and shipment of rifles, shotguns, and ammunitions. In the opinion of a vast majority of the American people, there is a great need for meaningful and effective gun-control

legislation and this bill, in my opinion, represents a necessary and important step in the right direction.

Clearly, it is important for our national future that we curb such abuses as interstate mail-order gun sales to persons with criminal records and persons with records of mental instability. We already have the tragic evidence of what harm can be wrought by mentally-ill persons with guns and, the continuing high toll of wounding and death by gunfire have further emphasized the urgent need for such legislation.

I am aware that there are valid arguments which can be raised against gun-control legislation; I am also aware of the argument that people, rather than guns, kill. And this is true. But there are also many situations where the weapon creates the opportunity for such crimes—and this is what we are trying to avoid. There is no possible justification for selling weapons to juveniles, to the mentally unstable, to persons with criminal records, or to persons unknown via the mails. To prohibit sales like these in no way violates the constitutional right to keep and bear arms.

At the same time, I do not think we should create the impression—as some proponents of gun-control legislation are trying to do—that it will make major inroads on present crime levels; nor do I think that the need for gun-control legislation should be used to divert public attention from the need to change the attitudes of courts and law enforcement bodies. After all, gun-control legislation will not stop riots; it will not stop mugging; and it will not repair the breakdown in law and order. If we pretend that gun-control legislation is the answer to the breakdown of law and order in this country, then we will be sadly mistaken. Gun control is important, but it is only one minor element of what we must do—it is only one of the steps that must be taken.

As for the question of Federal registration of guns, I much prefer the proposal to allow the States 2 years time to come up with their own legislation. I do not like the idea of the Federal Government registering ordinary taxpayers' guns with one hand and freeing criminals with the other; I think it would be better if the Federal Government—and I am referring to the Supreme Court in particular—stopped playing God and taking away the much-needed law-enforcement powers of the States. Law and order must be developed on the local level, and this cannot be done with the Federal Government encouraging the new "permissive" society in which any kind of antisocial behavior is excused as a function of so-called deprivation.

Let me say in conclusion that I support this gun control legislation and that I firmly agree that many kinds of gun sales now tolerated should be outlawed. I do not, however, feel that this legislation is anything more than a very small dent in the problem of law and order in this Nation. It is time to stop freeing criminals and excusing rioters, and when we get to that point, then we will be getting to the heart of the problem. This legislation, while important, is only a beginning—but a necessary beginning.

Mr. NICHOLS. Mr. Chairman, one of the most controversial issues in the 90th Congress is the matter of gun legislation. Our own mail is running extremely heavy, in excess of more than a thousand letters per week. I have been impressed by these letters in that most of them are written by individuals who have taken the time to write their Congressman expressing their views on this matter. Gun legislation is in fact the one issue I have consistently received the most mail on since coming to the Congress. A large majority of the expressions have been in opposition to both registration and licensing and almost any law which would restrict the ownership of a firearm.

If I were convinced that gun control legislation would either halt or deter crime in America, I would be the first to support such a law. I am not convinced, however, that strong restrictions on ownership of firearms would slow down the crime rate and I am one who believes that proper enforcement of laws now on the books is the best answer to reducing crime. Gun restrictions in my mind pose a constitutional question in that the Second Amendment of the Constitution specifically states: "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."

I do not intend to be a party to voting for a measure which would prohibit any American citizen from owning a firearm to protect his home from intruders nor deny any hunter the privilege of owning a gun for sporting purposes and to this end I certainly intend to oppose punitive and restrictive gun control legislation.

Mr. COHELAN. Mr. Chairman, I do not know anyone who is anxious to be shot with a gun.

Yet in 1966, more than 100,000 Americans were injured by private firearms, and 20,000 civilian deaths were inflicted by these weapons.

We have police to enforce laws against attacking individuals with guns. Yet in 1966, more than 100,000 assaults and robberies were committed with firearms.

Either through accident or crime, hundreds of thousands of Americans are exposed to assault, injury, and death by firearms.

More than half the households in the country has guns, and we are adding to the 50 to 100 million guns in private hands at the rate of 4.5 million a year.

Studies in Chicago showed that 25 percent of those who bought guns through the mails from just three California suppliers had criminal backgrounds.

The question before the House of Representatives today is what we can do to protect ourselves from dangers of these weapons while at the same time assuring the legitimate uses of firearms.

I believe that there is a broad consensus that we should not allow individuals to have guns unless they are capable of using them safely and legitimately. The consensus is that convicts, mental incompetents, and those who are too young to be responsible ought not to have guns.

Most people are agreed that to prevent guns from getting into the hands of those who ought not to have them it is desirable that we restrict sales of handguns and long guns through the mail and to out-of-State residents.

Some have argued that the second amendment of the Constitution controls the privilege of private individuals to keep guns. Court decisions and respected legal scholars' opinions indicate that the second amendment was designed to assure the rights of the States to maintain militias, and not to convey any individual right to possess firearms entirely free of governmental regulation.

The bill which has been reported to us by the Judiciary Committee includes provisions to prohibit sales of shotguns and rifles through the mail and to out-of-State residents. This bill also imposes recordkeeping requirements in connection with the sale of ammunition. I think there is broad agreement that the regulation embodied in this bill is desirable and I support it.

The real issue which is now before us is whether adequate protection can be obtained by these measures alone or whether it is necessary or desirable to institute further regulations to include licensing of gun owners and registration of their firearms.

This is a question to which I have devoted much time and sober thought. It is my considered judgment that it is not possible to keep guns from convicts or incompetents unless we require both licensing and registration.

There are more than 50 million guns in private hands in the country today. Unless we take adequate steps to prohibit these weapons from getting into the hands of those who are not capable of using them wisely, it will not do much good to prevent newly manufactured or imported guns from going to them.

If we restrict the sale of ammunition to those who have licenses and have permits for the type of weapon for which the ammunition is sought we will be able to exercise some meaningful degree of control over the presently outstanding inventory of firearms.

Registration will encourage gun owners to at all times know where their firearms are, and it will also aid the police in tracing weapons used in crimes.

Licensing will restrict to those who are not clearly unqualified the privilege of owning a gun. Thus private individuals and dealers will not transfer guns to those who have not been able to obtain licenses because of their criminal records.

Licensing and registration will also enable police to arrest and prosecute those who illegally have firearms before those arms are used in violent crimes.

The amendments which will be presented to the bill reported by the committee would establish a framework in which the individual States could enact and enforce effective registration and licensing programs. Federal controls would be applied only in States which did not implement adequate standards. Adequate programs would have only to require identification of gun license applicants, restrictions concerning criminal records, age, mental competence and

drug and alcohol addiction, and a means of verifying information given in this regard.

Licenses could be sold by gun dealers when the required information was presented. While it is clear that licensing and registration would result in some inconvenience, it is also clear that the inconvenience would be minimal and that the extra protection from unqualified gun owners would be substantial.

The facts on the deaths and injuries caused by firearms are astounding. I would like at the conclusion of my remarks to include a fact sheet prepared by the Department of Justice which highlights the extent of gun ownership, the numbers of incidents involving firearms, and the opinion polls indicating the overwhelming popular support of gun registration.

Mr. Chairman, we live in a complicated society in which minimal regulation is the only protection of real freedom. Indiscriminate ownership of firearms threatens the safety of every person in the country. I believe that it is our obligation to take adequate steps to keep firearms from those who are not capable of using them safely or legitimately, otherwise we will soon forfeit the freedom to walk the streets in safety. We require licenses to be married, certificates to be dead, and I do not believe that it is too much to ask that we require permits to keep deadly firearms.

The material referred to follows:

FIREARMS FACTS

(Compiled by Criminal Division, U.S. Department of Justice, July 16, 1968.)

I. FIREARMS IN THE UNITED STATES

(a) *Facts and Figures*

Estimates of firearms in private hands range from 50 [1] to 100 [2] millions firearms.

An estimated 42.5 million Americans own firearms.[3]

In 1967, 4.5 million firearms were purchased for private use in the United States.[4]

2 million firearms are manufactured domestically of which 70% are rifles and shotguns.[5]

More than 1.2 million firearms are imported each year.[6]

60% of the imported firearms are handguns.[7]

(b) *Firearms Sold in the United States for Individual Use* *

	1963 [1]	1964 [2]	1965 [2]	1966 [2]	1967 [2]	Percent of increase 1963–67
Rifles	875,440	1,019,000	1,286,000	1,376,000	1,882,000	115
Shotguns	603,039	936,000	1,190,000	1,422,000	1,515,000	151
Pistols/revolvers	496,139	500,000	587,000	846,000	1,188,000	139
Total	1,974,618	2,455,000	3,063,000	3,644,000	[3] 4,585,000	132

*Statistics compiled by the Standard Research Institute, June 11, 1968; Statement of Arnold Kotz, Stanford Research Institute, Hearings Before the Subcommittee to Investigate Juvenile Delinquency, Judiciary Committee, United States Senate, 90th Congress, June 27, 1968.

[1] Census data.

[2] Derived from excise tax receipts, industry data, and census data.

[3] The total quantity of firearms is derived from the total wholesale value of firearms sold in the United States for personal use and the average wholesale cost of domestically manufactured guns. Had the lower average price of foreign-made firearms been included in the average price, the estimate of total firearms would have been about 10-percent higher.

(c) *Imports*

In recent years, imports, particularly imports of pistols and revolvers, have increased sharply. (Consumer Products Division, Business and Defense Services Administration, United States Department of Commerce, Bureau of Census Data, Exports and Imports):

Year	Pistols and revolvers	Rifles	Shotguns	Total imports
1958	79,000	198,000	93,000	370,000
1963	223,000	219,000	120,000	562,000
1964	253,000	181,000	139,000	573,000
1965	347,000	245,000	174,000	766,000
1966	513,000	291,000	192,000	996,000
1967	747,000	239,000	222,000	1,208,000

In the first 4 months of 1968, 392,000 handguns have been imported. Last year in the first 4 months, 224,600 handguns were imported. If this year's rate continues unabated, the total for the year will be 1,560,000 handguns imported. This rate will be nearly 20 times the rate 10 years ago, and nearly double last year's rate. Virtually all handgun imports are for private use.

II. SOME PUBLIC FIGURES IN UNITED STATES ASSASSINATED, WOUNDED OR ASSAULTED WITH FIREARMS

Presidents

Andrew Jackson; assaulted, January 30, 1835.

Abraham Lincoln; assassinated, April 14, 1865.

James A. Garfield; assassinated, July 2, 1881.

William McKinley; assassinated, September 6, 1901.

Theodore Roosevelt; wounded, October 14, 1912.[8]

Franklin D. Roosevelt; assaulted, February 15, 1933.[9]

Harry S. Truman; assaulted, November 1, 1950.

John Fitzgerald Kennedy; assassinated, November 22, 1963.

Other Elected Officials

State Senator Almon Case of West Tennessee; assassinated, January, 1867.

Chief Justice of the New Mexico Territory, John P. Slough; assassinated, December 21, 1867.

Congressman James Hinds; assassinated, October 12, 1868.

Former Senator Samuel C. Pomeroy; wounded, October 11, 1873.

State Senator Smith of Tennessee; wounded, December 9, 1881.

Former Mayor John Bowman of St. Louis; assassinated, November 21, 1885.

Mayor Carter H. Harrison, Sr. of Chicago; assassinated, October 28, 1893.

William Goebel, successful Kentucky gubernatorial candidate; assassinated, January 30, 1900.

Mayor William J. Gaynor of New York; wounded, August 9, 1910.

Senator Charles B. Henderson; wounded, March 5, 1921.

Mayor Anton Cermak of Chicago; assassinated, February 15, 1933.

Illinois State's Attorney Thomas J. Courtney; assaulted, March 24, 1935.

Senator Huey Long; assassinated, September 9, 1935.

Mayor Hubert H. Humphrey of Minneapolis; assaulted, February 6, 1947.

State Senator Tom Anglin of Oklahoma; wounded, May 7, 1947.

Senator John W. Bricker; assaulted, July 12, 1947.

Congressman Alvin M. Bentley; wounded, March 1, 1954.

Congressman Ben F. Jensen; wounded, March 1, 1954.

Congressman Clifford Davis; wounded, March 1, 1954.

Congressman George H. Fallon; wounded, March 1, 1954.

Congressman Kenneth A. Roberts; wounded, March 1, 1954.

Congressman Leslie C. Arends; wounded, March 1, 1954.

Governor J. Lindsay Almond of Virginia; assaulted, April 11, 1959.

Governor John Connally; wounded, November 22, 1963.

Senator Robert F. Kennedy; assassinated, June 5, 1968.

Senator James O. Eastland; assaulted, July 12, 1968.

Prominent Civil Rights Incidents

Medgar Evers; assassinated, June 13, 1963.

Andrew Goodman; assassinated, June 21, 1964.

James Chaney; assassinated, June 21, 1964.

Michael Schwerner; assassinated, June 21, 1964.

Lemuel Penn; assassinated, July, 1964.

Mrs. Viola Greg Liuzzo; assassinated, March 26, 1965.

Rev. Jonathan Daniels; assassinated, September 13, 1965.

Rev. Martin Luther King; assassinated, April 4, 1968.

Others

Lee Harvey Oswald; assassinated, November 24, 1963.

Malcom X (Black Muslims); assassinated, February 21, 1965.

George Lincoln Rockwell (American Nazi Party); assassinated, August 25, 1967.

III. FIREARMS CRIMES IN THE UNITED STATES

In 1967: [10] 7,700 people were victims of homicides by means of firearms; 55,000 people were victims of aggravated assaults by means of firearms; 71,000 armed robberies were committed by means of firearms; a total of 134,000 homicides, assaults and robberies were committed with firearms in 1967.

In 1967, 11,000 [11] people committed suicide

[1] President's National Crime Commission Report, *Challenge of Crime in a Free Society*, p. 239.

[2] Consumer Products Division, Business and Defense Services Administration, United States Department of Commerce, estimates between 75–100 million firearms in private hands.

[3] *Shooting Industry* magazine, 1968.

[4] Stanford Research Institute, June 11, 1963, see p. 2.

[5] Consumer Products Division, Business and Defense Services Administration, United States Department of Commerce, 1963 Production, Census of Manufactures.

[6] Consumer Products Division, Business and Defense Services Administration, United States Department of Commerce, Bureau of Census Data, Exports and Imports.

[7] Consumer Products Division, Business and Defense Services Administration, United States Department of Commerce, Bureau of Census Data, Exports and Imports.

[8] While campaigning for office.

[9] Prior to being sworn-in as President.

[10] Federal Bureau of Investigation Uniform Crime Reports, 1967 (to be released to the public in August 1968).

[11] Figures based on data supplied by the National Center for Health Statistics, Public Health Service, United States Department of Health, Education, and Welfare, Monthly Vital Statistics Report, Vol. 17, No. 1, March 26, 1968.

with firearms and 2,800 [12] accidental deaths occurred by firearms misuse.

Each year, nearly 20,000 people die by firearms misuse including homicides, suicides, and accidents.

Each day, an average of 50 people die by firearms misuse, or 1 death by firearms every 30 minutes.

In the United States between 1900–1966: [13]

269,000 people were firearms homicide victims.

360,000 people committed suicide by firearms.

138,000 people were killed in firearms accidents.

A total of 767,000 people have been killed by firearms misuse between 1900–1966.

Between 1960–1967, 411 law enforcement officers were slain in the performance of their duties. Of these, 394 (96%) were killed with firearms.[14]

During the four year period, 1964–1967, armed robberies with a gun increased 58%.[15]

During the four year period, 1964–1967, assaults with a gun increased 77%.[16]

One out of every *20* assaults with a weapon other than a firearm results in death. However, when firearms are used, *one* out of every *five* assaults results in the death of the victim.[17]

In all our wars, 600,000 [18] Americans have lost their lives; since 1900, nearly 800,000 [19] Americans have lost their lives through firearms misuses in the United States.

IV. DEATHS FROM FIREARMS IN THE UNITED STATES, 1900 to 1966 [1]

Year	Homicides	Suicides	Accidents
1900	(2)	449	543
1901	(2)	439	558
1902	(2)	449	623
1903	(2)	520	653
1904	(2)	585	730
1905	(2)	741	524
1906	(2)	1,230	800
1907	(2)	1,522	707
1908	(2)	1,931	808
1909	(2)	2,017	794
1910	1,174	2,173	967
1911	1,743	2,559	1,147
1912	1,775	2,462	1,165
1913	2,123	2,609	1,399
1914	2,366	2,950	1,370
1915	2,213	3,266	1,297
1916	2,708	3,066	1,474
1917	3,205	3,057	1,607
1918	3,475	3,372	2,030
1919	4,247	3,204	2,284
1920	4,178	3,078	2,168
1921	5,178	4,015	2,245
1922	5,430	3,831	2,457
1923	5,422	3,825	2,520
1924	5,736	4,197	2,497
1925	5,908	4,209	2,482
1926	6,035	4,469	2,497
1927	6,004	4,864	2,647
1928	6,668	5,366	2,777
1929	6,362	5,565	2,962
1930	6,995	6,735	3,068
1931	7,335	7,409	2,989
1932	7,252	7,940	2,877
1933	7,863	7,798	3,026
1934	7,702	7,296	3,023
1935	6,506	6,830	2,854
1936	6,016	6,771	2,882
1937	5,701	7,073	2,629
1938	5,055	7,357	2,696
1939	4,799	6,944	2,582
1940	4,655	7,073	2,390
1941	4,525	6,385	2,414
1942	4,204	6,117	2,741
1943	3,444	5,076	2,318
1944	3,449	4,808	2,412
1945	4,029	5,321	2,454
1946	4,966	6,276	2,816
1947	4,922	6,691	2,386
1948	4,894	6,660	2,270
1949	4,235	7,215	2,326
1950	4,179	7,377	2,174
1951	3,898	6,873	2,247
1952	4,244	7,013	2,210
1953	4,013	7,293	2,277
1954	4,115	7,539	2,281
1955	3,807	7,763	2,120
1956	4,039	7,817	2,202
1957	4,010	7,841	2,369
1958	4,230	8,871	2,172
1959	4,457	8,788	2,258
1960	4,627	9,017	2,334
1961	4,753	9,037	2,204
1962	4,954	9,487	2,092
1963	5,126	9,595	2,263
1964	5,474	9,806	2,275
1965	6,158	9,898	2,344
1966	6,855	10,407	2,558
Total	269,436	360,217	138,265

Homicides	269,436
Suicides	360,217
Accidents	138,265
Firearms deaths, 1900 to 1966	767,918

[1] For the years prior to 1933, this chart includes deaths only for the registration States of the respective years. Data for the entire United States was not available until 1933. For 1900, 10 States and the District of Columbia are included. The 10 States are Massachusetts, New Jersey, Connecticut, New Hampshire, New York, Rhode Island, Vermont, Maine, Michigan, and Indiana. Other States were included later. The chart does not reflect the 1967 statistics. Therefore, the actual number of deaths from firearms in the United States since 1900 is substantially greater than reflected in the chart.

[2] Data not available for homicides, 1900–1909.

Source: National Center for Health Statistics, Public Health Service, U.S. Department of Health, Education, and Welfare, Vital Statistics of the United States and Mortality Statistics.

STATE GUN LAWS COMPARED [20]

(a) Murder rates

60% of all murders in the United States are by firearms,[21] with a national average of 5.6 murders per 100,000 population.[22] States with strong firearms laws tend to have fewer murders with guns than States with weak firearms laws and tend to have lower overall murder rates.

	Percento f murders by firearms	Overall murder rate per 100,000
Strong gun-law States:		
Pennsylvania	43.2	3.2
New Jersey	38.6	3.5
New York	31.8	4.8
Massachusetts	35.5	2.4
Rhode Island	24.0	1.4
Weak gun-law States:		
Arizona	66.4	6.1
Nevada	66.9	10.6
Texas	68.7	9.1
Mississippi	70.9	9.7
Louisiana	62.0	9.9

The following table is a geographic breakdown of murder rates, percentages of murder by gun, and the population density of the United States. The murder rates per one hundred thousand population are based on figures in the 1966 FBI Uniform Crime Report and the figures on percentages of murder by gun are culled from an FBI survey covering the period 1962–1965. The density of population for each of the states is based on the 1960 census. The figures in parentheses following each state's statistics are the rank order (high to low) for each category:

ANALYSIS OF MURDER RATES, PERCENTAGES OF MURDER BY GUN, AND POPULATION DENSITY, UNITED STATES, BY GEOGRAPHIC REGIONS [1]

	Murder rate	Percent by gun	Population density
1. NORTHEASTERN STATES			
Connecticut	2.0 (42)	48.3 (43)	517.5 (4)
Maine	2.2 (39)	52.3 (40)	31.3 (36)
Massachusetts	2.4 (38)	35.5 (47)	654.5 (3)
New Hampshire	1.9 (43)	66.7 (13)	67.3 (35)
Rhode Island	1.4 (50)	24.0 (49)	812.4 (1)
Vermont	1.5 (49)	100.0 (1)	42.0 (32)
1. MIDDLE ATLANTIC STATES			
New Jersey	3.5 (31)	38.6 (46)	806.7 (2)
New York	4.8 (23)	31.8 (48)	350.1 (5)
Pennsylvania	3.2 (32)	43.2 (45)	251.5 (7)
3. NORTH CENTRAL STATES			
Illinois	6.9 (16)	54.8 (38)	180.3 (10)
Indiana	4.0 (29)	61.6 (27)	128.9 (12)
Michigan	4.7 (24)	45.9 (44)	137.2 (11)
Ohio	4.5 (26)	60.3 (29)	236.9 (8)
Wisconsin	1.9 (44)	55.9 (35)	72.2 (22)
Iowa	1.6 (47)	61.9 (25)	49.2 (28)
Kansas	3.5 (30)	64.2 (20)	26.6 (37)
Minnesota	2.2 (40)	56.7 (34)	42.7 (31)
Missouri	5.4 (21)	65.5 (18)	62.5 (27)
Nebraska	1.8 (45)	70.3 (8)	18.4 (38)
North Dakota	1.8 (46)	17.4 (50)	9.1 (43)
South Dakota	1.5 (48)	66.7 (12)	8.9 (44)
4. SOUTH			
South Atlantic:			
Delaware	8.2 (11)	58.0 (33)	225.6 (9)
Florida	10.3 (6)	66.0 (17)	91.3 (17)
Georgia	11.3 (3)	66.6 (14)	67.7 (24)
Maryland	7.0 (15)	48.6 (42)	314.0 (6)
North Carolina	8.7 (10)	68.5 (10)	92.9 (16)
South Carolina	11.6 (2)	73.3 (2)	78.7 (19)
Virginia	6.5 (17)	60.9 (28)	99.6 (14)
West Virginia	4.2 (27)	63.9 (21)	77.3 (20)
East South central:			
Alabama	10.9 (4)	59.6 (31)	64.0 (26)
Kentucky	7.0 (14)	73.0 (3)	76.2 (21)
Mississippi	9.7 (8)	70.9 (7)	46.1 (29)
Tennessee	7.8 (12)	66.4 (16)	85.4 (18)
West South central:			
Arkansas	7.1 (13)	65.0 (19)	34.0 (34)
Louisiana	9.9 (7)	61.6 (26)	72.2 (23)
Oklahoma	5.5 (20)	61.9 (24)	64.0 (26)
Texas	9.1 (9)	68.7 (9)	36.5 (33)
5. WEST			
Mountain:			
Arizona	6.1 (18)	66.4 (15)	11.5 (41)
Colorado	4.0 (28)	58.7 (32)	16.9 (40)
Idaho	3.0 (33)	60.0 (30)	8.1 (45)
Montana	2.8 (35)	72.0 (5)	4.6 (47)
Nevada	10.6 (5)	66.9 (11)	2.6 (49)
New Mexico	6.1 (19)	63.7 (22)	7.8 (46)
Utah	2.0 (41)	72.3 (4)	10.8 (42)
Wyoming	4.9 (22)	54.8 (37)	3.4 (48)
Pacific:			
Alaska	12.9 (1)	71.4 (6)	.4 (50)
California	4.6 (25)	50.1 (41)	100.4 (13)
Hawaii	2.9 (34)	52.9 (39)	98.6 (15)
Oregon	2.7 (36)	62.5 (23)	18.4 (39)
Washington	2.5 (37)	54.9 (36)	42.8 (30)

[1] Hearings before the Subcommittee to Investigate Juvenile Delinquency, Judiciary Committee, U.S. Senate, 90th Cong. p. 731.

(b) Effect of comparatively strong gun control laws

New Jersey: [23] In New Jersey, which has a strict gun control law, from August 2, 1966 (effective date of a strong New Jersey law) to May 31, 1968 (a 22-month period), State and local police approved 94,221 rifle and shotgun identification cards and pistol per-

[12] Figures based on data supplied by the National Center for Health Statistics, Public Health Service, United States Department of Health, Education, and Welfare, Monthly Vital Statistics Report, Vol. 17, No. 1, March 28, 1968 and *Accident Facts*, July 1968, published by the National Safety Council.

[13] National Center for Health Statistics, Public Health Service, United States Department of Health, Education, and Welfare, *Vital Statistics of the United States* and *Mortality Statistics*. See chart IV.

[14] Federal Bureau of Investigation Uniform Crime Reports, 1967 (to be released to the public in August 1968).

[15] Same as 14 above.

[16] Same as 14 above.

[17] Statement of Senator Robert F. Kennedy on July 11, 1967, Hearings before the Senate Subcommittee on Juvenile Delinquency, Judiciary Committee, United States Senate, 90th Congress, p. 158.

[18] *Principal Wars in Which the United States Has Participated*, Director of Statistical Services, Office of the Secretary of Defense, Nov. 7, 1957; Department of Defense Press Release, No. 644–68, July 11, 1968.

[19] See chart IV.

[20] Federal Bureau of Investigation Law Enforcement Bulletin, October 1966, p. 22.

[21] FBI Uniform Crime Reports 1966, p. 6.

[22] FBI Uniform Crime Reports 1966, p. 4.

[23] Statement of New Jersey Attorney General Arthur J. Sills before the Senate Subcommittee on Juvenile Delinquency, United States Senate, 90th Congress, June 26, 1968.

mits. On the other hand, criminal records were determined in approximately 7% of all applications, and 1,659 applications were denied. Approximately 75% of State Police denials were for criminal records, including such offenses as first degree murder, rape, burglary, breaking and entering, lewdness, and sex crimes of various types.

California: [24] In a single year, police checks of purchases from dealers thwarted more than 800 illegal purchases. Of the 806 ineligible purchasers, 697 were ex-convicts, 74 were narcotics addicts, 27 were aliens and 8 were minors.

(c) *Mail order problem*

Chicago: In 1965, of 4,069 Chicago mail order gun purchases from just *three* dealers in California, *948* had prior criminal records which would have precluded purchase in that city; thus, one-quarter of the mail order purchasers had criminal records.[25]

New Jersey: Survey of mail order gun recipients in New Jersey showed that *40%* were persons without permits (which New Jersey law requires). In *44%* of those cases, the person had a prior criminal record.[26]

District of Columbia: 25% of the mail order gun recipients in the District of Columbia had criminal records.[27]

Indiana: 10% of the mail order gun purchasers had criminal records.[28]

Connecticut: 13% of the mail order gun purchasers had criminal records.

(d) *Gun sales to nonresidents*

Massachusetts: During a *10-year* period, Massachusetts State Police traced *87%* or *4,506* guns used in crimes in that state to purchases outside Massachusetts.[30]

Detroit: 90 out of every *100* guns confiscated from lawbreakers were not registered in Michigan (which requires registration); a majority or these unregistered guns were obtained in a nearby city in a neighboring state with non-existent gun controls.[31]

VI. RIFLES AND SHOTGUNS

(a) *Crimes committed with rifles and shotguns*

1967—*1,850* rifle and shotgun homicides.[32]
1966—*1,750* rifle and shotgun homicides.[33]
1965—*1,690* rifle and shotgun homicides.[34]
1964—*1,545* rifle and shotgun homicides.[35]

Nearly *30%* of all homicides by firearms are committed with rifles and shotguns.[36]

(b) *Seizures*

During 1960–65, the police in 40 cities reported taking more than 50,000 rifles and shotguns from persons possessing or using them unlawfully.[37]

Rifles and shotguns seized from juveniles	805
Rifles and shotguns seized in murders	1,210
Rifles and shotguns seized in robberies	2,908
Rifles and shotguns seized in assaults	4,179
Rifles and shotguns seized in illegal activities	37,165
Rifles and shotguns seized in illegal weapon charges	4,478
Total	50,745

[24] Statement of California Attorney General Thomas C. Lynch before the Senate Subcommittee on Juvenile Delinquency, United States Senate, 90th Congress, June 28, 1968.

[25] Statement of Carl K. Milier, Chicago Police Department, Chicago, Illinois, On June 2, 1965, Hearings before the Subcommittee to Investigate Juvenile Delinquency, Judiciary Committee, United States Senate, 89th Congress, p. 278.

[26] Statement of Arthur J. Sills, Attorney General, New Jersey, on June 3, 1965, Hearings before the Subcommittee to Investigate Juvenile Delinquency, Judiciary Committee, United States Senate, 89th Congress, p. 405.

[27] Statement of John B. Layton, Chief of Police, Washington, D.C. on June 2, 1965, before the Subcommittee to Investigate Juvenile Delinquency, Judiciary Committee, United States Senate, 89th Congress, p. 290.

[28] Letter from George A. Everett, Superintendent, Indiana State Police, Letter dated April 22, 1964, Hearings before the Subcommittee to Investigate Juvenile Delinquency, Judiciary Committee, United States Senate.

[30] Statement by Richard R. Caples, Commissioner, Department of Public Safety, Boston, Massachusetts, Exhibits 84, 85, on June 13, 1965, Hearings before the Subcommittee to Investigate Juvenile Delinquency, Judiciary Committee, United States Senate, 89th Congress p. 346–347.

[31] Statement by William L. Cahalan, Prosecuting Attorney, Wayne County, Michigan, On July 18, 1967, Hearings before the Subcommittee to Investigate Juvenile Delinquency, Judiciary Committee, United States Senate, 90th Congress, p. 369.

[32] Federal Bureau of Investigation Uniform Crime Reports, 1967 (to be released to the public in August 1968).

[33] Federal Bureau of Investigation Uniform Crime Reports, 1966, page 7.

[34] Federal Bureau of Investigation Uniform Crime Reports, 1965, page 6.

[35] Federal Bureau of Investigation Uniform Crime Reports, 1964, pages 6, 7.

[36] Federal Bureau of Investigation Uniform Crime Reports, 1966, page 6.

[37] Survey conducted by the Staff of the Senate Subcommittee on Juvenile Delinquency, Judiciary Committee, United States Senate, dated March 15, 1966, entitled "Résumé of Subcommittee Questionnaire on Rifle and Shotgun Misuse in Cities of 100,000 or More."

VII.—FIREARMS DEATHS IN FOREIGN COUNTRIES WITH STRICT FIREARMS CONTROLS ARE SIGNIFICANTLY LOWER THAN IN THE UNITED STATES[1]

[Number and rate per 100,000 population]

Country	Homicide		Suicide		Accident		Population
	Number	Rate	Number	Rate	Number	Rate	
United States (1966)	6,855	3.5	10,407	5.3	2,558	1.3	195,936,000
Australia (1965)	57	.5	331	2.9	94	.8	11,360,000
Belgium (1965)	20	.2	82	.9	11	.1	9,464,000
Canada (1966)	98	.5	609	3.1	197	1.0	19,604,000
Denmark (1965)	6	.1	48	1.0	4	.1	4,758,000
England and Wales (1966)	27	.1	173	.4	53	.1	54,595,000
France (1966)	132	.3	879	1.8	25	.5	48,922,000
German Federal Republic (1965)	78	.1	484	.9	89	.2	59,041,000
Italy (1964)	243	.5	370	.7	175	.3	51,576,000
Japan (1965)	16	.0	68	.1	78	.1	97,960,000
Netherlands (1965)	5	.0	11	.1	4	.0	12,292,000
Sweden (1966)	14	.2	192	2.5	20	.3	7,734,000

[1] World Health Organization; Bureau of Vital Statistics, U.S. Department of Health, Education, and Welfare; Compiled by Stanford Research Institute, June 11, 1968; statement of Arnold Kotz, Stanford Research Institute, before the Subcommittee To Investigate Juvenile Delinquency, Judiciary Committee, U.S. Senate, June 27, 1968.

VIII. PUBLIC OPINION POLLS

Harris Survey, June 1968: 81% of the American people favor registration of all firearms.

Harris Survey, April 1968: By *71 to 23* per cent, the American people favor the passage of Federal laws that would place tight controls over the sale of guns in this country.

A cross-section of 1634 homes was asked this question on gun control legislation:

"Do you favor or oppose Federal laws which would control the sales of guns, such as making all persons register all gun purchases no matter where they buy them?"

[In percent]

	Favor	Oppose	Not sure
Nationwide	71	23	6
East	70	20	10
Midwest	69	27	4
South	71	22	7
West	77	22	1
Own gun	65	31	4
Don't own gun	79	13	8
Whites	71	23	6
Negroes	69	23	8

The patterns of gun ownership shows wide variation by region, size of place, and by race:

"Do you or does anyone in your house own a gun?"

[In percent]

	Own gun	Don't own gun
Nationwide	51	49
East	34	66
Midwest	55	45
South	64	36
West	53	47
Cities	27	73
Suburbs	47	53
Towns	58	42
Rural	78	22
All whites	55	45
Whites under $15,000 income	47	53
All Negroes	32	68
Negroes under $15,000 income	36	64

The Harris Survey, September 1967: By a *decisive 66-to-28%* margin, white gun owners favor passage of a law in Congress which would require that all persons "register all gun purchases no matter where they buy them."

The cross section of white gun owners was asked: "Do you favor or oppose federal laws which would control the sale of guns, such as making all persons register all gun purchases no matter where they buy them?"

[In percent]

	Favor	Opposed	Not sure
All white gun owners	66	28	6
By region:			
East	70	21	9
Midwest	70	25	5
South	62	27	11
West	56	40	4

The Gallup Poll, September 1966: The mood of the public for nearly three decades has been to impose controls on the sale and possession of weapons.

The survey questions and findings:

"Would you favor or oppose a law which would require a person to obtain a police permit before he or she could buy a gun?"

[In percent]

	All persons	Gun owners
Yes	68	56
No	29	41
No opinion	3	3

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROONEY of New York, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17735) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms, had come to no resolution thereon.

LONG, BORING, WASTEFUL

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, repeated pleas for a more sensible approach to our national elections, and continuing displeasure on the part of our electorate, have not brought about any change in the circus-and-sideshow antics which we tolerate in the name of American democracy.

As the long, hot campaign approaches I wish to call to the attention of my colleagues an editorial which appeared in the Danbury, Conn., News-Times on July 15. As an advocate of shorter campaigns since coming to the House in 1959, and as sponsor of three pieces of legislation in this Congress to curb the excesses of our elections—H.R. 892, H.R. 8688, and House Joint Resolution 551—I am pleased to find this editorial at this time. Much support has come for shorter campaigns after the excesses of electioneering have run their course. It is encouraging to find popular support for shorter, saner campaigns while we are still approaching the heat of battle. It is my hope that the 1968 elections will be the last in which both candidates and citizens must suffer the present abuse.

The text of the Danbury News-Times editorial, "Too Long, Too Boring, Too Wasteful," follows:

TOO LONG, TOO BORING, TOO WASTEFUL

"Campaigns today are unnecessarily long, physically taxing on the candidates, unduly boring for the electorate, and extraordinarily wasteful in terms of the money spent and the physical and intellectual efforts expended."

These were the words of Connecticut Congressman John S. Monagan on the floor of the House early this year as he pleaded for some limitation on the "quadrennial marathon."

He will be the first to admit that he has had no more success this year in urging shorter presidential campaigns than he had when he first brought up the subject in 1959.

But that does not make his words any less valid, or the need for shorter campaigns any less obvious.

Modern means of communication are being employed in the context of the campaigns of two, three and more generations ago.

If all the energy put into advancing particular factions, candidates and causes (and in tearing down incumbents as well as aspirants) were devoted to meeting the real problems of today, we would be well on our way to solving them and creating better communities, better states, a better country and a better world.

THE HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES

Mr. ICHORD. Mr. Speaker I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ICHORD. Mr. Speaker, it has been said that "to be ignorant of one's ignorance is the malady of ignorance." Ignorance of the language contained in the Rules of the House of Representatives establishing and outlining the jurisdiction of the House Committee on Un-American Activities and of the language contained in House Resolution 148 has apparently resulted in the very unusual alliance of supporters of the House Committee on Un-American Activities and members of the Committee to Abolish the House Committee on Un-American Activities. The Members of the House have received a large volume of mail in opposition to House Resolution 148 apparently from persons misinformed as to what House Resolution 148 does. One Member has related to me that he received a visitation from two persons during the same day in opposition to House Resolution 148, one who supported the committee and the other a member of the Committee To Abolish the House Committee on Un-American Activities.

House Resolution 148 is not an attack upon the House Committee on Un-American Activities. It is my resolution and I am not only a supporter of the committee but also a high-ranking member of the committee. Thus, House Resolution 148 has emanated from members of the committee itself. It has bipartisan support as an identical resolution, House Resolution 149, has been introduced by the second ranking Republican member of the committee, the Honorable DEL CLAWSON, of California, and it has received the ardent support of the Honorable JOHN ASHBROOK, the ranking Republican member of the committee, who would be chairman of the committee in the event of a Republican House. Mr. ASHBROOK voiced strong support for House Resolution 148 in a speech on the House floor on July 10 appearing on page 20608 of the CONGRESSIONAL RECORD. In addition the distinguished chairman of the House Committee on Un-American Activities, the Honorable EDWIN WILLIS, testified in behalf of House Resolution 148 before the House Committee on Rules which has reported the resolution favorably to the House.

It is not my intent to change the membership on the committee nor to affect the seniority of the present members in any respect. In fact, the resolution specifically provides that the validity of any action or proceeding of the Committee on Un-American Activities shall not be affected as well as any other governmental action based upon such committee proceeding or action. It provides that all the records of the Committee on Un-American Activities shall be transferred to the Committee on Internal Security. Memberships and seniority on committees are not determined by the rules of the House or by law. The members of each committee are elected by every new Congress and seniority is determined by the membership of the Democratic and Republican members. For example, the Republican caucus this year decided that no Member could simultaneously hold a major party position in the House and the position of minority ranking member of a committee. Consequently, the Honorable LES ARENDS, of Illinois, relinquished his position as ranking minority member of the House Armed Services Committee to the Honorable WILLIAM BATES, of Massachusetts, when he chose to assume the office of minority whip to which he was elected by the Republican Members. Thus there is no assurance that the committee membership and seniority of any committee will remain the same in each Congress. I would hope and confidently expect that the present members of the House Committee on Un-American Activities who return to the 91st Congress will be assigned to the House Committee on Un-American Activities or the House Committee on Internal Security, if the rules are changed, without change in their seniority in accordance with the customs and traditions of the House of Representatives.

The need for a change in the rules is readily apparent from an examination of section 18 of rule XI of the Rules of the House of Representatives which confers upon the House Committee on Un-American Activities its power. Section 18 reads as follows:

18. Committee on Un-American Activities.

(a) Un-American Activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

Paragraph (a) purports to define the legislation jurisdiction of the committee. Paragraph (b) purports to confer investigative powers upon the committee.

Admittedly, the above language is extremely vague and ambiguous. It is true that the courts have repeatedly held that the commmittee does have power to investigate and legislate in the field of Communist activity but the extent and meaning of the above broad and ambiguous language has been the source of debate among both supporters and enemies of the committee. The result has been that the Communists have been successful in convincing many patriotic and dedicated Americans that the Committee on Un-American Activities has the power to investigate and suppress ideas and thoughts. The vague language, in my opinion, is in large part responsible for the many restrictive court decisions that have made it extremely difficult for the committee to function fairly and effectively. Surely, the American people realize the necessity of empowering a congressional committee to gather the facts and inform the Members of this

House the nature and extent of subversion so that the Members might make an intelligent decision on the proper legislative measures. Our democracy has not only the right but the duty to protect itself from subversion. Our job is to do it without infringing upon the constitutional liberties we cherish as Americans. No citizen, I believe, who truly understands what this country is all about can validly object to the jurisdictional mandate set out in House Resolution 148. I do not expect, however, that the new committee will be lacking for controversy.

Subversion is an art that has been practiced against organized governments from the very beginning of civilization. It can be of indigenous or foreign origin, and it has become highly sophisticated during this century marked by the rise of international communism.

The responsibility of the Congress is not to protect the Government from political change, for change is inherent in our system of government. But every democratic government has the duty to protect itself from subversion—our challenge is to do it and still retain the constitutional freedoms that have been the envy of the rest of the world. It is the height of naivete to think that this protection is automatically afforded by solving all our economic and social ills, an aim of our system of government from its very inception.

Compare the language of the mandate contained in House Resolution 148 with the vague and uncertain language in section 18. House Resolution 148 reads as follows:

11. Committee on Internal Security.

(a) Measures relating to Communist and other subversive activities affecting the internal security of the United States.

(b) The Committee on Internal Security, acting as a whole or by subcommittee, is authorized to make investigations from time to time of (1) the extent, character, objectives, and activities within the United States of organizations or groups, whether of foreign or domestic origin, their members, agents, and affiliates, which seek to establish, or assist in the establishment of, a totalitarian dictatorship within the United States, or to overthrow or alter, or assist in the overthrow or alteration of, the form of government of the United States or of any State thereof, by force, violence, treachery, espionage, sabotage, insurrection, or any unlawful means, (2) the extent, character, objectives, and activities within the United States of organizations or groups, their members, agents, and affiliates, which incite or employ acts of force, violence, terrorism, or any unlawful means, to obstruct or oppose the lawful authority of the Government of the United States in the execution of any law or policy affecting the internal security of the United States, and (3) all other questions, including the administration and execution of any law of the United States, or any portion of law, relating to the foregoing that would aid the Congress or any committee of the House in any necessary remedial legislation.

The above language was carefully and diligently drawn during a period of several months prior to its introduction. This is the final form of perhaps a dozen tentative drafts. It has been checked and rechecked by the best legal minds we have available. It represents the best language we can devise to properly mandate the committee. It does not restrict the power of the committee but states more clearly the powers and duties of the committee as they have been interpreted by the committee since I have been a member. Why become bogged down in argument and legal battles over whether activities are American or un-American when more precise language can be used? Those who are sincerely opposed to communist subversion and want to get something done rather than talk about why something is not done, should lend their ardent support to House Resolution 148.

Under the language contained in my resolution the Committee on Internal Security would be empowered to investigate: First, all forms of Communist, Nazi and Fascist activities in the United States; second, the activities of any other movements or groups now existing, or which may come into being in the future, whether domestic or foreign-oriented, which by force, violence, or any unlawful means, would attempt to undermine or subvert the form of government guaranteed by our Constitution, impose upon this country any form of dictatorship, obstruct or impede the execution of any law or duly promulgated national policy affecting our internal security, or advance the interest of any foreign principal to the detriment of this country's internal security. In addition, the committee would have the specific authority to investigate domestic or indigenous terrorist groups whose organized unlawful activities pose a threat, whether immediate or long range or indirect, to the security of our form of government by undermining the principles on which our Constitution is based.

It is high time, I submit, that we spell out more precisely just what are the duties and powers of the committee and stop fighting over issues collateral to the work of the committee.

Good sense dictates the necessity of settling once and for all time the duties and powers of a House committee in the field of communism and subversion so that logic and reason may surround its necessary work rather than widespread misconception and emotionalism.

AIRCRAFT HIGHJACKING

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, quite a lot has been said about the deplorable and increasing highjackings of commercial aircraft. There are all kinds of theories as to how this problem might be solved. I have heard much mention and given consideration to detection devices. Some would have every passenger and every piece of luggage searched before anyone is boarded on an aircraft.

In the 87th Congress, the Committee on Interstate and Foreign Commerce held hearings on this subject and reported legislation which was enacted as Public Law 87–197. I will include this law in the RECORD at the close of these remarks. You will note that it provides for a death penalty to be imposed on one who commits or attempts to commit aircraft piracy if the jury so recommends, or in the case of a trial by a judge if he so determines. I don't know what great criminal penalty we could impose in these days where capital punishment is vanishing from our system of law enforcement.

I have requested the Attorney General to advise the committee as to what has been done under the present law, and what else is possible. You will note that the aircraft piracy law also contains provisions concerning interference with flight crew members, crimes aboard aircraft other than piracy, carrying weapons aboard aircraft, the giving of false information, and under appropriate rules and regulations authorizes an air carrier to refuse transportation where in the opinion of the carrier, transportation would be inimical to safety. I believe that it is a complete program, but of course I am interested in any realistic improvements. Unfortunately, we cannot legislate sanity or proper behavior.

Public Law 87–197 follows:

[Public Law 87–197, 87th Cong.,
September 5, 1961]

S. 2268

An act to amend the Federal Aviation Act of 1958 to provide for the application of Federal criminal law to certain events occurring on board aircraft in air commerce

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1472) is amended by adding at the end thereof the following new subsections:

"AIRCRAFT PIRACY

"(i) (1) Whoever commits or attempts to commit aircraft piracy, as herein defined, shall be punished—

"(A) by death if the verdict of the jury shall so recommend, or, in the case of a plea of guilty, or a plea of not guilty where the defendant has waived a trial by jury, if the court in its discretion shall so order; or

"(B) by imprisonment for not less than twenty years, if the death penalty is not imposed.

"(2) As used in this subsection, the term 'aircraft piracy' means any seizure or exercise of control, by force or violence or threat of force or violence and with wrongful intent, of an aircraft in flight in air commerce.

"INTERFERENCE WITH FLIGHT CREW MEMBERS OR FLIGHT ATTENDANTS

"(j) Whoever, while aboard an aircraft in flight in air commerce, assaults, intimidates, or threatens any flight crew member or flight attendant (including any steward or stewardess) of such aircraft, so as to interfere with the performance by such member or attendant of his duties or lessen the ability of such member or attendant to perform his duties, shall be fined not more than $10,000 or imprisoned not more than twenty years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon shall be imprisoned for any term of years or for life.

"CERTAIN CRIMES ABOARD AIRCRAFT IN FLIGHT

"(k) (1) Whoever, while aboard an aircraft in flight in air commerce, commits an act which, if committed within the special maritime and territorial jurisdiction of the United States, as defined in section 7 of title 18, United States Code, would be in

violation of section 113, 114, 661, 662, 1111, 1112, 1113, 2031, 2032, or 2111 of such title 18 shall be punished as provided therein.

"(2) Whoever, while aboard an aircraft in flight in air commerce, commits an act, which, if committed in the District of Columbia would be in violation of section 9 of the Act entitled 'An Act for the preservation of the public peace and the protection of property within the District of Columbia', approved July 29, 1892, as amended (D.C. Code, sec. 22–1112), shall be punished as provided therein.

"CARRYING WEAPONS ABOARD AIRCRAFT

"(1) Except for law enforcement officers of any municipal or State government, or the Federal Government, who are authorized or required to carry arms, and except for such other persons as may be so authorized under regulations issued by the Administrator, whoever, while aboard an aircraft being operated by an air carrier in air transportation, has on or about his person a concealed deadly or dangerous weapon, or whoever attempts to board such an aircraft while having on or about his person a concealed deadly or dangerous weapon, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"FALSE INFORMATION

"(m)(1) Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by subsection (i), (j), (k), or (l) of this section, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(2) Whoever willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by subsection (i), (j), (k), or (l) of this section, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"INVESTIGATIONS BY FEDERAL BUREAU OF INVESTIGATION

"(n) Violations of subsections (i) through (m), inclusive, of this section shall be investigated by the Federal Bureau of Investigation of the Department of Justice."

SEC. 2. Subsection (a) of section 903 of the Federal Aviation Act of 1958 (49 U.S.C. 1473(a)) is amended to read as follows:

"VENUE

"SEC. 903. (a) The trial of any offense under this Act shall be in the district in which such offense is committed; or, if the offense is committed out of the jurisdiction of any particular State or district, the trial shall be in the district where the offender, or any one of two or more joint offenders, is arrested or is first brought. If such offender or offenders are not so arrested or brought into any district, an indictment or information may be filed in the district of the last known residence of the offender or of any one of two or more joint offenders, or if no such residence is known the indictment or information may be filed in the District of Columbia. Whenever the offense is begun in one jurisdiction and completed in another, or committed in more than one jurisdiction, it may be dealt with, inquired of, tried, determined, and punished in any jurisdiction in which such offense was begun, continued, or completed, in the same manner as if the offense had been actually and wholly committed therein."

SEC. 3. Paragraph (4) of section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301 (4)) is amended by striking out "operation or navigation or aircraft within" and inserting in lieu thereof the following: "operation or navigation of aircraft within".

SEC. 4. Title XI of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"AUTHORITY TO REFUSE TRANSPORTATION

"SEC. 1111. Subject to reasonable rules and regulations prescribed by the Administrator, any air carrier is authorized to refuse transportation to a passenger or to refuse to transport property when, in the opinion of the air carrier, such transportation would or might be inimical to safety of flight."

SEC. 5. (a) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "Sec. 902. Criminal penalties." is amended by adding at the end thereof the following:

"(i) Aircraft piracy.

"(j) Interference with flight crew members or flight attendants.

"(k) Certain crimes aboard aircraft in flight.

"(l) Carrying weapons aboard aircraft.

"(m) False information.

"(n) Investigations by Federal Bureau of Investigation."

(b) That portion of such table of contents which appears under the heading "TITLE XI—MISCELLANEOUS" is amended by adding at the end thereof the following:

"SEC. 1111. Authority to refuse transportation."

Approved September 5, 1961.

CAPTIVE NATIONS WEEK, 1968

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, President Johnson, in his captive nations proclamation for 1968, has set aside July 14 to July 20 for the 10th annual observance of this important event.

The weeklong observance in Chicago will culminate in a huge parade on State Street. Many thousands will march in this parade in order to demonstrate their support for the unfortunate men and women whose fate it is to live in those nations still enslaved by the dismal tyranny of communism.

The parade wil be followed by a luncheon at the Sherman House. Principal speaker at the luncheon will be Mr. Ralph Newman, chairman of the Illinois Sesquicentennial Commission, and a special plaque will be presented to Mayor Richard J. Daley by the National Captive Nations Committee.

The organizations and delegates which are serving on the Chicago Captive Nations Committee are as follows:

Latvians—Viktors Viksnins, 4902 W. Melrose St. Chicago; Augusts Vanages, 6111 N. Legett Ave.

Serbia—Robert Vujovich, 2527 W. Gunnison St.; Roksana Panich, 6432 N. Harlem Ave.; Branker Puhar, 2802, S. Komensky Ave.

Byleorussia—Jania Nowik, 3925 W. 64th St.; Gleb Koltahowski, 2118 W. Evergreen St.; Halina Solovey, 912 N. Francisco Ave.; Mikolaj Kuczura, 1107 N. Winchester Ave.; Mrs. Vera Romuk, 820 N. Maplewood Ave.; Mrs. Wasie Puntus, 2601 W. Haddon St.; Zizniewski; 4104 N. Kemball Ave.

Lithuania—Vincent Samoska, 2415 S. Sawyer Ave.; Valdemars Saudauskas, 11427 S. Indiana Ave.; Irene Smielauskas, 2519 W. 39th Place; Leonas Prapuolenis, 1225 W. Garfield Bl.

Korea—Chong Ha Yoo, Korean Consulate, 333 N. Michigan Ave.; Suk Hwa Park, Korean Consulate, 333 N. Michigan Ave.

Mindszenty Foundation—Mrs. Dolores Madlener, 3605 W. 103rd St.

Croatia—William Bejzak, 9537 S. Commercial Ave.; Mate Mihalavic, 9648 S. Commercial Ave.; Mrs. Sandra Sola, 1842 N. Humboldt Bl.; Franjo Masic, 4851 S. Drexel Bl.

Bulgaria—Hristo Gelov, 3221 W. Potomac Ave.

Poland—Frank H. Prochoć, 1514 W. Division St.

Ukrainia—Mrs. Mary Shpikula, 5466 W. Haddon St.; Mrs. Ulana Celewych, 7200 S. Spaulding Ave.

Czechoslovakia—Vlasta Vraz, 4125 W. 26th St.

Cossakia—Andres Mazanow, 2416 W. Cortez St.

Estonia—Dr. Arthur Voobus, 1441 S. 11th Ave., Maywood, Illinois; Oskar Kookla, 4620 N. Karlov Ave., Chicago, Ill.; Alexander Koepp, 507 N. Lawler Ave., Chicago, Ill.

German-American—Bernhard Averbeck, 5717 West End Ave., Chicago; Dieter K. Schroeder, 418 S. Elmwood Ave., Oak Park, Ill.

Slovakia—Ivan Kralik, 3715 S. Oak Park Ave., Berwyn, Ill.; Anton Ondrus 2503 S. 57th Ave., Cicero Ill; Janos Malk, 2503 S. 57th Ave., Cicero, Ill.

Committee against trade with Communist Russia—Mrs. E. Jay Klopfenstein, 1311 W. Grant St., Evanston, Ill.

Albania—Hafizi Y. Azem, 1001 Cypress Drive, Aurora, Ill.

China—Gilbert Moy, 242 W. Cermak Road, Chicago; George Chung, 2109 Wentworth Ave., Chicago; Fred Hugh, 615 N. Prospect Ave., Mt. Prospect, Ill.; Harry Tun, 3824 W. Eddy St., Chicago.

Public relations coordinators—Ernest Wierzbicki, Tedis Zierens, Penny Pullen, Joe Martin.

I want to commend Mr. Viktors Viksnins, able chairman of this committee, as well as all of the hard-working members who are serving with him, for their contribution to the success of the captive nations observance in Chicago.

It is certainly appropriate that we in the free world, who have enjoyed the precious rights of freedom and self-determination, do all that we can to give hope and support to those captive nations which aspire to national independence.

By so doing, we not only reaffirm our own dedication to the cause of liberty, but we also give tangible evidence to the captive peoples of our unrelenting opposition to oppression.

The commemoration of Captive Nations Week this year is especially meaningful as it coincides with the observance of "International Human Rights Year" marking the 20th anniversary of the Universal Declaration of Human Rights adopted on December 10, 1948, by the United Nations General Assembly.

Millions of Americans who trace their origin to the captive nations, and to other lands, join each year during this special week to express their support for policies which will hopefully free the captive nations. Additionally, thousands of this country's courageous fighting men are daily defending these ideals with their lives in a remote country of Southeast Asia.

It is a pleasure for me to join in this observance for I feel that our commitment to freedom compels us to dedicate ourselves to the cause of freedom wher-

ever it is denied and to support efforts to liberate the captive nations of the world.

At this point in the RECORD I want to include the proclamation on captive nations signed by the Governor of Illinois, Hon. Samuel H. Shapiro, as well as the proclamation issued by the Cook County Board of Commissioners. The proclamations follow:

PROCLAMATION

Whereas, The United States of America has achieved, through the democratic process, a harmonious national unity of its people though they stem from the most diverse of racial, religious and ethnic backgrounds, and

Whereas, The enslavement of a substantial part of the world's population by Communist imperialism constitutes a detriment to the natural bonds of understanding between the people of our nation and other peoples, and

Whereas, The unification of diverse elements of our own free society has led our people to possess a warm understanding and sympathy for the aspirations of peoples everywhere and to recognize the natural interdependency of the peoples and nations of the world, and

Whereas, The President of the United States has been authorized by Congress to designate the third week in July 1968 as Captive Nations Week to be observed with appropriate ceremonies and activities,

Now, therefore, I, Samuel H. Shapiro, Governor of the State of Illinois, do hereby proclaim the third week in July 1968, to be Captive Nations Week in Illinois, and request the appropriate observance of this important occasion.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Illinois to be affixed.

Done at the Capitol, in the City of Springfield, this ninth day of July, in the Year of Our Lord one thousand nine hundred and sixty-eight, and of the State of Illinois the one hundred and fiftieth.

SAMUEL H. SHAPIRO,
Governor.

BOARD OF COMMISSIONERS
COUNTY OF COOK

RESOLUTION

Whereas, the people of certain nations have been forcibly deprived of their independence by the Government of the Soviet Union; and

Whereas, Americans of ethnic extraction from these "captive nations" have constantly labored to keep the attention of the free world focused on the plight of these people who still suffer enslavement by the Soviet Union and its agents; and

Whereas, all Americans should be made aware of the plight of the aforesaid ethnic groups; and

Whereas, Captive Nations Week will be observed from July 20th to July 28th, with a parade to take place on July 20th;

Therefore, be it resolved that the Cook County Board of Commissioners take every possible action to help the aforesaid ethnic groups publicize Captive Nations Week so that all Americans within the County of Cook are made aware of their enslavement by the Soviet Union.

Dated: June 24, 1968.

JAMES V. BENNETT—PEOPLE CONTROL

Mr. RARICK. Mr Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. RARICK. Mr. Speaker, as we progress into the firearms disarmament legislation, I would like to remind our colleagues about some of the forces who have been marshaled against the uninfringed right of free men to keep and bear arms.

James V. Bennett, former Director of the U.S. Bureau of Prisons is currently president of the National Council for a Responsible Firearms Policy.

This is the same James V. Bennett who, on October 2, 1962, sent the telegram which triggered the illegally and totally unjustified incarceration of Maj. Gen. Edwin A. Walker, U.S. Army, resigned, to a Federal mental institution following the forceful occupation of the University of Mississippi.

It appears that Mr. Bennett's interest is not only gun control but people control as well.

I would like for all our colleagues to have a copy of Mr. Bennett's wire to refresh their memory on the deeds of those who talk responsible control of people and firearms. If wrongs such as this can be committed without the law—consider what can be done with a law to hide behind.

OCTOBER 2, 1962.

Telegram to Mr. Hosea M. Ray, United States Attorney, Oxford, Mississippi.

The following is a memorandum to me concerning Edwin A. Walker submitted by Dr. Charles E. Smith, Medical Director and Chief Psychiatrist of the Federal Prison Bureau: "I have carefully examined various news reports concerning General Walker's actions and behavior including his appearance before the Committee of the United States Senate on Armed Forces in April of this year and news reports of his appearances on the University Campus during the past several days STOP Some of his described behavior reflects sensitivity and essentially unpredictable and seemingly bizarre outbursts of the types often observed in individuals suffering with paranoid mental disorders. There are also indications in his medical history of functional and psychosomatic disorders which could be precursers of the more serious disorders which his present behavior suggests. From this and other information available to me I believe his recent behavior has been out of keeping with that of a person of his station, background, and training, and that as suggested it may be indicative of an underlying mental disturbance. Signed Charles E. Smith." The foregoing being forwarded to you in affidavit form by air mail.

JAMES V. BENNETT,
Director of Prisons.

The above telegram, marked "Exhibit A," and with the seal on it of the District Court for the Northern District of Mississippi is the basis for the Court's action.

INVESTIGATION BEING CONDUCTED BY THE INTERNAL DIVISION OF THE DISTRICT OF COLUMBIA POLICE DEPARTMENT OF THE RECENT KILLING OF THEODORE LAWSON

Mr. DELLENBACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DELLENBACK. Mr. Speaker, an event of major importance is taking place in the District of Columbia today. I refer to the investigation being conducted by the Internal Division of the District of Columbia Police Department of the recent killing of Theodore Lawson. At stake is not only the question of blame for the death of Theodore Lawson, important as that is. Also at stake is the critically important fundamental issue of the confidence of much of the citizenry of the District of Columbia in the Police Department of the District.

While our police on occasion do have to use force to secure compliance with law, our basic system of law and order depends on most citizens voluntarily complying with our laws and voluntarily obeying the police who enforce those laws. But if we expect our citizens to continue voluntarily to obey our laws, then we who make those laws and who are charged with the responsibility for enforcing them have two obligations. First, to make certain those laws are fair and are not somehow slanted in the direction of favoritism to one group or another. Second, to make certain that those laws are fairly enforced. That the deck is not stacked. That the dice are not loaded so that some people cannot win and others cannot lose.

The demands we make on our policemen are tough demands. We expect them to exercise wisdom, courage, tact, and self-restraint, and sometimes to do so in very sticky situations. They deserve to be backed up when they are right. But they have no right whatsoever to expect to be backed up when they are wrong. If they are wrong, then in simple justice to the people who are expected to obey them when they are right, they should and must be punished.

Quite frankly and quite obviously I do not know whether the officers who shot and killed Theodore Lawson were right or were wrong. I was not there. If the officers were right, they deserve to be exonerated in full. But a man is dead who was alive. And the countless hundreds and even thousands in this city who identify with Theodore Lawson are going to watch carefully the nature of the investigation, the findings, and the punishment, if any. Certainly there were special pressures existent on the spot at the time Theodore Lawson was shot. The special pressures may have called for special action. But those special pressures also demanded special restraint on the part of all involved, including the officers. Any group of officials who sit in judgment in this case must recognize those facts.

I know that Mayor Washington is deeply concerned about this matter. I know that he wants the fullest and fairest possible judgment. I feel that those of us in this Congress who have a unique and special responsibility for the District of Columbia and to its citizens, whatever their race, whatever their religion, whatever their economic circumstances, should demand that the investigation be full and open and absolutely fair.

Whatever the decision of the Internal Division of the District of Columbia Police Department, when a life has been taken and the police are involved, there should be more than

an interdepartmental investigation. For the sake of all concerned, and in view of the immense stakes here involved, I urge Mayor Washington to turn this matter over to the District of Columbia grand jury for an independent investigation and evaluation. This is the least that we of the Congress—deeply concerned not only about law and order in this great city, but also about the welfare of every single one of its citizens and their right to be free from arbitrary pressures—should demand.

Mr. QUIE. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Oregon [Mr. DELLENBACK].

If we are to have justice in the country we must have justice in the District of Columbia and we must insist upon it in the Congress of the United States. I am glad the gentleman has taken an interest in this case.

IRISH IMMIGRATION

Mr. CAHILL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CAHILL. Mr. Speaker, I have introduced H.R. 18620, a bill to guarantee that natives of Ireland and all other countries begin the first year of our first-come, first-served immigration policy with an equal opportunity to qualify for admission to the United States.

Experience with the 1965 act has shown that there are areas of difficulty and certain results which were not foreseen and which could not, on the basis of the information available in 1965, have been anticipated. The Irish, for example, will have little opportunity for admission during the next 2 years because of the carryover of heavy backlogs from other countries. My bill is designed to take care of these short run, temporary dislocations in the pattern of immigration.

The 1965 act provided that the changeover from the national origins quota system to a first-come, first-served basis would be a gradual, phase-out process. Countries with historically low quotas were permitted to use the unused immigrant visa numbers not currently needed by the countries with large quotas. These extra visa numbers, while not enlarging the maximum permitted admissions of 170,000 per year from the Eastern Hemisphere, enabled many countries such as Italy, Greece, Portugal, China, the Philippines, and India to send immigrants to the United States immediately in numbers far in excess of their old quotas.

This temporary immigration pool satisfied practically all the previously backlogged immigration demand, but the new demand developed after 1965 far exceeded the estimates provided to us by the Department of State.

The unforeseen and paradoxical result is that on July 1, 1968, when the first-come, first-served system became effective, the waiting lists are almost exclusively made up of natives from the oversubscribed previously restricted nations and represent a 2- to 3-year allotment. That is, for the next 2 or 3 years there will be very few visa numbers available to natives from Ireland and other northern European countries who only now have a reason to get on the waiting list.

Members of Congress have been particularly concerned with respect to the Irish, whom it is said are discriminated against by the temporary and unanticipated results of the manner in which the transitional features of the 1965 act have been administered.

The Immigration Subcommittee has also been approached by representatives of American corporations with foreign branches, hospitals, colleges, and universities which are seriously threatened by the prospect of a 2- or 3-year wait before urgently needed executives, teachers, scientists, doctors, engineers, and technicians can be admitted. Religious organizations are also complaining that it will be impossible to secure prompt admission of teachers, nuns, brothers, sisters, missionaries, and other necessary full-time religious workers because of the same temporary situation resulting from the unanticipated manner in which the transition provisions of the 1965 act have worked out.

My bill will correct this unfortunate situation by providing for natives of Ireland and other disadvantaged countries a pool of visas for immediate issuance. The pool will consist of approximately 69,000 visa numbers left unused by those same disadvantaged countries during the last fiscal year. The numbers those nations did not need in fiscal 1968 will now be made available for those same countries so that the intending immigrants can qualify promptly for visas rather than waiting 2 or 3 years.

The visas from the pool will be allocated on a first-come, first-served basis—not on a per country basis—to natives of any European country which did not use all its quota numbers in fiscal 1968. These are the disadvantaged individuals who, without this legislation, are at the end of the registration lists. There are the Irish, British, Germans, Scandinavians, and others who now face a period of 2 or 3 years before they can achieve equal opportunity under our present law.

Under H.R. 18620, the labor certification requirement is waived so that "new seed" immigrants may qualify. However, immigrants must meet every other test and qualification of our laws including the health tests and the security tests.

This bill is designed to meet a temporary emergency. For the Irish, the Germans, the British and for others it will restore the balance and permit admission to the United States promptly. It will right a wrong and provide new hope and equal opportunity for our traditional friends in Europe.

L. B. J. SHOULD USE HOT LINE TO WARN KOSYGIN

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, administration attitudes toward the ominous developments in Eastern Europe have Alice in Wonderland overtones. At an hour when the full diplomatic and political weight of the Soviet Union is being brought to bear upon the weak and almost defenseless nation of Czechoslovakia, the United States is welcoming direct flights to Moscow, urging the Senate to ratify the nonproliferation treaty with the Soviet Union, and initiating arms control negotiations with the Russians. The United States stands silently aside abandoning our 49-year-old commitment to the people of Czechoslovakia.

Our devotion to freedom and independence has been known to Eastern Europeans from the very beginning. The creation of an independent Czechoslovakian nation was one of President Wilson's 14 points at the Paris Peace Conference in 1919. The historic 1918 agreement that Czechs and Slovaks would unite to form a new nation was signed, not in Prague, but in Pittsburgh. Our country was the birthplace of the independence movement in Czechoslovakia. For more than 20 years it has been our policy to encourage the evolution of the more pragmatic, humane, and liberal elements within the Communist world. And yet our policies at this time are actually retarding that development by placing our desire for cordial relations with Moscow ahead of the independence of the Czech nation.

Certainly we must act and speak with care and wisdom, with respect to such delicate and sensitive developments. But this should not be misunderstood by the Soviet Union as indifference. If the Soviet Union is using political and diplomatic maneuvers to crush the Dubcek government then we should be willing to use political and diplomatic initiatives of our own to stabilize it wherever possible.

Therefore the administration should make it clear through private diplomatic channels that any Soviet military intervention would have the following results:

First. It would cause profound outrage among the American people.

Second. It would prevent the ratification of the Nuclear Nonproliferation Treaty.

Third. It would preclude for the foreseeable future other changes to limit the arms race—even risk its acceleration.

Fourth. It would reverse the hopeful prospects for a relaxation of tensions in central Europe.

Yesterday Secretary Rusk, at his background conference for the press, announced that lower level diplomatic representatives of the United States were informally calling the attention of Soviet diplomats to the effect on United States-Soviet relations of an armed Russian intervention. Such a casual, muted overture hardly impresses anyone, certainly not the Kremlin. A more forceful and persuasive argument for Soviet

restraint would occur if the President directly warned Chairman Kosygin on the Moscow-Washington hot line that Soviet intervention will lead the world back to the hazards of the cold war. I have suggested this course of action in a wire to the President.

NATIONAL TELEVISION NETWORKS CRUSADE AGAINST GUNS WHILE GLORIFYING SMOKING

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TALCOTT. Mr. Speaker, yesterday I inserted in the RECORD a copy of a letter which I addressed to the presidents of NBC, CBS, and ABC national television networks. At that time none had responded to the inquiry in my letter, and I so stated in the RECORD. Yesterday afternoon, however, a response from Mr. Julian Goodman, president of NBC, was received in my office. I appreciate the fact that Mr. Goodman responded for NBC.

My letter to the presidents of the national TV networks observed that the electronic media were engaged in a concerted crusade of railing against guns while at the same time they were glamorizing and glorifying the smoking of cigarettes, especially by youth.

I asked the presidents of NBC, CBS, and ABC to explain the rationale which permitted them to rail at guns yet glorify cigarette smoking when the evidence is clear that cigarette smoking shortens more lives, causes more damage and destruction, and costs more money than guns.

Mr. Goodman answered, but his reply was not responsive. No response whatsoever was made to my specific inquiry.

The motivation of the news, commentary, documentary, and advertising policy of NBC seems to be pecuniary profit—pure and simple.

Slow death, human agony, damage, destruction, and costs are not considerations which form the basis of the national media policy, ethics, or public service when profit is involved.

REMEMBER THE "PUEBLO"

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, Americans are growing more and more concerned about the fate of the U.S.S. *Pueblo* and her crew. As I have indicated on previous occasions, our citizens view the seizure of an American naval vessel on the high seas as an act of war. Not in 100 years has our flag been forcibly lowered on a U.S. Navy ship.

The wave of public indignation is growing, and hopefully this will impress on the President the necessity of taking strong action. Our people have listened for 6 long years to the arguments for defending South Vietnam, and before that South Korea, and before that Berlin. They are now tired of waiting for a cry to defend our own men in our own ship.

It is time to stand up for America. The President should direct the Secretary of State to demand the immediate release of our ship and men, and alert the Secretary of Defense to back up that demand. The United States stands guard around the world protecting other nations and other peoples. It is time we take care of our own interests and our own citizens.

A cartoon making the rounds says, "Remember the Alamo. Remember the *Maine*. Remember Pearl Harbor. Forget the *Pueblo?*" Well, the American people will not forget the *Pueblo*. They demand action and act we must. Those who would do less shame their American heritage.

VOYAGEURS NATIONAL PARK IN MINNESOTA

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BLATNIK. Mr. Speaker, this afternoon the seven other members of the Minnesota House delegation joined me in a nonpartisan effort, introducing legislation to authorize the establishment in northern Minnesota of a Voyageurs National Park.

The objective of this legislation is to preserve a truly unique, nationally significant and magnificent natural resource as an outstanding water-recreation-oriented park.

Clearly worthy of the high honor of national park status is this exceptional waterway system with its striking scenery and remarkable geology stretching throughout these contiguous bodies of water in a continuous movement and flow from Crane Lake to Rainy Lake, rich in the history and colorful folklore of the voyageurs whose bold pursuit of the fur trade opened the heartland of North America and propelled us onto the threshold of the industrial revolution and modern commerce.

I want to take this opportunity to express my appreciation to the members of the delegation for the every cooperation and consideration they have given me throughout these past several months.

Mr. Speaker, as is usual in issues of this kind, there has been considerable controversy in the discussion of the pros and cons of the park proposal, but I am confident that the built-in safeguards and improvements which have been incorporated into this legislation will make this the best possible and the fairest national park proposal for our area.

This bill is a product of the combined best judgment of knowledgeable experts, after the fullest consideration was given, over a period of many months, to the many suggestions from individuals, various groups, county and State officials, and private enterprise.

Furthermore, it means that now for the first time, the public will have a precise, definite proposal describing the features of the park, and setting forth the terms and conditions under which the park would be established by law. From now on, as discussion of the park proposal continues, in the months ahead, everybody will be able to talk about the same proposition, the same boundaries, the same provisions of the law, rather than speculating about what the proposal might be.

We have worked hard for the best possible bill which would meet local needs and wishes as much as possible, and yet minimize any adverse effects upon the cabin owners, resorts, and other businesses dependent upon the park area for their livelihood, and the wood products and paper industry, which would be affected the most—while at the same time meeting the criteria required for a national park.

Every effort possible has been made, and I pledge will continue to be made, to assure fair treatment to people now living and working within the park area and to avoid disturbing present use patterns as much as possible.

In the long run, this Voyageurs National Park can—and I believe it will—bring the most good to the largest number of people.

It will be of significant economic benefit to the immediate area, as well as to northeastern Minnesota, the rest of the State, and will certainly serve in the national interest.

No hearings will be held during this session of Congress; the bill will expire automatically when Congress adjourns at the end of this year and will have to be reintroduced when the new Congress convenes next January. This will give people an opportunity to suggest further modifications, and of course there can be changes within reason.

ACQUISITION ESTIMATED AT $21 MILLION: $14 MILLION INVESTMENT PLANNED

Park development plans will bring an investment of $14 million in Federal funds to northern Minnesota in visitor centers, campgrounds, boat marinas, hiking trails, snowmobile routes, picnic areas, and so forth, within the park over a 5-year period. Acquisition costs could go as high as $21 million, based on current estimates of land values, but could be less, depending upon how much State and Federal land could be exchanged for the private holdings.

WILDLIFE-HUNTING STUDY TO BEGIN

I have been working closely with the National Park Service and the U.S. Fish and Wildlife Service on the game management problems involved in establishing the park, and am pleased to report that, at my direction, an agreement has been reached on a joint State-Federal wildlife management study which will get underway at once to provide precise, scientific information on the deer, ducks,

beaver, partridge, and other wildlife in the proposed park area. With this information in hand, we will be in a good position to make basic decisions on whether hunting and trapping should continue and if so, under what conditions. Meanwhile, under the legislation I have introduced, hunting and trapping will be allowed to continue at least until the park is officially established.

"Establishment" of a national park takes place when the Secretary of the Interior has acquired sufficient land within park boundaries to begin the major developments. This usually takes 3 to 5 years after the bill becomes law.

SAFEGUARDS LISTED

Mr. Speaker, I especially want to point out that the bill includes a number of important "safeguards," guaranteed by law to minimize as much as possible any adverse effects.

Significant safeguards in the bill are:

Resorts and cabin owners. The bill exempts 52 of 59 resort and commercial properties in the Kabetogama area from acquisition.

The bill also exempts 25 of 29 resorts and most of the nearly 170 private cabins in the Crane Lake area from acquisition.

Most of the park's access points would be through existing resorts, which should give private enterprise a big economic boost and permit free access to the park.

An unusual feature of the bill establishes conditions under which resorts subject to acquisition may continue to operate on a concession basis under private management.

No major increase in Federal land ownership: The bill opens the door for a three-way, private-State-Federal land exchange that would offer Boise Cascade State-held timberland comparable to their present holdings within an economical distance from their mill. By using public-private land exchange procedures to the maximum and holding direct acquisition to a minium, Federal land ownership in the State of Minnesota would hardly be increased at all, and the counties' tax base would scarcely be affected.

Tax loss reimbursement: Furthermore, Koochiching and St. Louis Counties would be reimbursed by the Federal Government for any tax loss caused by land acquisition for park purposes.

Park boundaries: The park boundaries would include the Kabetogama Peninsula, Kabetogama Lake, and portions of Rainy, Namakan, and Sand Point Lakes, and lands and waters generally north of, but excluding Crane Lake.

The total area of the park is 211,000 acres, and includes 139,000 acres of land and 72,000 acres of water.

This broadened park proposal will offer vacationers a wider range of recreational opportunities, while providing an additional access to the park. It also shows the cooperation of the Federal Government in contributing a share of its holdings in the area along with the State and private interests to create a park which is designed for the greatest benefit for far more people over a long period of time.

Motorboats and houseboats: The bill assures free use of park waters by all types of water craft—large and small—including seaplanes, under virtually the same conditions as now exist.

Snowmobiles: Year-round recreational use of the park is provided, including use of snowmobiles, under the same conditions as established by the State of Minnesota on its snowmobile trails system.

Timber management for proper preservation of the forest and to protect against fire, insects, or disease is assured.

Safeguards for private property owners: Private property is to be acquired through negotiation, at fair market value, and the owner may retain the right of use and occupancy of the property for his lifetime or for an agreed-upon specific period of years.

Hunting and trapping will continue until the park is officially established and thereafter in accordance with the recommendations of the wildlife study mentioned earlier.

Mr. Speaker, at this point I submit for the RECORD the following summary of the bill to authorize the establishment of the Voyageurs National Park:

SUMMARY OF LEGISLATIVE PROPOSAL, VOYAGEURS NATIONAL PARK, JULY 1968

After many years of study, legislation is being introduced to authorize the establishment of the "Voyageurs National Park", in Minnesota, to preserve, for the inspiration and enjoyment of present and future generations, the outstanding scenery, geological conditions and waterway system which constituted a part of the historic route of the Voyageurs who contributed significantly to the opening of the northwestern United States.

LEGISLATIVE INTENT

It is the intention of this legislation to focus national attention on the magnificent resources of this section of Minnesota which are clearly worthy of the honor afforded by National Park status, while at the same time taking into account the multiplicity of individual objections experience has shown should be recognized and, if at all possible, accommodated.

RESORTS AND HOMES EXCLUDED

The bill provides for a park which will consist of lands and waters as shown on an official boundary map of the National Park Service, which must be available for public inspection. (Sec. 101). The boundaries have been most carefully drawn and include, generally, the Kabetogama peninsula, Lake Kabetogama, portions of Rainy, Namakan, and Sand Point Lakes, and lands and waters north of, but not including, Crane Lake. Boundaries have been so drawn as to exclude fifty-two of fifty-nine resorts in the Kabetogama area, twenty-five of twenty-nine in the Crane Lake area and a majority of the private homes bordering these areas.

ESTABLISHMENT OF THE PARK

Enactment of this bill into law will not, in and of itself, create the park. Establishment of the park will only take place when the Secretary of the Interior determines that sufficient interests in lands have been acquired for administration in accordance with the Act. (Sec. 101). It should be noted that there may be one or two years lag between the time a bill is introduced and the time it is enacted, and two or more years between enactment and acquisition of such interests as would warrant establishment. Prior to establishment of the park there will be no alteration of present use patterns. After establishment there may be some.

HUNTING AND TRAPPING

Until the park is established, hunting and trapping will continue as at present (Sec. 301(b)). A study and survey of wildlife will be conducted during the entire period following introduction of the bill in order to determine the nature of game management which may be required after establishment of the park.

ADMINISTRATION AFTER ESTABLISHMENT

Administration is, generally, to be in accordance with the National Park Service's usual authority to administer such as area, including that of contracting with concessioners to provide for facilities the Secretary deems necessary to accommodate visitors (Sec. 301(a)).

FEES

Fees are to be collected in accordance with existing law which, at present, provides an exemption from charges for the following: (a) Use of waters; (b) Property owners, lessees, and life tenants going to and from their property.

FISHING

Both commercial and sport fishing will be permitted in accordance with the laws of the State of Minnesota (Sec. 302(a)) with special recognition given to the resources of Shoepac Lake (Sec. 302(b)).

TIMBER MANAGEMENT

Commercial timber operations will not be continued. However, timber will be managed so as to control insects or diseases, and to conserve the natural and scenic qualities of the park (Sec. 301(c)).

WINTER USE OF PARK

The bill contemplates year-round use of the park, and winter uses including snowmobile operations are authorized (Sec. 303).

BOATING

Appropriate use by all types of watercraft, including houseboats, runabouts, canoes, sailboats, fishing boats and cabin cruisers, may be provided for. (Sec. 303).

SEAPLANES

It is not expected that land based aircraft will be accommodated within the park. However, seaplane use is expected and authorized. (Sec. 303).

WATER LEVELS AND USE

The two Treaties (Webster-Ashburton; Root-Bryce) which have special applicability to the area, one dealing with use of waters and the other concerned with water levels, are specifically recognized as continuing in full force and effect. (Sec. 304).

ROADS

While roads to the area will remain the responsibility of the State, roads within the area are the responsibility of the Secretary. Accordingly, he would be authorized to construct such roads as are necessary within the park to assure adequate access. (Sec. 305).

LAND ACQUISITION PROCEDURES

Within the established boundaries, the Secretary of the Interior is authorized to acquire lands and interests therein, principally by negotiation, at the fair market value. (Sec. 201). Another method which can be utilized is exchange of Federal lands administered by the Secretary outside the boundaries of the park, for non-Federal lands within the boundaries. (Sec. 201(b)). There are 88,000 acres of such Federal lands in Minnesota which might be available for the purposes of exchange, principally with Boise-Cascade which owns approximately 49,000 acres within the proposed park.

PRIVATE PROPERTY RIGHTS

The full use and enjoyment of private property will continue until it is acquired, (Sec. 301(e)), with retained interests by certain owners and lessees providing for continued use of property by the owner, or a purchaser from him, for the term retained.

RETAINED INTERESTS BY OWNERS AND LESSEES

Owners of noncommercial residential dwellings, under construction prior to enact-

ment of the legislation, have the absolute right to remain for their life (or their spouse's), or for a term of twenty-five years. (Sec. 202(a)). Thus, the Secretary will pay to them the value of their property, reduced by the value of whatever right of occupancy is kept by the owner.

Similarly, lessees of State owned lands who have erected noncommercial, recreational buildings on leased lands prior to enactment of the legislation, will have a parallel right to remain after conveyance of State lands to the United States. This will be for the shorter of the average useful life of the improvement on the land, or 10 years. (Sec. 202(b)).

TERMINATION OF RETAINED INTERESTS

Both types of retained interests are subject to termination in only two instances:

1. If the use and occupancy is exercised in a manner inconsistent with the purposes of the park; or

2. If the Secretary determines that the property is required for proper administration of the park.

Since boundaries have already been drawn to account for administrative needs, it is not expected that the second alternative would be utilized. In either case, however, the Secretary must tender the fair market value of the remaining interest to the owner or lessee, on termination. (Sec. 202(c)).

RESORT ACQUISITION

As indicated previously, the drawing of the boundaries excluded almost all private resorts so as to afford private enterprise the opportunity to continue to provide services for visitors to the park. As a result, a substantial number of points of entry to the park would be provided by these resorts for their patrons. The bill, however, makes absolutely clear those resorts that are within the boundaries and that will be acquired. (Sec. 203(a)). The resort owners will, however, be given a preference as to concession contracts if the Secretary decides that visitor accommodations are necessary at their locations. (Sec. 203(b)).

PAYMENT FOR RECREATIONAL VALUE OF BOISE-CASCADE LANDS

If the State of Minnesota should negotiate an exchange with timber companies to acquire their lands within the park, with values based upon timbering worth, the Secretary can pay the timber companies an amount equal to the difference between this value and any higher value, if any, of their lands for recreational purposes. This must be an inherent value for recreational purposes, and not merely attributable to the authorization of the park.

TAX LOSS REIMBURSEMENT

The remaining provision dealing with administration is concerned with the temporary, partial loss of tax revenues due to Federal land acquisition. Though the presence of a National Park generally results in an overall economic benefit to an area, there may be an intermediate period of tax loss to the locality. To partially make up this loss, the Secretary is authorized to provide for the payment of real property tax losses caused by Federal acquisition of tax-producing real estate, for a period of five years (Sec. 306).

GENERAL LEAVE TO EXTEND

Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. QUIE. Mr. Speaker, I am pleased to join in this bipartisan effort to create a national park for the State of Minnesota, the Voyageurs National Park, which this bill would authorize. I think it is significant that all eight Minnesota Members of Congress have joined in this common effort to advance the cause of conservation and tourism. Surely, there are few projects in the recent history of Minnesota which are as important to the future of not only the State of Minnesota but to the entire north central part of the Nation. The area selected along the northern border of Minnesota, a region of glittering clear, blue lakes and beautiful green forests is one of the great natural beauty spots in the Nation.

Voyageurs National Park, embracing some 164,000 acres of which about 60,000 are water, will save this virgin land for the enjoyment and appreciation of Americans yet unborn. The park site offers to potential visitors the world of the now vanished voyageur, preserved almost intact from the days of the fur trader and the brave American Indian. This brings to a successful culmination a project which has been considered since 1891 when the Minnesota State Legislature petitioned the Federal Government to set aside some land along the wild and beautiful border between the State of Minnesota and Canada as a national park.

Although the Congress never acted, the idea has lived in the minds of dedicated individuals who now deserve the gratitude of all Minnesotans as well as the millions of Americans who will eventually visit this untouched gem of nature.

Mr. Speaker, not only will this preserve for all time one of the areas which catches America as it was hundreds of years ago, but it will be a tremendous spur to touristry. Economists from the University of Minnesota, Duluth branch, have estimated that within 10 years after its establishment, tourist spending each year at resorts, motels, and hotels would double from $2 million to more than $4 million. It is estimated that 5 years after the establishment of the park it would attract about 1,300,000 visitors a year. I have long been active in the promotion of touristry in southeastern Minnesota and have become acutely aware of the vast potential of this industry. No other single industry in the State of Minnesota has as great potential as touristry.

So it is with eager anticipation and great personal satisfaction that I join with my distinguished fellow Minnesotans in the Congress to introduce this bill to authorize the establishment of the Voyageurs National Park.

Mr. LANGEN. Mr. Speaker, I am today joining with the entire Minnesota congressional delegation in introducing a bill to create the Voyageurs National Park in northern Minnesota.

Located in one of the most beautiful areas of our Nation, it is one of the few expanses of America that remains in essentially its natural, unspoiled condition. To create such a national park would be to preserve this area for all Americans, present and future. It would not only be preserved for its esthetic value, but would provide needed additional recreational facilities for a rapidly growing U.S. population.

This proposal would create a national park composed of 211,000 acres including 139,000 acres of land and 72,000 acres of water. Year round recreational use would be maintained, ranging from unlimited free use of park waters for boating in the summer to the use of snowmobile trails during Minnesota's invigorating winter season.

Mr. Speaker, we have taken special pains to hammer out a bill that would serve the best interests of the people now living in the area of the proposed park as well as the future interests of all Americans. Attention was paid to minimizing any adverse effects upon cabin owners, resorts, and other businesses dependent upon the park area for their livelihood, and the wood products and paper industry that uses the timber.

Most of the resort, commercial, and private cabin properties are exempt from Federal acquisition, and most of the park's access points would be through existing resorts, giving private enterprise a boost while providing free access to the park by the public. Even the resorts subject to acquisition could continue to operate on a concession basis, and private property owners would not only be paid a fair market value for their holdings, but would retain the right of use and occupancy of the property throughout their lifetimes.

This bill provides for reimbursement to counties faced with a tax loss, and further provides for land exchanges between private owners, the State, and the Federal Government to keep county tax bases and commercially used timber holdings near their present levels.

I believe the addition of Voyageurs to our national park system will bring the greatest possible benefit to the area affected and the entire Nation.

Mr. NELSEN. Mr. Speaker, I am pleased to join with my Minnesota colleagues in the introduction of this proposal to authorize the establishment of Voyageurs National Park. It represents months of study and planning, and I think may be the best possible effort to recognize and protect private and State interests while at the same time providing a unique national park facility. With establishment of this, the first and only national park in the State of Minnesota, the tourist economy of our entire State should be enhanced.

We realize that our park bill will not become law this year because of the impending adjournment of the Congress. However, the introduction of our bill provides all concerned with a working tool for study and possible modification looking toward reintroduction of the bill in the next Congress when everyone will be in a position to take part in committee hearings.

Mr. MACGREGOR. Mr. Speaker, I am pleased to join with all other members of the Minnesota congressional delegation in introducing today legislation to establish a Voyageurs National Park in northern Minnesota.

This 211,000-acre park encompasses some of the most scenic and historical water and land in the entire United States. Stretching along the Canadian border, the area is a magnificent panorama of lakes and streams, cliffs, islands, beaches, in a truly wilderness setting.

The park area, consisting of 139,000

acres of land and 72,000 acres of water, would be a unique recreational area providing year-around facilities for camping, fishing, boating, snowmobiling, hiking, nature study, skating, cross-country skiing and other means of outdoor relaxation.

The proposed national park embraces one of the most important segments of 18th- and 19th-century exploration in North America. As the National Park Service said in a recent study:

> The voyageurs' travels left one decisive imprint on the map of North America. At one time or another France, England, and the United States had claimed the Quetico-Superior region. When the Webster-Ashburton Treaty of 1842 firmly established the international boundary, it drew the line along the Pigeon River route from Lake Superior to Lake of the Woods, which is defined as the "customary waterway" of the voyageur.

Voyageurs National Park will create for the visitor the setting which the voyagers of old traveled. It is an exciting proposal and I am most hopeful that all members of Congress will thoroughly acquaint themselves with it during the course of our congressional deliberations.

LEGISLATIVE PROGRAM FOR WEEK OF JULY 22

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week and the schedule for next.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. In response to the inquiry of our distinguished friend, we have completed the legislative business for the week and will ask to go over on the announcement of the program for next week. We are announcing the program for Monday and the balance of the week as follows:

Monday is District Day with six District bills as follows:

H.R. 15678, to increase the salaries of judges of the District of Columbia courts;

S. 1224, to establish a Register of Blind Persons;

S. 3456, disorderly conduct prosecutions in the District of Columbia;

S. 1532, bonding requirements of District of Columbia government contracts;

S. 1228, District of Columbia Hospital-Medical Facilities Construction Act; and

H.R. 18248, school fares in the District of Columbia.

Continuing on Monday and the balance of the week with the following:

H.R. 17735, State Firearms Control Assistance Act of 1968—continue consideration;

H.R. 15067, Higher Education Amendments of 1968—open rule, 2 hours of debate;

H.R. 15198, employer contributions for joint industry promotion—open rule, 1 hour of debate;

H.R. 18249, to amend the Food Stamp Act of 1964—open rule, 1 hour of debate;

H.R. 17126, extension of Food and Agriculture Act of 1965—open rule, 2 hours of debate;

H.R. 18706, District of Columbia appropriation bill, fiscal year 1969;

Military construction appropriation bill, fiscal year 1969;

H.R. 18707, Department of Defense appropriation bill, fiscal year 1969;

H.R. 12843, to provide for a National Eye Institute—open rule, 1 hour of debate;

H.R. 15757, Health Manpower Act of 1968—open rule, 1 hour of debate;

H.R. 15890, additional positions in central executive agencies—open rule, 1 hour of debate;

H.R. 11618, to prevent the importation of endangered species of fish or wildlife—open rule, 1 hour of debate; making in order the committee substitute for purpose of amendment;

H.R. 17685, supplemental air transportation—open rule, 1 hour of debate;

S. 2269, Fishermen's Protective Act of 1967—open rule, 1 hour of debate; and

S. 633, Foreign Service Information Officer Corps—open rule, 1 hour of debate.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and any further program may be announced later.

In addition to that, the distinguished chairman of the Committee on Armed Services, the gentleman from South Carolina [Mr. RIVERS], has advised that he will ask to bring up under unanimous consent certain bills which were unanimously reported by his committee.

Mr. GERALD R. FORD. That is on Monday?

Mr. ALBERT. At some time during next week. There is no specific time set. The bills are as follows:

S. 3495, to authorize the Secretary of the Army to release certain use restrictions on a tract of land at Camp Dodge, Iowa, in order that such land may be used as a site for the construction of buildings or other improvements for the Iowa Law Enforcement Academy;

H.R. 6729, to amend the Dependents Assistance Act of 1950 in order to make members of the Reserve and National Guard ordered to active duty for training for periods of 30 days or more eligible for quarters allowances and to make allotments—amended;

H.R. 13720, to amend title 37, United States Code, to modify requirements necessary to establish entitlement to incentive pay for members of submarine operational command staffs serving on submarines during underway operations;

H.R. 14711, to authorize the Secretary of the Army to quitclaim certain real property in Muscogee County, Ga.;

H.R. 15268, to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and provide certain services to the Boy Scouts of America for use in the 1969 National Jamboree, and for other purposes;

H.R. 15864, to provide for the operation of the William Langer Jewel Bearing Plant at Rolla, N. Dak., and for other purposes—amended;

H.R. 16254, to amend title 10, United States Code, relating to the authorized strengths and grades for certain medical, dental, veterinary, medical service, and biomedical sciences officers of the armed forces;

H.R. 17780, to direct the Secretary of Defense to pay the special pay authorized under section 310 of title 37, United States Code, to certain members of the uniformed services held captive in North Korea—amended; and

H.R. 18146, to amend title 10, United States Code, to correct an inequity affecting officers of the Supply Corps and Civil Engineer Corps of the Navy.

Mr. Speaker, the Members well know that we do have a long program. Some of these bills may be disposed of by being called up under a rule and some of them may not be reached. But we do want the House to be on notice that they will be brought up if they are reached, and other matters will be disposed of as expeditiously as possible in our effort to complete the program.

Mr. GERALD R. FORD. One other question: Will the bills be called up in the order in which they are listed?

Mr. ALBERT. Mr. Speaker, if the distinguished minority leader will yield further, it is generally the intention to dispose of them in the order listed but, of course, we retain the right to change the program later, as is the custom.

Mr. GERALD R. FORD. On Monday next, which is District Day, will the District bills be called up before continuing the debate on the gun control bill?

Mr. ALBERT. The District Day bills will come up first on Monday.

Mr. GERALD R. FORD. Now, may I ask one other question. Are there any conference reports contemplated on Monday?

Mr. ALBERT. I do not know of any at this time, but conference reports are always in order.

Mr. GERALD R. FORD. What about the possibility of a meeting on next Saturday?

Mr. ALBERT. If the distinguished gentleman will yield further, I would like, with the gentleman's indulgence, to defer commenting upon that until sometime next week.

Mr. GERALD R. FORD. We certainly can count on working on Friday?

Mr. ALBERT. Oh, there will be no question about our working on Friday.

Mr. GERALD R. FORD. I thank the distinguished majority leader.

ADJOURNMENT TO MONDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourn today it adourn to meet on Monday next.

Mr. GROSS. Mr. Speaker, reserving the right to object, and I hope I shall not have to object, am I to understand that this will be the program for the next 2 weeks or for just 1 week?

Mr. ALBERT. Mr. Speaker, if the gentleman from Iowa will yield under his reservation of objection, the gentleman will note that the bills are listed for next

week. But I do not wish to deceive the gentleman with respect to this matter. If any of these bills take the normal amount of time that we might expect, we will not reach all of them. I think it is that simple. But should some of them be considered expeditiously, we would like to have the House on notice that all of these bills are in order for consideration next week.

Mr. GROSS. I commend the distinguished majority leader upon the work schedule which has been announced. However, you have a rather heavy program listed. For instance, there is scheduled the Department of Defense appropriation bill. Certainly it will take some time during which to consider that bill because there are some very heavy expenditures of funds involved in it.

Mr. ALBERT. The gentleman from Iowa is correct.

Mr. GROSS. Have we not reached the point in this session when the gentleman can give us some information as to what we might reasonably expect by way of sine die adjournment or a recess of the Congress.

Mr. ALBERT. I am glad that the gentleman from Iowa has brought up that question, because the distinguished minority leader is here. The Speaker made an announcement to the press this morning that it is our intention to adjourn the House at the close of business on Friday, August 2, until September 4. In other words, we will be in recess or adjournment through that entire period of time and reassemble on September 4.

Mr. GROSS. So that sine die adjournment as of August 2 or 3 is definitely out?

Mr. ALBERT. I think the gentleman could almost answer that question himself.

Mr. GROSS. Under ordinary circumstances I would thank the gentleman for his response, but I must express my disappointment on that score.

Mr. ALBERT. I am disappointed too, but I think we should plan on a later date.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. WAGGONNER. Mr. Speaker, reserving the right to object, the gentleman from Michigan, the distinguished minority leader a moment ago inquired as to whether or not the District bills would be considered prior to the resumption of the debate on the gun control legislation under the 5-minute rule and the distinguished majority leader replied that this was the case.

I would like to inquire further as to the intention of the House to complete and have a final vote on Monday on the gun-control legislation?

I ask this because this is the third week now when we have had about six or seven different schedules and it is practically impossible to make plans and we do not know what we are doing.

It seems to me that we need an answer finally after 2 weeks of confusion.

Mr. ALBERT. If the gentleman will yield, the question my distinguished friend asks is one within the jurisdiction of the House itself. We intend, as the District business is privileged and has the highest privilege, on Monday to take up the District business, and then to proceed when the District business is disposed of, with the consideration of the gun bill. How long that will take I would not presume to be able to answer. That is something within the discretion of the House, not within that of any Member, nor even the chairman of the committee nor the leadership.

Mr. WAGGONNER. The House was led to believe that we would be in session tomorrow to finish this legislation. This is the second week that we have failed to complete this legislation, and we start and then stop again, and then start up again. Some of the Members need to make plans. We have certain commitments that we have to meet, and we are unable to fulfill them. It just seems to me that it is not within the discretion of the House because the House itself has had very little to do with the changes in schedules which have been made.

Mr. ALBERT. If the gentleman will yield further, this House has had everything to do with how long it takes to dispose of legislation, and that is the reason why I cannot give him definitive answers.

We do undertake as best we can to alert the House of the situation when we might meet on a Saturday, and we thought that we might, but it became evident some time ago that we might not be able to finish the gun bill tomorrow, and it became evident that we were not going to be able to adjourn sine die on August 2 or August 3, so there was less pressure for a Saturday meeting than there had been prior to our determination that it would be impossible to adjourn sine die in early August.

Mr. WAGGONNER. Then if I may proceed further under my reservation of objection, in view of what the gentleman has just said, that it became evident that the gun control bill could not be finished on Saturday, do I understand that to mean that we still cannot finish on Monday because Monday is another workday, even a shorter workday with the District legislation to be considered, than would be Saturday?

Mr. ALBERT. In my judgment it will not be, but I cannot bind the House. The House might act quickly.

But the main consideration—and I will have to repeat myself in answering the gentleman—was that we had hoped for a sine die adjournment, but then it became evident that we could not achieve it by August 2.

Mr. WAGGONNER. Mr. Speaker, I withdraw my reservation of objection.

Mr. COLMER. Mr. Speaker, I reserve the right to object, to propound an inquiry to the distinguished gentleman, my friend from Oklahoma, the majority leader.

First, I would like to associate myself with the remarks of the gentleman from Iowa about his disappointment about the sine die adjournment prior to the political conventions.

As I have repeatedly stated, Mr. Speaker, I can see no good to come from a reassembling of the Congress after the political conventions, and between that and the election, because all we are going to be hearing in this Congress, in both Chambers, in my humble judgment, is a political debate, and these Chambers will furnish the forum for that purpose.

I am very much disappointed.

The Committee on Rules started out some several weeks ago to pave the way for this adjournment, and expedited business, and I am very sorry, but I do understand and sympathize with the leadership in view of the fact that they do not control solely and unilaterally the adjournment of the Congress, and we are dependent upon the other body. But realizing now the facts of life, may I inquire of my distinguished friend what he has, and what the leadership has in mind, and what the administration has in mind, insofar as the gentleman can inform us, about what we propose to do when we come back here in September after the recess? Are we going into new fields, new legislation, or is it the intention of the leadership to wind up the balance of the business and then adjourn sine die?

Mr. ALBERT. I can only partially answer the gentleman.

It is the hope of the leadership to adjourn sine die as soon as possible. I am not in a position to give the gentleman a recitation of particulars as to bills that might be considered when we come back.

Mr. COLMER. I thank the gentleman for his reply and for his indulgence and permitting me to get off my mind something that bothers me very much.

But let me express again the hope—and I wish I were in the position to express perhaps a warning—that the Congress, that is the membership of the Congress as I sense it, are against opening up the field for all these new programs particularly in view of the position in which we find ourselves financially.

Mr. ALBERT. Mr. Speaker, will the gentleman yield to me to comment on that?

Mr. COLMER. I yield to the gentleman.

Mr. ALBERT. If I were chairman of the Committee on Rules and my committee had decided on instructions as it did to be effective July 9, I would feel I was in a pretty good position to make the statement that a lot of new things will not be opened up.

Mr. COLMER. I thank the gentleman for his encouragement.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the distinguished gentleman from Michigan.

Mr. GERALD R. FORD. In looking over the proposed program for next week, it is a very heavy program and you could almost say that it was a 2-week program when you bear in mind that conference reports may also be considered, and other matters.

As I recollect, it includes most of the proposals the Committee on Rules had granted a rule for prior to, or at the last meeting. So if the Committee on Rules stands firm and we consider and handle this legislative schedule, I cannot see where there will be much coming out of the Committee on Rules and thus coming to the floor of the House after September 4.

Mr. COLMER. I would just like to add

my congratulations and express the appreciation to the distinguished minority leader which I just expressed to the majority leader.

Mr. GERALD R. FORD. I thank the gentleman from Mississippi. We on this side will cooperate.

Mr. COLMER. I thank the gentleman very much.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule on Wednesday next be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GUN LEGISLATION

Mr. SCHWEIKER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCHWEIKER. Mr. Speaker, I am indeed pleased that by the action of the House here this afternoon we have taken steps to assure that the major impact of this legislation will be aimed at the criminal element. By adoption of the Poff amendment, with language similar to that which I have been calling for, we have taken an important step to discourage the illegitimate use of guns.

When the Judiciary Committee reported this bill, I announced my support of it. But I cautioned at that time that every attempt should be made to strengthen it to provide mandatory stiffer penalties for those convicted of using or unlawfully carrying a firearm in the commission of a crime.

Repeatedly since 1963 I have called for enactment of additional firearms legislation which, while not being unduly restrictive on law-abiding citizens, would be effective.

I strongly supported the legislation recently passed by the House to ban interstate sale of handguns. But it is not sufficient. The successful attempt to strengthen today's bill will aim its major effect at the criminal element by imposing mandatory stiffer penalties on those convicted of unlawfully carrying or using a gun during commission of a crime.

The Poff amendment which the House has attached to the bill this afternoon will require a mandatory prison sentence of between 1 and 10 years for anyone convicted of a Federal felony in which a gun was used or illegally carried. The sentence cannot be suspended and must run in addition to, and not during, the sentence for the crime which was committed.

The typical sportsman has a proud and responsible record of gun safety and support of hunting regulations. It is not unreasonable to impose similar restrictions on all citizens with the major impact of this new legislation aimed at the criminal element.

THE UNITED STATES–RUMANIAN AGREEMENT ON AMERICAN AID FOR CONSTRUCTION OF A NUCLEAR POWERPLANT

The SPEAKER pro tempore (Mr. MATSUNAGA). Under previous order of the House, the gentleman from Ohio [Mr. ASHBROOK] is recognized for 60 minutes.

Mr. ASHBROOK. Mr. Speaker, lately the administration seems to have taken new steps to implement its bridgebuilding policy and disarm this country emotionally and psychologically against the Communist danger. Vice President HUMPHREY speaks of the need to replace our policy of "containment and confrontation" but by a policy of "reconciliation and cooperation" with the Soviet Union and the East European Communist governments. Apparently this is not just election propaganda because the Johnson administration just signed an agreement which certainly is not in the national interest and extends our most advanced nuclear technical knowhow for the construction of an industrial atomic plant to a Communist country allied against us with Soviet Russia in the Warsaw Pact—Rumania.

As reported by the New York Times of July 9 and endorsed in the editorial of the same paper on July 12 we agreed to expand the exchange of scientists for the theoretical and practical problems, including cooperation in the nuclear field and to consider financial aid for the erection of a nuclear powerplant in that Communist country.

Not only do we act ill advisedly as far as our military security is concerned but we are rewarding a regime onerous even in Eastern European terms as far as internal dictatorship is concerned. Less than a year ago Richard Reston of the Los Angeles Times described the regime as the most Stalinist, oppressive regime in Eastern Europe except for Eastern Germany and later dispatches by David Binder of the New York Times—June 23, 1968—also speak of constant harassment and oppression of the Hungarian minority. Nothing has occurred lately to end the regimentation and lack of human and civil rights for the average citizen in Rumania nor did the suppression of the economic and cultural life of the national minorities cease to exist.

The agreement only relieves the Soviet Union from fulfilling its obligation to provide this technical know-how and funds to Rumania and concentrate more on "loyal" satellites like Poland and Hungary. The latter have already received Soviet promise and an agreement has been reached for a nuclear plant.

Another feature of the agreement is that American scientists will cooperate in the construction of the reactor with Soviet scientists, a development which will benefit not only the Communist Rumanians but the Soviet Russians themselves.

Today I am joining my colleagues in speaking on this subject. I insert in the RECORD an article by Prof. Z. Michael Szaz, which has appeared in the Washington Report of the American Security Council earlier, entitled "Our New Rumanian Communist 'Friends'":

OUR NEW RUMANIAN COMMUNIST "FRIENDS"

(By Dr. Zoltan Michael Szaz)

(EDITOR'S NOTE.—Guest editor, Dr. Zoltan Michael Szaz is Associate Professor of History and Political Science at Seton Hall University.)

Currently, Communist Rumania's policies are praised by the State Department as the fruit of "active coexistence" and as evidence of the distintegration of the Soviet Empire in East Central Europe. Even an anti-Communist Congressman such as the Hon. Paul Findley suggests that as a reward Rumania should be granted a most favored nation clause in trade.

Disagreements on tactics and policy toward the Arab states, disarmament, Soviet cultural penetration and multilateral economic planning within Comecon, cordial Rumanian-Chinese relations and recent nonattendance of Soviet-satellite conferences on Germany and the Middle East are cited as expressions of anti-Soviet nationalism of Rumania. In view of the April 1966 statement of the Rumanian Communist Party and the May 7, 1967 remarks of Party Secretary Nicolae Ceaucescu, in the official Party paper, it is argued that Rumania, rather than Yugoslav, policy approaches neutralism while abolition of compulsory Russian language instruction in the schools is presented as proof of anti-Soviet attitude. Rumanian willingness to expand economic ties with the West (the Western share in Rumanian trade grew from 25% in 1958 to 35% in 1966) is also welcomed.

It is correct to say that Rumanian nationalism is on the rise. The Polish and Hungarian revolts of 1956 and Khrushchev's acceptance of Tito's separate road to 'socialism' have shaken the determination of the East European Stalinist leaders to insist on "proletarian internationalism". National pride and anti-Russian emotions, reinforced by Soviet abuse of the peoples and forced Russification, could no longer be ignored lest the Rumanian Communist leaders be faced with popular revolt as had been their Hungarian comrades. The Hungarian and Polish events created a powerful echo not only among the 1.7 million Hungarians of Transylvania, but Rumanian students and workers as well.

The leadership could try to repress, to channel, or wholeheartedly to adopt the growing tide of nationalism. The last was not really an option for any Marxist-Leninist leadership. Repression could only offer a temporary respite as nationalism was becoming an unwelcome, but tolerated guest even in the Russian and Chinese Parties where ideological disputes were fast degenerating into national antagonisms. The decision to try to *guide* or control nationalism was taken by the late Party Secretary, Gheorghiu-Dej, in early 1963.

THE ARGUMENT WITH THE SOVIET UNION

Gheorghiu-Dej's disagreement with Moscow involved the concept that no Communist society can be created without the necessary heavy industry base. Khrushchev had demanded from the satellites in the early 1960's the establishment of a bloc-wide division of labor for production in order to compete with the European economic community and to tie the satellite economies irrevocably to the USSR. Using the 1962 production figures as guidelines. Comecon relegated Rumania to the position of a raw material and semifinished goods producer except in petro-

chemical industries. The Comecon decision interfered with the Rumanian Five Year Plan providing for the expansion of iron, steel and machinery production by 100 per cent and the building of a steel combine at Galati. Gheorghiu-Dej opted against Comecon and followed a Stalinist line on economics.

Subsequent Soviet-East German pressure convinced the Rumanian leadership to make concessions to national consciousness. The Rumanian, instead of Russian, role in the 1944 "liberation" was emphasized; Titulescu and other Rumanian statesmen of the Royalist period were restored to history, but at the same time anti-Soviet popular feelings were controlled by censorship. Moscow now had to choose whether to permit the Rumanian deviation in order to attract third-world and Western support, or to crush it. In 1963 a temporary decision (which was finalized *only* after the removal of Khrushchev), was taken to allow the Rumanian course on the basis of continued Rumanian participation in the Warsaw Pact and adherence to anti-American policies on major issues. In turn, Rumania was awarded an important role in the campaign for loosening NATO ties and for the abolition of the Western Coordinating Committee controlling strategic material exports to the Communist bloc.

RUMANIA AS THE SOVIET "ADVANCE MAN" IN THE WEST

Rumanian "national communism" brought both economic and political gains to the USSR. Western investment in Rumania since 1963 exceeds $150 million. New installations include a $22 million petroleum cracking plant financed by American companies; the Galati combine built with $35 million of French and British funds to be expanded by a cold rolling mill equally adapted for truck and tank production and to be financed by a French-American consortium with Export-Import Bank guaranteees. The German Guehoffnungshutte got a $20 million order to build other parts of the Galati combine. German investments alone amount to $50 million, closely followed by American and French participation while Sweden is investing $10 million for rail electrification and locomotives.

Foreign trade has also expanded spectacularly. With the U.S. it rose from $2,721,000 in 1960 to $31,897,000 in 1966 and Rumania plans for a *$200 million exchange by 1970*. West Germany is now the second largest trader after the USSR with over $150 million per year. But the question of trade deficits and defaulting on credits looms. For example, U.S. exports were $27,242,000 in 1966 but imports *from* Rumania only $4,655,000. And the trade deficit—financed by long-term loans—with West Germany exceeded $60 million in 1966. Yet the State Department still takes an enthusiastic view of Rumanian trade and there is talk of possible Export-Import Bank guarantees of U.S. investments to Rumania.

In the decade 1956–1966 Rumania established trade relations with 75 countries while embassies or legations are maintained in over 60 countries. British, French and German experts are called in to erect new plants and train Rumanian engineers in running them, recalling the Soviet drive for U.S. engineers in the 1930's. In May 1967 fifty French nuclear specialists met with their colleagues in Bucharest while cultural exchange programs are maintained with Western countries, India, Burma, and Indonesia where the Rumanians sing the praises of "national communism." Thus Rumania is now replacing Czechoslovakia, as the *advance man* of the Communist bloc both in the third world and in the West.

Even more important are Communist bloc psycho-political gains through Rumanian activities. The Rumanian course gave the coup de grace to the Hallstein Doctrine and produced bridge-building activities of the West German Grand Coalition. And in the United States—despite stepped-up help to North Vietnam in September and October from Communist bloc countries—the present euphoria in our policies towards the Communist rulers of the satellites would be unintelligible without our assumption of Rumanian "near-independence".

THE TRUTH ABOUT RUMANIAN INDEPENDENCE

Does Rumanian Communist "nationalism" represent a break with Moscow and a genuine rapprochement with the West? Unfortunately, this is not the case. Speaking before the puppet parliament July 24, 1967, Party Secretary Ceaucescu put cooperation with the Soviet Union as "the keystone of Rumanian foreign policy." He reaffirmed Rumania's participation in the Warsaw Pact, suggested new forms of cooperation between the "socialist" countries of Eastern Europe, and described relations with the USSR as "witnessing steady development".

This speech had been preceded by a warning in *Pravda* which emphasized nationalism as the "main danger" to the unity of Communism. Thus, a simple complaint against deviationist tendencies was enough to make the Rumanian Communist leadership run for cover.

Rumors that Rumania would quit the Warsaw Pact have also been proved false. On July 21, 1967 Rumanian Premier Maurer said during his Hague visit that disagreements with Moscow will *never* be allowed to reach the point of an open break. And a Moscow communique August 28 announced the conclusion of Warsaw Pact joint maneuvers by Soviet, Bulgarian, and Rumanian forces. Furthermore, by allowing Rumania to profit from Western willingness to sell equipment to Rumania which is forbidden to other bloc countries (such as the Worden gravity meter used in missile guidance), the Soviet Union advances its current drive for military superiority.

Nor have U.S. concessions improved individual freedom in Rumania. After some 1964 concessions, Rumania is still the strictest of the Communist regimes of the region. Thus Richard Reston of the Los Angeles *Times* wrote August 22, 1967: "The campaign to ease relations with the outside world has not brought a parallel internal relaxation . . . the Rumanian internal security apparatus remains the most rigid, Stalinist network in East Europe . . . the feeling here is that Rumania is not now prepared for a loosening up internally." Rumanians are paying a heavy economic and political price for being able to express nationalist sentiments as long as they are not directed against Soviet Russians. They live austerely, and remain deprived of literary freedoms and cultural free expression as well as having to remain without any political choice or economic liberties.

Perhaps the only positive factor is the respect and liking the Rumanian people and the national groups in Rumania such as the Hungarians feel towards the U. S. As a temporary American resident of Rumania put it: "I read the official propaganda and I get angry. Then I go out and mingle with the people and I'm angry no longer."

Thus the *people* of Rumania can still be our allies. But the Rumanian Communist regime only wants to use Western capital and hardware for ends which parallel those of Moscow. And the recent (September 1967) election of Corneliu Manescu, the Rumanian Foreign Minister, as President of the 22nd session of the UN General Assembly is one more step in making Rumania's Moscow's advance man in the West. For Manescu has already made himself a part of the drumfire of Soviet psycho-political warfare on Vietnam by calling for the end of the war in Vietnam, but, of course, as the Soviets want it ended.

Mr. FINO. Mr. Speaker, I am joining my colleagues, ably led by the distinguished gentleman from Ohio, in protesting the ill-advised action of the administration in initialing an agreement with Communist Rumania providing for American technological—and later also financial—aid to the construction of a nuclear powerplant in that country.

The story comes from the New York Times of July 9, 1968, reconfirmed by the editorial in the same paper on July 12 which calls the agreement a successful breakthrough and adds:

> It would be a major coup for both sides if, for example, the Rumanian atomic power industry were to get its start with American reactors and other needed equipment.

The editorial thus talks not only of scientists going to help their Rumanian colleagues to build the plant, but possible American reactors sent to Communist Rumania, and, needless to say, paid for by American dollars.

This kind of bridgebuilding can only be thoroughly deplored. Arguments can be made for tourism and cultural exchanges, and even for limited trade, but certainly not for the granting of privileged, highly competitive, technological information to a country which is still allied with the Soviet Union in the Warsaw Pact against the United States and as early as September 1967 participated actively in the maneuvers of that alliance.

Yet membership in the Warsaw Pact is not only the only disqualifying fact for Rumanian receipt of the most up-to-date technological information from the United States. Rumania takes an almost identical position on the Vietnam war with the U.S.S.R. and North Vietnam, supplies North Vietnam, and generally continues to condemn American imperialism. Moreover, the Rumanian regime at home is the most oppressive one outside of Ulbricht's Stalinist regime in East Germany.

It persecutes its minorities and the churches, and only 5 weeks ago we had the opportunity to expose the oppression of these elements in speeches before the House in detail. Finally, there are no indications that it is planning to detach itself from Moscow, as late as last July 24, President and Party Secretary Nicola Ceaucescu, in his speech to the Rumanian Grand National Assembly put cooperation with the Soviet Union as "the keystone of Rumanian policy," while 3 days earlier Premier Ian Maurer stated during his visit to Hague that—

> Disagreements with the Soviet Union will *never* be allowed to reach the point of an open break.

In the face of this overwhelming evidence of verbiage and actions, it is naive to believe that certain minor foreign policy disagreements of the Bucharest regime with Moscow should be rewarded by the priced possessions of American technological knowledge and the American taxpayer's money. Rumanian officials have been shopping around for help in Canada and France before, apparently with no success.

However, as long as the agreement has been made, our side should at least insist upon tangible concessions to the minorities and churches in Rumania and

generally for liberalization methods at home for the entire population as well. The Czechoslovak example, though limited, provides a way for Rumania, too, to implement a program which restores at least some freedom to the population. Otherwise, our funds and bridgebuildings will only strengthen the camp of our enemies with our efforts and money. This cannot be what the Administration wants, nor would it serve the national interest.

Mr. DULSKI. Mr. Speaker, I join my distinguished colleague from Ohio, in calling for the use of American diplomatic persuasion and pressure for a liberalization within Rumania.

I believe this is proper and justified in return for the recent agreement to help the Communist government with technological know-how, American scientific manpower, and, subsequently, funds to aid in erecting a nuclear powerplant in Rumania.

It seems to me that the signing of the agreement was premature and, therefore, ill-advised, because it is rewarding a state that continues an extremely oppressive internal policy and discriminates against its national minorities, especially the 1.75 million Hungarians of Transylvania. Further, the country extends military aid grants to North Vietnam.

In fact, I understand that the last additional protocol providing grants for military aid to Hanoi was signed in the Rumanian capital just 2 days before the departure of Defense Prime Minister Barladeanu for Washington to negotiate the nuclear plant agreement.

Since the agreement now has been signed, I believe that Congress should proceed carefully with authorization or appropriation of funds until the Rumanian Government shows good faith by relaxing its internal dictatorship and eases discrimination against the national minorities.

The 1964 economic agreement was signed at a time when a general amnesty was proclaimed by the Rumanians. There must be a counterconcession to the oppressed peoples of Rumania at this time as well.

Mr. MINSHALL. Mr. Speaker, today I am joining my colleagues, ably led by the distinguished gentleman from Ohio, in discussing the ill-advised agreement of July 8, 1968, signed by the Deputy Prime Minister of Rumania, the fifth-ranking member of the Communist Party Presidium, Alexandru Barladeanu and the science adviser to President Johnson, Dr. Donald F. Hornig.

The agreement provides for the use of American scientists in planning and constructing the Rumanian nuclear reactor and financing, in common with the Soviet Union, the costs of erecting the nuclear reactor plant in Rumania by 1973.

The circumstances of the negotiations were veiled in secrecy and underemphasis seemed to be the better part of valor to both the State Department and Dr. Hornig. There was no fanfare at the arrival of Mr. Barladeanu, only one press conference was held by him and neither the New York Times nor most major papers carried the wire story on the same. Only after the signature of the agreement was its contents disclosed by the New York Times which 3 days later endorsed the same editorially.

What does the agreement mean to the United States. First, it provides information of a potentially substantial military character to a country allied with the Soviet Union against the United States and NATO and renders hypocritical, if not nonsensical, any item surviving on the strategic embargo list to Communist countries. Second, it creates potential competition to the emerging European nuclear industry.

Finally, it rewards a regime which failed to relax its dictatorial, oppressive hold over its own peoples, including the 1.75 million Transylvanian Hungarians. There were no substantial steps toward liberalization since 1964 and the rehabilitation of some of the Communist victims of the Gheprghiu-Dej regime and the sacking of Mr. Draghici certainly do not fulfill the need for at least a partial restoration of individual freedom and human rights and for a relaxation of the discrimination against the minorities.

Writing in his booklet "Transylvania—400 Years of Reformation Tradition" Prof. Eugene Osterhaven of the Western Theological Seminary describes the plight of the Transylvanian Hungarians as follows:

> Measures are taken by the authorities to prevent the moving of Hungarians to the towns and cities of Transylvania also serve the half-concealed purpose of Rumanization. Anyone seeking employment must produce his identification card. Good jobs and well-paying positions are usually reserved for Rumanians only so that Hungarians in Transylvania are condemned to economic ruin while all envision a hopeless future.

Also on religion:

> The true situation, however, is that the Hungarian churches are exposed to considerable duress and that Catholic priests and Protestant ministers are exposed to constant harrassment. A Reformed minister in one of the villages in Transylvania recently characterized the situation to a relative, a United States citizen, as follows: "We are unable to resist this pressure any longer and we shall perish. Young people do not come to the church. Only elderly people dare to come. I am unable to speak about anything at all but religion. I am under surveillance and I have even to be afraid of my own relatives.

This booklet was published in June 1968 and is based on most up-to-date information by the diligent American cleric. It shows the futility of agreements with the Bucharest government unless we insist upon concessions not to us, but to their own peoples. I hope that we will do so in the future. In 1964 a general amnesty follows the American-Rumanian economic agreement. Let us hope that our Government will persuade the Bucharest government to do something more substantial in restoring human and minority rights at home.

Mr. LUKENS. Mr. Speaker, sometimes it looks as if the diplomatic and economic moves of the administration in one area of the world seem to contradict and nullify our policies in other regions. This is especially evident in our double standards of dealings with the members of the Communist bloc.

Today half a million fighting American men are trying to save Vietnam from a Communist takeover. At the same time, we are maintaining increasingly friendly relations with the Soviet Union including talks on reduction of arms and missiles. We also extend atomic information and aid to Communist Rumania. While a discussion of the arms race remains a conceivable proposition, there is certainly no valid reason why we should give valuable industrial information in this most advanced technological field of nuclear energy. The disclosing of such information cannot help but have military implications to a member of the Warsaw Pact and seems to be directed against the security of the United States and its allies in Europe.

There is some deviation of the Bucharest regime from the Moscow line on some policy issues in the international world; but not even administration supporters can deny that besides East Germany, Rumania maintains the most oppressive domestic regime, even among Russian satellites, and that her minority policies are particularly offensive. Only 5 weeks ago we had the opportunity to witness the restrictions and discrimination to which the Hungarian minority in that country is subjected. We warned the administration that one-sided bridgebuilding toward Rumanian Communists would be an abandonment of our basic principles of international relations and human rights. Now, one New York Times story of July 9 and an editorial of July 12 clearly state that we are agreeing to export vital technological information by sending scientists and moneys to erect a nuclear powerplant in a country which is already richly blessed by thermal and water power resources.

Under the circumstances, I must register my dissatisfaction by protesting the said agreement. It is my hope that the newspaper stories exaggerate these one-sided concessions to one of the most oppressive Communist regimes in Eastern Europe. Several American journalists have expressed similar dissatisfaction. Richard Reston, writing for the Los Angeles Times of August 22, 1967, is one such critic:

> The campaign to ease relations with the outside world has not brought internal relaxation . . . the Rumanian internal security apparatus remains the most rigid, Stalinist network in East Europe . . . the feeling here is that Rumania is not now prepared for a loosening up internally.

David Binder, in the June 23, 1968, issue of the New York Times, described the situation of the Hungarian minority in Rumania as follows:

> They note that Hungarian textbooks are often printed in editions under 5,000 copies, which a writer said, "is far too small for a minority of that size."

Imports of most Hungarian writings are barred by the Bucharest authorities. The intellectuals also attack the resettlement measures that have driven thousands of Hungarians out of their traditional homes in the Transylvania region of Rumania. Earlier this year, the Rumanian regime abolished the Transylvania region of Rumania. Earlier this year, the Rumanian regime abolished the Transylvanian territory known as the Magyar autonomous region, redrawing the administrative lines along the pre-

war county system. The reaction here was a shrug of the shoulders:

That region soon became neither Magyar nor autonomous.

Rev. Eugend Osterhaven of the Western Theological Seminary in Hope, Mich., has recently published a booklet on Transylvania. A prominent Reformed Protestant clergyman, he summarized the situation as follows:

Measures are taken by the authorities to prevent the moving of Hungarians to the towns and cities in Transylvania also serve the purpose of a half-concealed Rumanization. Anyone seeking employment must produce his identification card. Good jobs and well-paying positions are usually reserved for Rumanians only so that Hungarians in Transylvania are condemned to economic ruin while all envision a hopeless future.

The situation of our Magyar brethren in Transylvania makes a mockery of the articles of the peace treaties which were aimed at protecting national minorities. The chauvinistic policy of Communist Rumania in its Stalinist anti-Hungarianism disregards all human rights and international obligations solemnly agreed upon and promised in peace treaties.

Will the Communist government keep its present foreign policy orientation and the terms of the agreement not to lend information to Soviet Russia? Or will it act as it did when it dispelled the guarantee of human rights agreed upon in the peace treaties?

It is my hope that the agreement, made apparently by executive agreement and, as such, not subject to approval by Congress, will be read restrictively by the congressional committees when requests come from the administration for money appropriations implementing the agreement, and that the American taxpayer's money will not be wasted on this unnecessary and harmful project.

Mr. HELSTOSKI. Mr. Speaker, as we observe Captive Nations Week and make every attempt to build bridges to Eastern European countries, I would like to take this opportunity to acquaint my colleagues with the background and the analysis of the United States-Rumanian agreement on providing American technical and financial aid for the construction of a nuclear plant in Rumania.

I feel confident that this information will be of great interest to the Members of the House and who surely will agree with me that such participation would be against our national interest and a reward for the hard-line Communist policies of that Government toward its peoples, particularly toward the Hungarian minority. It would also mean a waste of the taxpayer's money at a time when we are already overextended in view of our urban needs and the Vietnam commitment.

When we are seeking a Federal spending cut of $6 billion, this is one area in which a curtailment of expenses will be met with approval of our American citizens.

THE ANALYSIS AND BACKGROUND

Ever since the first signs of differences had arisen between the Rumanian and Soviet Governments in regard to the international division of labor within Comecon, U.S. authorities tried to use the differences as a means to improve relations with the Bucharest government.

As the disagreements coincided with the Kennedy concept of "building bridges" to Eastern Europe and the Soviet Union, Rumania became the primary target for bridgebuilding policies.

The first rapprochement came in May 1964 when upon the visit of the then Rumanian Economic Minister, Gaston Marin, many items were dropped from the embargo list and credits for trade were extended in order to revitalize American trade to Rumania. Originally, the May agreement was thought by both sides as a first step to large scale American credit and trade expansion, but the escalation of the Vietnam conflict on the one hand, and the ever more voluble opposition in Congress caused Rumania to approach other Western countries, particularly West Germany, instead of the United States. Between 1965 and 1967 Rumanian-American relations were not much improved.

Developments in 1967 highlighted a further deterioration of Rumanian-Russian relations and in July there were signs that an open break might occur. However, following an attack of Pravda on unnamed nationalists in Eastern Europe trying to undermine socialism and communism—July 23, 1967—the Rumanian leadership undertook steps to normalize relations with Moscow. Party Secretary Ceaucescu reaffirmed in the Grand National Assembly Rumanian membership in the Warsaw pact, stated that the Soviet Union remains the keystone of the foreign policy of Rumania and soon thereafter Rumanian troops had joined Warsaw Pact maneuvers in September 1967.

Rumania also attempted to receive nuclear know-how and technical aid for an atomic reactor plant. Reports, later denied, mentioned around the end of April 1966 Canadian-Rumanian talks in Ottawa and later newspaper stories reported Rumanian approaches to London and Paris for assistance on building a nuclear plant.

Apparently neither of these countries—London because of regard for American opposition at that time—was willing to share nuclear know-how with Rumania. Late in the year of 1967 the Soviet Union promised technical and financial support to Hungary for building an atomic reactor while Rumanian-Russian talks on the same subjects were stalled.

A new mini-crisis in Rumanian-Soviet relations occurred in February-March 1968 because of Soviet demands that Rumania attend the Budapest Preparatory Conference of the Communist Parties of the World. The outcome was insulting Arab Communist words against Rumania because of its less-than-outright support of the Arab position on Israel and a subsequent walkout by the Rumanian delegation from the party conference. The party-to-party crisis resulted in Rumanian omission from the Dresden conference convened to deal with the events in Czechoslovakia and some delicate negotiating was needed at the Sofia meeting of the Warsaw Pact in March 1968 in order to avoid rupture because of Rumanian displeasure with the Bucharest government and futile Rumanian insistence upon a rotation of the commander of the Warsaw Pact forces among member nations.

The new difficulties with Moscow were only partially solved by the signature of the new 20-year Mutual Friendship and Alliance Treaty in April 1968 and apparently the Ceausescu regime decided to directly approach the main Western power for nuclear assistance. Advantages were manifest. American authorities could decide without further inquiries on whether or not to extend such assistance while Rumania could not aspire to become a competitor to American nuclear power industry, a possibility that had existed in the case of France. Moreover, any agreement with the United States could be used toward the Soviet Union as a veiled blackmail to put up the missing resources and moneys needed to construct the Rumanian nuclear plant.

In order to minimize opposition—including of those interested in the oppression relaxation of the Hungarian minority in Rumania—the administration consciously underemphasized the visit of Rumanian Deputy Prime Minister Alexandru Bardaleanu—fifth-ranking member of the Rumanian Party Presidium—to Washington. Announcement of the visit was dealt only perfunctorily by the New York Times. The delegation stayed at private homes of scientists, there was no official reception, and the host remained Dr. Donald F. Hornig, White House science adviser, rather than the President or Secretary of State Rusk. Only one press conference was held and the story was not even carried by the New York Times and other major papers.

The agreement, probably the most significant one with any Iron Curtain country since the bridgebuilding policy became effective, was announced 4 days before the paper by the staff of Vice President HUMPHREY calling for a changed outlook on Soviet Russia and Eastern Europe, and support was expressed by the New York Times editorial on July 12.

The agreement provides for an exchange of scientists on practical and theoretical problems and collaboration in the nuclear field leading toward the construction of a nuclear plant in Rumania. While no hard and fast commitments were made on finances, the Administration promised funds for the construction of the plant. Uneasiness about the Barladeanu visit was already expressed by Congressmen BROYHILL of Virgina, ST. ONGE of Connecticut, and BUCHANAN of Alabama, and myself on June 13 and 14, 1968, while 11 others scored in their speeches the continued oppression of the Hungarian minority in Rumania.

ARGUMENTS AGAINST THE AGREEMENT

First. It provides information of a potentially military nature to a country which is a member of a military alliance directed against the United States and its allies. The provision makes mockery of any surviving strategic goods embargo list.

Second. It creates potential competi-

tion to the European nuclear industry with the help of American assistance funds and know-how by a country allied against them and the United States.

It relieves the Soviet Union of an economically unprofitable, and politically dangerous, decision of supporting in full the Rumanian nuclear program and liberates Soviet know-how and resources to support "loyal" East European allies more completely while removing an irritant in Rumanian-Soviet relations.

It rewards a country which failed to take significant steps since 1964 liberalization and which has, as a result of changing events, become one of the most oppressive dictatorships in Communist Eastern Europe. The 1964 U.S. concessions were at least given at a time when the Rumanian Government had proclaimed a general amnesty but except for the rehabilitation of some of the Communist purge victims of the Cheprghiu-Dej regime nothing significant had occurred toward political liberalization and economic changes are also less inclusive than those of Hungary and Czechoslovakia.

The agreement helps to create a feeling of helplessness and alienation among our best allies, the peoples of Rumania, including the Hungarian minority which now feels itself abandoned by the West and oppressed by the Rumanian Communists, even by those who feel against Moscow. The consequences could be serious as they could under certain conditions become a wedge for Moscow in Rumania. The fate of the 1.75 million Hungarians has been characterized by Rev. Eugene Osterhaven, professor of theology at the Western Theological Seminary in his essay "Transylvania" which has just been published as follows:

> Measures are taken by the authorities to prevent the moving of Hungarians to the towns and cities of Transylvania also serve the purposes of a half-concealed Rumanization. Good jobs and well-paying positions are usually reserved for Rumanians only so that Hungarians in Transylvania are condemned to economic ruin while all envision a hopeless future.
>
> The situation of our Magyar brethern in Transylvania makes a mockery of the articles of the peace treaties which were aimed at protecting national minorities. The chauvinistic policy of Communist Rumania in its Stalinist anti-Hungarianism disregards all human rights and international obligations solemnly agreed upon and promised in the peace treaties.

The nuclear agreement also reflects in spirit the decision of the administration in favor of Rumania while remaining rather aloof to Czechoslovakia where real changes have taken place and where the Government faces the full pressure of the Soviet Union.

Finally, 2 days before the departure of Deputy Prime Minister Barladeanu to Washington, an additional protocol of military and economic aid was signed in Bucharest with North Vietnam thereby documenting Rumanian desire to do everything to have our military forces defeated in Vietnam. Much of the funds and equipment extended to the Hanoi forces are nonreimbursable, a major investment for a country that is seeking international credit and aid itself.

Mr. ADDABBO. Mr. Speaker, 5 weeks ago today I joined 15 of my colleagues in exposing the continued oppression of the human and civil rights of the Hungarian minority in Rumania and called to the attention of the House and the administration the facts of this case.

It has been reported in the New York Times that Dr. Donald Hornig, science adviser to the President, and Alexandru Bardaleanu, Rumanian Deputy Prime Minister and technical adviser—who is also a high-ranking member of the Rumanian Communist Party Presidium—have concluded an agreement calling for American scientists to help construct a nuclear powerplant in Rumania and for later financial aid for erecting the plant which is to be operational in 1973.

One can be in favor of "bridgebuilding" and yet opposed to this premature and ill-advised deal. While moving somewhat away from Moscow on some international questions, the Rumanian Government is still a member of the Warsaw Pact—Rumanian troops participated in the 1967 maneuvers—but, more importantly, extends military aid to North Vietnam and continues a hard-line policy toward its people, including the national minorities, particularly the 1.75 million Hungarians in Rumania.

Radio Bucharest reported on June 8 the arrival of the North Vietnamese Government delegation headed by Deputy Prime Minister Le Thanh Nghi for the purpose of signing a new agreement amending the 1967 agreement under which Rumania provided nonreimbursable credits to Hanoi. On June 12, a day before announcing the Barladeanu visit to the United States, Radio Bucharest reported the conclusion of a second agreement with North Vietnam for 1968—the original agreement was signed on August 25, 1967. According to the radio, additional nonreimbursable economic and military aid was granted to Hanoi in addition to the same items listed in the original agreement.

Also, a convention on the postponement of repayment of credits granted by Rumania to North Vietnam was signed. In view of the fact that already for 1966 Rumanian economic and military aid amounted to almost 54 million leis to North Vietnam, the recent extension of aid, especially in the military field, is clearly a hostile action toward the United States which should not be rewarded by competitive, and potentially military, technical information by the United States to a country which actively and militarily assists our enemy.

As to the oppression of minorities, two new information sources became available in the last 5 weeks. One is the article in the New York Times by David Binder, pointing out that the country reorganization hurts the Hungarians in Transylvania, that they are deprived of Hungarian publications, cannot have textbooks and other printed products in even nearly sufficient quantities, and that the dispersal of the minority by forced transfer proceeds unabatedly.

The second source is the booklet "Transylvania," published by Rev. Eugene Osterhaven, of the Western Theological Seminary in Hope, Mich., which deals in considerable detail with the present situation of the Transylvanian Hungarians.

In conclusion, I join my colleagues today in protesting the finalization of the agreement and, as it cannot be undone, suggest, at least, that our negotiators use the limited leverage attained for persuading the Rumanian Communist Government to undertake domestic liberalization and ease the oppression of the Hungarian minority in Transylvania.

Mr. HOWARD. Mr. Speaker, ever since the American Colonies asserted their independence, this country has welcomed its obligation to give moral support to struggles against repression.

Himself the leader of a youthful reform movement, George Washington would look with pride upon young Czech students applying their education to practical politics, demanding reform for their countrymen.

Similarly, the "Fife and Drummers" would dedicate one more verse of Yankee Doodle to their spiritual heirs, the Hungarian freedom fighters. A dozen years ago the brave Hungarian rebellion was put down. Today, consequently, America must continue to support people who are captive within their own nations.

Though we arrived on the scene almost two hundred years too late to support our own independence drive, history does give us the opportunity today to withhold military support from a repressive government. Accordingly, I caution against helping Rumania build nuclear reactors that can be used for military purposes.

In 1776 the Yankees did not try to patent the fruits of their ingenuity. They sought no royalties. Rather they hoped the spirit of self-government would flourish in the public domain, ready to serve freedom fights pending in the future.

To endorse the Sons of the Hungarian Revolution of 1956 in their current struggle in Rumania, and to reaffirm our devotion to the principles of our own declaration of freedom, I urge us not to help Rumania build nuclear reactors that have military potential.

THE COMMUNITY SELF-DETERMINATION ACT OF 1968 IS A BIPARTISAN PROPOSAL

The SPEAKER pro tempore (Mr. MATSUNAGA). Under previous order of the House, the gentleman from New York [Mr. GOODELL] is recognized for 18 minutes.

Mr. GOODELL. Mr. Speaker, the comprehensive community self-help program which can stem from the passage of the Community Self-Determination Act of 1968 is a program designed by the people themselves to harness their own energies to help themselves. It provides a means for affluent Americans to help those other Americans who have not fared so well. Those of us who developed this legislation believe that poor Americans will welcome this opportunity and that the rest of America will respond in turn.

One thing we have learned in the last three decades of experimentation with the plight of the poor is that poverty is a problem which can be resolved only if we all direct our energies and talents to

its abolition. Poverty is neither black nor white. It speaks in many languages. It strikes without regard to party affiliation.

Poverty affects all of us—rich and poor, black and white, Republican and Democrat, for what America loses is lost to each American. It follows that each American has a stake and a role in forging affluence and opportunity for all.

Manifestly, those of the political world must be in the vanguard of involvement of all levels of society. We must structure the governmental framework to encourage our constituency in its desire to help. Of equal and perhaps greater importance we must provide the leadership, and since we are part of a two-party political system, this leadership has to be bipartisan.

I am plased to say that the Community Self-Determination Act represents the joint effort of Republican and Democratic technicians, working with the advice and assistance of men and women of both of our great parties. Its concepts have the endorsement of at least three of the principal candidates for the presidential nomination of our two parties. The legislation itself has the active support of both Democrats and Republicans among our colleagues, and will be introduced next week in the Senate on a bipartisan basis.

Once again, on behalf of myself and the cosponsors of H.R. 18709 and H.R. 18715 who are listed below, I ask each of our colleagues to carefully review the bill and join with us to give the poor among us a chance to earn their well-deserved stake in our America.

The cosponsors referred to above, are as follows:

Mr. Don H. Clausen, Mr. Reinecke, Mr. Bell, Mr. Meskill, Mr. Roth, Mr. Thompson of Georgia, Mr. McClory, Mr. Rumsfeld, Mr. Anderson of Illinois, Mr. Schwengel, Mr. Cowger, Mr. Morse, Mr. Esch, Mr. Riegle, Mr. Harvey, Mr. Vander Jagt, Mr. McDonald of Michigan, Mr. Quie, Mr. MacGregor, Mr. Curtis, Mr. Cleveland, Mr. Frelinghuysen, Mr. Widnall, Mr. Grover, Mr. Smith of New York, Mr. Taft, Mr. Mosher, Mrs. Bolton, Mr. Dellenback, Mr. Eshleman, Mr. Schneebeli, Mr. Corbett, Mr. Fulton of Pennsylvania, Mr. Brock, Mrs. May, and Mr. Steiger of Wisconsin.

PROGRESS IN THE PERSIAN GULF

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, early this year we watched with apprehension as the states surrounding the Persian Gulf reacted to the announcement that Britain would withdraw her peacekeeping forces from east of Suez by 1971. Factional and family disputes between some of the tiny sheikdoms, the question of Bahrain's sovereignty, and the publicity surrounding the Russian Navy's expanding presence in the Near East gave us cause for concern when speculating on the area's uncertain future. And there is a particular urgency for action underlined by the apparent eagerness of the U.S.S.R. to open the Suez Canal for passage from the ports of the Black Sea and the Mediterranean as well as the Soviet fleet's recent visits to cities in India, Somali, Iraq, Pakistan, Iran, Aden, and Ceylon.

Since the British announcement three events have marked the attempts of the area's states to reach some new order of political stability. On March 30 the Arab Amirates issued an ambitious and optimistic statement of their intent to form a federation which would assume the diplomatic and military responsibilities to be abdicated by the British in 1971. Then, during the past few months it appeared that little progress was forthcoming. In fact, a meeting on May 29 resulted in such petty bickering that it was hastily adjourned.

However, after much preliminary planning, the Supreme Council of the Arab Gulf Amirates held a series of meetings on July 6 and 7 to consider further courses of action, and concluded the parley on a note of modest and practical optimism. This most recent approach is encouraging, for it indicates an awareness of the complications which the federation faces and the recognition of the fact that the only route to a viable solution involves the acceptance of some stiff compromises.

In the July 7 statement, the Arab Gulf Amirates Supreme Council called for the drafting of a permanent charter within 6 months; the creation of necessary liaison offices; the formation of a provisional federal council; the establishment of ad hoc committees to consider currency affairs, unified postal services, and a common flag and national anthem; and certain budgeting and meeting arrangements.

The results of this meeting are promising, and deserve our attention and praise. But it would be foolish for us—and irresponsible for the states concerned—to accept the progress to date as anything more than a good omen. It is encouraging to see that the practical aspects of organizing the federation are gradually being achieved, but until the group can direct its full resources to the persistent problems of the area—Iran's claims to Bahrain and other Gulf islands, the sovereignty of the individual sheikdoms, the role of family ties, the relationship with the rest of the Arab world, the economic inequity among the states—much hard work remains to be done.

While we are pleased to note the developments to date, we should concede that the true test still lies ahead.

MEMORIAL ADDRESS BY AMBASSADOR PEAL

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, from this well on July 8 it was my sad mission to announce the sudden death of Honorable Louis Rakotomalala, Ambassador of the Malagasy Republic to the United States and also to the United Nations, and to express the grief of the Congress and of the American people.

Today I am privileged to present to my colleagues the address of the Honorable S. Edward Peal, the distinguished and popular Ambassador of the Republic of Liberia to the United States, at the ambassadorial services in memory of Ambassador Rakotomalala. The address follows:

We are gathered here this morning to pay our last respects to the memory of our Colleague and friend, His Excellency Louis Rakotomalala, Ambassador of Madagascar. With his widow and family we mourn today the loss of his rare presence, invaluable advice and cherished friendship. We offer sympathy no less deep to the Government and people of Madagascar, now deprived of a beloved leader but consoled by the rich memory of the inspiring example he set for his fellow countrymen; and I thank President Johnson and the United States Government on behalf of the African Chiefs of Mission for the way in which they have helped to ease the pain of the family in this hour of bereavement through so ready and reverent a response, including the provision of a plane to carry the body back to Madagascar. We say to President Johnson and his Collaborators, if you have done this for him, you have done it for all of us.

Ambassador Rakotomalala was a man of exceptionally wide and varied experience, to which he brought an impressive array of talent. He was a banker, a master of the arts of both agriculture and commerce, an eminent journalist, a founding father of the Malagasy trade union movement, a Parliamentarian reelected with recurrent and growing acclaim for a succession of terms, a skilled executive in the fields of education, sports and health, and then Minister in charge of External Affairs and a dominant figure in the negotiations between Madagascar and France resulting in the attainment of the goal which was in so large measure the reward for his own unflagging energy and unfailingly devoted service—his country's independence.

Anyone looking back on so distinguished a career will find it easy to appreciate why the late Ambassador, upon the gaining of that independence, was an immediate, a popular and an effective choice as his country's representative in the United States, the United Nations and other world councils.

We came to know and admire him as a splendid man with a warm personality reflected in a charm and ease of manner that never invited hostility but instead quickly aroused confidence and, I think I can say for all of us, almost as quickly led on to respect and affection.

With Africa increasingly taking her rightful place on the world scene, we who represent her cause—just and right as we know and proclaim it to be—must never permit ourselves to be distracted, much less consumed, by the errors and injustices of the past. We bear a heavy responsibility in demonstrating the true aspirations of the peoples of Africa—aspirations which are in no sense far removed from those of other peoples. Africa is neither primitive in her orientation nor overly aggressive in her demands. All she is anxious to ensure is that those conditions in human behaviour and relationships be brought about that will assist her to develop the natural and human resources of all her people and will enable her to make a worthwhile contribution to peace and cooperation and progress. In this sense in discharging this essential and honorable task Ambassador Rakotomalala was a great statesman of Madagascar and a good and able spokesman of Africa.

If his nationalism was fervent and intense

in the fight for freedom and dignity for his people, he was never unmindful of, or denied for one moment, the need to cultivate goodwill and partnership among all peoples. Just as he saw that the recovery of freedom and dignity for Africa presupposed and required the winning of the twin blessings of justice and progress for all her sons, so too, he saw that the wider purpose which embraced a perspective leaping beyond the bounds of Africa must depend for its fulfillment on the enjoyment of those blessings by all humanity. These were the qualities which animated the character and the dealings of the late Ambassador and marked him out as a great African, fully committed to African Unity and indeed a great citizen of the world.

I have spoken of Ambassador Rakotomalala's varied career and of his enormous fund of energy. His, as we had reason to know (and not only from the list of his plethora of portfolios), was a busy life. But this never bred in him the slightest tendency to speak out on issues rashly or impatiently at a casual invitation. Instead, he had a natural gift and preference for the art which many have asserted should be the supreme concern of the true diplomat—that of listening well, understanding thoroughly and trying to make a helpful contribution to the smooth and constructive course of the remainder of the dialogue.

Today the African Chiefs of Mission are fast developing the wise and healthy habit of meeting monthly in an informal brotherly manner to get better acquainted so that their conduct and action can increasingly bespeak the demands of African unity which the Charter of the Organization of African Unity has so well defined. We here want to recognize Ambassador Rakotomalala's efforts in bringing us closer together and inspiring us to emphasize things which we have in common and which form a bridge to unity. We shall continue in this spirit the good work which he has so nobly and diligently set in motion.

Whatever is said or done, it is the quality of a man's life that counts and in this sad and heavy hour of loss and bereavement of his family we can only commend them—his widow and children and fellow countrymen—to look to his life for the comfort and sustenance they now need, and we know it will be truly said that because Ambassador Rakotomalala once walked the halls of the United Nations and sojourned in this Capital, Madagascar, her peoples, and their problems and aspirations are a little better known and that Africa has moved another notch ahead in dispelling many of the old misgivings and inaccuracies about her. And, assuredly, it will also be said that all of us are glad to have known him and to have been his associates.

HANDS ACROSS THE BORDER?

Mr. GROSS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a newspaper article.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, for some time now I have been fascinated by the collection of friends HUBERT HORATIO HUMPHREY has managed to gather around him in the last few years.

First, there is Max M. Kampelman, the Humphrey friend who helped engineer the notorious junk machinery deal whereby Napco Industries of Minneapolis—a company headed by still more Humphrey friends—bilked the Agency for International Development and the Indian Government out of $4 million.

Kampelman currently is HUMPHREY'S intimate political adviser.

Then there is Herbert Waters—another Humphrey crony—who was allowed to resign his high level State Department job after it was learned he was involved in another fraud against the AID agency—this one having to do with a Belgian contractor.

Then there is the case of Universal Fiberglass Corp.—peopled with Humphrey intimates. This example of "Hubert and Co.", at work has cost the American taxpayer $3 million on a contract that was awarded to Universal over the objections of every Government expert connected with it.

The rollcall in this case included Eugene S. Foley—one of HUMPHREY'S former campaign aides who was head of the Small Business Administration at the time; Neal Peterson, a Humphrey staffman whose brother is Universal's lawyer; and George H. Bookbinder, a company official who is a Humphrey fundraiser.

Now, in this morning's Wall Street Journal, we learn that HUBERT HORATIO HUMPHREY was the beneficiary of $50,000 in contributions from the Seafarers Union just after Secretary of State Dean Rusk refused to order extradition to Canada of a Seafarers' Union official convicted there of hiring goons to beat up a rival union leader, and who fled to the United States.

Mr. Speaker, I include the newspaper article for insertion in the RECORD as one more example of the sort of friends and associates cultivated by our Vice President:

A FRIEND IN COURT?—UNION'S POLITICAL GIFTS FOLLOW ADMINISTRATION AID TO FUGITIVE OFFICIAL—SEAFARERS GIVE DEMOCRATS $100,000 AFTER RUSK VETOES CANADIAN EXTRADITION BID—SCRETARY DENIES PRESSURE

(By Jerry Landauer)

WASHINGTON.—On a busy Friday afternoon some months ago, seven lawyers gathered in Secretary of State Dean Rusk's inner office over glasses of sherry to discuss a complicated extradition case that could seriously embarrass Hubert Humphrey in his race for the White House.

The lawyers argued discreetly about a Canadian government request that the U.S. surrender Harold C. Banks, former boss of the Canadian district of the Seafarers International Union. He had jumped bail in Canada and fled south across the border to avoid serving a five-year jail term on a conviction for hiring goons to beat up a rival labor leader.

At the informal hearing in the Secretary of State's office, Canada's lawyers sought Banks' return. But Secretary Rusk, rejecting the conclusions of his legal adviser and overruling a U.S. Commissioner, declined to issue an extradition warrant. To surrender Banks, then in Federal custody, would have violated "my own sense of old-fashioned justice," Mr. Rusk says. Instead, the Secretary let Banks go free. He also rejected a Canadian appeal for international arbitration of the dispute.

Then a noteworthy thing happened. Within days after the Rusk decision, but unknown to the Secretary, checks totaling $100,000 started flowing into Democratic Party campaign coffers from Seafarers Union headquarters in Brooklyn. The Seafarers' gift is the single biggest union contribution known to have been made in this Presidential election year. It came in two equal packets of 10 checks each—and each of the 20 checks was for exactly $5,000. Half the money was earmarked for Vice President Humphrey's campaign; the rest went to groups that had been working for President Johnson's reelection.

POLITICALLY MINDED UNION

Conceivably, this sequence of events represents sheerest coincidence. At any rate, Secretary Rusk emphasizes that no political pressure was applied from any source to influence his decision.

It's conceivable, too, that the union's campaign donations represent nothing more than a gesture of gratitude by Seafarers President Paul Hall, on whose yacht Banks found temporary refuge after he became a fugitive from Canada. ("He is a field general in tough water-front wars," Mr. Hall has said of Banks.)

Or, as one insider speculates, Mr. Hall may have been misled by Democratic fund raisers into believing that political pull set Banks free. The Seafarers president has always assumed that pouring money into political campaigns achieves results; though numbering just 80,000 members, the union hopes to spend $1 million for politics this year, most of it labeled as voluntary donations by seamen since use of union dues to help candidates for Federal offices is illegal.

The Seafarers decline to make any comment on their political contributions that followed Banks' release or to give any reasons for them; the union refuses even to tell when it sent the ten $5,000 checks to Humphrey campaign committees.

Mr. Hall knew, at any rate, that Secretary of Labor Willard Wirtz had put in a good word for Banks in a memorandum to Cabinet colleague Rusk. Mr. Wirtz had been urged to intervene by AFL–CIO officials and, according to one participant's recollection, by an attorney for Banks; his well-connected lawyers included Myer Feldman, a former special counsel to Presidents Kennedy and Johnson, and Abram Chayes, former State Department legal adviser. But the timing of the Seafarers donations and the manner in which they were made tend to raise the question of whether there was a prearrangement with Democratic fund raisers.

CHRONOLOGY OF EVENTS

For one thing, Mr. Hall waited to unzip his union's bulging purse (June 1 balance for political activity: $460,671) until the Banks case had been decided to his satisfaction. He contributed nothing to Lyndon Johnson when the President was under fire during the New Hampshire Democratic primary, and he held back even after Robert Kennedy, an arch-foe of Mr. Hall, jumped into the Presidential fray in mid-March.

The chronology of subsequent events seems to underline the question about a prearrangement. On March 13, Secretary Rusk informed the Canadian Embassy that he wouldn't issue the surrender warrant. The next day Ottawa said it would ask for reconsideration—and international arbitration. On March 25, Mr. Rusk rejected the appeal, saying it wouldn't be wise to permit arbitration. Then on Sunday, March 31, President Johnson surprised the nation by announcing his intention not to run for relection.

Yet on or about Wednesday, April 3, the Seafarers Political Activity Donation Committee wrote 10 consecutively numbered checks for $5,000 each—nearly all to Democratic committees that had been working for LBJ's reelection. One possible explanation: Somebody had struck a bargain with Seafarers President Hall while the Banks case was pending—a bargain he executed to the letter even though the candidate he intended to support had retired from the race.

In any case, Mr. Hall needed advance advice from Democratic fund raisers about how

to write the checks. Federal law sets an annual $5,000 limit on contributions to committees supporting candidates for Federal office. To avoid that legal limit—and often to avoid identifying contributors—financiers of both parties make arrangements to divide big gifts among numerous dummy committees set up in distant places.

Accordingly, these first 10 checks went to the President's Club, the Democratic National Committee, the President's Club of New York, Democratic Citizens of New York, Citizens for Johnson-Humphrey of Rhode Island, the President's Club of Illinois, Citizens for Johnson-Humphrey of Illinois, the President's Club of Texas, Citizens for Johnson-Humphrey of Texas and the Democratic City Club of Texas in Austin.

It is pertinent to note that neither Rhode Island nor Illinois nor Texas requires political committees operating within those states to disclose receipts and expenses. And because they are deemed to operate solely in those states, the recipient committees needn't report under Federal law. Moreover, the two New York committees needn't file reports in Albany until early 1969. Hence, just $10,000 of the first $50,000 contributed by the Seafarers appears on any Democratic committee report; $40,000 can be spent or sent to Washington without any public accounting.

But $25,000 of the $40,000 can be traced, and the route it took strengthens the impression that Seafarer Hall had agreed to open his union's purse at about the time Banks was freed. On April 11, the Democratic City Club of Texas, the President's Club of Texas and the Citizens for Johnson-Humphrey of Texas each transferred $5,000 to the Washington offices of Citizens for Johnson-Humphrey, a now defunct committee. Five thousand dollars more arrived in Washington April 18 from the President's Club of Illinois, and on April 23 $5,000 came in from Citizens for Johnson-Humphrey of Rhode Island. Most of the $25,000 was used to pay off expenses that had been incurred on the President's behalf in late March during the Wisconsin primary campaign; Wisconsin Democrats voted on April 2, just two days after LBJ's retirement announcement.

Some time later on, the Seafarers delivered the second packet of ten $5,000 checks to committees supporting Vice President Humphrey's Presidential aspirations. Of the ten recipient committees only two—United Democrats for Humphrey and Citizens for Humphrey—are actually functioning. And because the Federal disclosure law doesn't cover primary elections, neither committee is required to file an accounting of receipts and expenditures.

The eight other Humphrey committees to which the union donations went exist mostly on paper; none has obtained or applied for telephone service. Their titles are: Humphrey for President Committee, D.C. Volunteers for Humphrey, Election Committee for Humphrey, National Humphrey for President Committee, National Committee for Humphrey, Humphrey Campaign Committee, Friends of Humphrey Committee and Unite With Humphrey Committee.

The co-chairman of Citizens for Humphrey is David Ginsburg, law partner of Mr. Feldman, who along with Mr. Chayes, represented fugitive Banks in the informal hearing in Secretary Rusk's office. Mr. Feldman says he knows nothing about Seafarer political contributions. The United Democrats, for their part, decline to disclose when the union gifts were received; "We're just not going to go into individual contributions," a spokesman says.

Labor Secretary Wirtz, a Humphrey supporter and friend, also says he was unaware of any big Seafarer contributions following Banks' release from Federal custody. "It worries me greatly, and I intend to find out about it," Mr. Wirtz says, expressing concern that the size and timing of the donations could hurt Mr. Humphrey. Mr. Wirtz adds that he wrote the memo on Banks' behalf primarily to acquaint Secretary Rusk with the history of maritime violence involving the Canadian union of which Banks was president.

For his part, Secretary Rusk doesn't recall that any official in the Johnson-Humphrey Administration except Mr. Wirtz wrote or spoke to him about Banks (in addition to the memo Mr. Rusk vaguely recalls a brief conversation about the case with Mr. Wirtz during or after a Cabinet meeting). "No one tried to use inducement or threat with me regarding this case," the Secretary adds, vowing to throw out any visitors who might try.

"No one at the Democratic National Committee ever communicated with me on this matter. No one at the White House ever attempted to influence my decision. Nor did any Senator or Congressman. This matter rested solely with the Secretary of State."

In deciding whether to extradite Banks, Secretary Rusk had to interpret the Webster-Ashburton Treaty. It was signed in 1842 by the U.S. and by the British government on behalf of Britain and its colonies, which then included Canada. As the State Department explains it, Canada's request presented a "unique problem" for non-lawyer Rusk. In 1964, Banks was convicted in Canada for conspiring to commit assault. The court determined that he paid $1,000 to "Big John" Kasper, former bodyguard to ex-Teamsters boss Dave Beck. Kasper assertedly was hired to thrash a certain Capt. Henry Walsh of the Canadian Merchant Service Guild, a rival union. Whoever administered the beating did it thoroughly, inflicting a double rupture and a fractured skull.

A GOVERNMENT UNDER PRESSURE

Banks failed to appear on the day set for his appeal to the court of appeals in Quebec. Instead, he forfeited a $25,000 cash bond and fled to the U.S., presumably knowing that assault is not among the extraditable crimes listed in the Webster-Ashburton Treaty. Almost immediately Canada's Conservative Party assailed the Liberals for letting Banks slip away. Among other epithets, the Conservatives called Banks the "pampered pet of Liberalism." Hence, the Liberal government was under pressure to prove that it hadn't pampered fugitive Banks.

Finally, in August 1967, Ottawa asked Washington to surrender Banks on a charge of perjury, an extraditable crime under the treaty. Canada alleged that the fugitive had lied four years earlier to a royal commissioner in denying knowledge of the beating inflicted on Capt. Walsh. The commissioner had been assigned to investigate union strife and disruptions of shipping along the Great Lakes; his report concluded, among other things, that labor leader Banks is a man whose "violence is compulsive."

After being scooped up by Federal authorities in Brooklyn, Banks was taken before U.S. Commissioner Salvatore T. Abruzzo. There the fugitive's lawyers protested that the new perjury charge was part of a political campaign by the Canadian government to "get Banks." Commissioner Abruzzo dismissed this contention and also rejected Banks' plea that he had been deprived of rights against self-incrimination. At that point, Banks switched lawyers, engaging Mr. Chayes, Secretary Rusk's former legal adviser, who then brought in former White House aide Feldman.

The fugitive's new lawyers could have continued the fight against extradition in U.S. district court and on up to the Supreme Court. Instead, as is permitted under extradition procedure, they chose a direct appeal to Secretary Rusk.

In the 75-minute session over sherry in the Secretary's office, Messrs. Feldman and Chayes argued that extradition processes shouldn't permit the Canadian government to accomplish indirectly what it couldn't achieve directly—that is, to retrieve Banks for skipping bail on the nonextraditable assault charge.

A "POLITICAL ELEMENT"

"To say this is not to impugn the motives of the Canadian government or to charge it with any improper action," according to Mr. Chayes' 43-page brief. "Everyone knows that there is a large political element in the law enforcement process, especially when it involves a well-known public figure like Mr. Banks."

This argument didn't impress the Canadian government's U.S. counsel, New York attorney Richard H. Kuh, nor did it sway Mr. Rusk's current legal adviser, Leonard C. Meeker. But "because the charge of perjury arose directly out of a denial of guilt of a nonextraditable offense," according to the State Department, "the Secretary concluded that it would not be compatible with the overall design and purpose of the extradition treaty, which is limited and not universal in its coverage of offenses, to agree to extradition on the unique facts of this case."

Mr. Rusk, saying "one could put a strong argument either way," frames the issue involving Banks more simply: "He denied having committed a nonextraditable offense. I thought he should have a chance to deny it and not be extradited for his denial. . . . A man has the right to protest his own innocence. . . . Whatever he may be, I had the case of a human being in front of me."

Though Mr. Rusk limited his decision to the particular facts of the case, he may have established a diplomatic precedent of sorts. The State Department says it can't find another instance where extradition was denied on the ground that the fugitive's alleged offense arose from another crime that wasn't subject to extradition. The department further says it can't find another case involving Canada where a lower magistrate's ruling was overturned on appeal to the Secretary of State.

Mr. Rusk's aides explain that he delves deeper into extradition matters than most predecessors. "You'd be surprised how deeply involved he gets," one official says. "Probably it's because these cases involve individuals, not broad concepts like disarmament."

But the Canadians are still simmering, arguing that American courts often permit convictions for perjury when the crime from which the perjury flowed isn't within reach of the law.

GALILEO UNBOUND

Mr. PODELL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PODELL. Mr. Speaker, in a remarkable address entitled "Religion and Natural Sciences," delivered at a meeting in Germany of Nobel Prize winners, Franz Cardinal Konig, of Vienna, announced that the Catholic Church has already initiated steps to remove the sentence of censure imposed upon Galileo in 1633.

Galileo was a giant among scientists, who, under threat of torture by the Inquisition in Rome, was obliged to recant his belief that the sun was at the center of the universe and that the earth performed a diurnal motion of rotation. This theory, originally advanced by Copernicus, conflicted with the Biblical account in Genesis of the creation

of the universe with the earth as the principal and central body.

The world of science and learning has for centuries recognized the vast contributions of Galileo to the science of dynamics and mechanics. While watching a lamp set suspended from the ceiling in the Cathedral of Pisa swinging in the wind, he observed that whatever the range of its arc, it was invariably executed in equal time. The isochronism of the pendulum established by Galileo's observation became not only a standard for measuring the beat of the pulse but led to the invention of the pendulum clock and the first effective way for measuring the passage of time.

Galileo also invented a telescope, and his observations of the solar system opened up new frontiers of knowledge about the universe. He was the first to observe the mountainous configuration of the moon and spots in the sun. Above all, Galileo transcended the prejudices of his time and penetrated the dark veil of superstition which was an impregnable barrier to learning.

In his address to the Nobel Prize winners, Cardinal Konig said:

For the church after the second Vatican Council, turning as it to the world as an advocate of legitimate rights and the freedom of the human mind, the time appears to have come to terminate as thoroughly as possible the era of unpleasantness and distrust which began with Galileo's censure in 1633. For over 300 years the scientific world has rightly regarded as a painful, unhealing wound the church's unjust verdict on one of those men who prepared the path for modern science. Galileo's judgment is felt all the more painful today since all intelligent people inside and outside the church have come to the conclusion that the scientist Galileo was right and that his work particularly gave modern mechanics and physics a first, firm basis. His insights enabled the human mind to develop a new understanding of nature and universe, thus replacing concepts and notions inherited from antiquity.

An open and honest clarification of the Galileo case appears all the more necessary today if the church's claim to speak for truth, justice and freedom is not to suffer in credibility and if those people are not to lose faith in the church who in past and present have defended freedom and the right to independent thought against various forms of totalitarianism and the so-called raison d'etat.

The open and honest clarification projected by Cardinal Konig will indeed be welcomed by people of all faiths and creeds throughout the world. It will permit Galileo to take his rightful place among the galaxy of Italian scientists, like Enrico Fermi and others, who have so brilliantly added to the vast store of scientific knowledge.

When Sir Isaac Newton published his definitive works on the laws of nature and natural phenomena, he modestly disclaimed credit and asserted he saw a little bit farther only because he stood on the shoulders of the giants who preceded him. Galileo was one of those giants.

GRADUATE STUDENTS AND THE DRAFT—SOME QUESTIONS AND ANSWERS

Mr. DADDARIO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. DADDARIO. Mr. Speaker, the Scientific Manpower Commission has just published a very interesting and useful compilation of 65 questions and answers about the draft situation of graduate students as it will exist beginning with the 1968–69 school year. The booklet is designed to help clarify those aspects of the draft where the rules are fixed and those where local and appeal boards have discretion so that new graduates and graduate students may make their decisions about military obligations on an informed basis.

The Members will recall that on last February 15, the National Security Council announced it had decided to limit deferments for graduate students to those in medicine, dentistry, veterinary medicine, and osteopathy. This decision also ended deferments of graduate students in all other fields, except that those men who were then in their second or subsequent year of graduate study might be considered for further deferment by their local draft boards.

Whether or not the Members agree with this action of the Security Council, they certainly must agree that the changes in draft rules for graduate students is posing many difficult questions and choices for our young men. This publication of the Scientific Manpower Commission answers so many of those questions that I wish to include its text at the conclusion of my remarks.

Graduate students and others who wish to obtain the publication can do so by writing to the Scientific Manpower Commission, 2101 Constitution Avenue NW., Washington, D.C. 20418, attention Mrs. B. M. Vetter. The title of the publication is "Draft Facts for Graduates and Graduate Students," which is a special issue of Manpower Comments, July 1968, price 50 cents.

The text of the publication follows:

DRAFT FACTS FOR GRADUATES AND GRADUATE STUDENTS

INTRODUCTION

Since 1951, Selective Service regulations have provided for the continuation in study of graduate students who were able to maintain steady progress, complete degrees on time, and (during some of the wartime years) exhibit their ability to score high on a national test or to maintain ranking in the top portion of their class.

The 1968–69 school year will see for the first time a break with this tradition of allowing the best graduate students to complete their studies before fulfilling their military obligations. Additionally, because the order of call for military service remains unchanged, and because the new graduates and graduate students will enter the available draft pool approximately at the same time, the draft calls will fall almost exclusively on men with one or more college degrees during the 1968–69 school year.

This produces another new problem, in that the military services cannot utilize the specialized training of this highly educated group of draftees, and will be forced to remove most of them from their professional areas of competence for a period of two or more years. The leadership qualities normally associated with the college graduate group have heretofore made most of them eligible for officer rank while fulfilling their military obligation, and in a majority of cases have allowed men in service to utilize their professional training to some degree. However, only about 60,000 officers can be taken into the service during the next school year, and the graduates and graduate students who are drafted will serve as enlisted men. Only a small proportion of them can be used in any areas related to their professional training; and large numbers will be required to fill the traditional role of the draftee as foot soldiers.

The group of young men graduating from college this year and completing their first year of graduate study or their first graduate degree are thus faced with an uneasy set of alternatives. For a few, openings were available in officer training programs, and these were filled within a few weeks of the February announcements of the National Security Council. Others have elected to volunteer for longer periods of service in branches other than the Army as enlisted men. Many have chosen to seek employment as high school teachers, or in industrial jobs requiring technical degrees in the hope of obtaining occupational deferment while hopefully maintaining their professional skills. Still others have decided to keep on in school until a draft notice is issued, and to proceed as far as possible in their educational endeavors before they are inducted.

Some obviously are hoping that a change in the rules will come about before their induction order is issued. Although changes have been advocated by many individuals and groups, any change at all now seems unlikely within the next several months.

Many students who had planned to enter or continue in graduate school in the fall and who had obtained teaching or research assistantships are endeavoring to find a formula of work combined with part time study in the university which might allow them to continue their educations at a slower pace.

At this time, it is still impossible to predict with any accuracy how more than 4,000 local boards and state appeal boards will react to requests for occupational deferment either from the young men who are working in universities or from those who have accepted employment elsewhere.

Although local and appeal boards retain a large amount of autonomy in assigning occupational deferments, they must operate within the regulations and rules of Selective Service, and these regulations need to be clearly understood by all young men who are making choices at this time.

This booklet is designed to help clarify those areas where the rules are fixed and those where local and appeal boards have wide discretion so that new graduates and graduate students may make their decisions on an informed basis. The question and answer format was chosen because the individual questions of hundreds of Selective Service registrants indicate the diversity of possible alternatives being investigated by these young men and the wide range of their questions about the draft. Further sources for information are included in the answers to the final questions.

—BETTY M. VETTER

JULY, 1968

1. *Why are graduate students now being drafted?*

In June 1967, Congress enacted a new draft law. This law, (as well as the previous draft law) provides that the President shall, under such rules and regulations as he may prescribe, provide for the deferment of persons whose employment or whose activity in graduate study, research, or other endeavors is found to be necessary to the maintenance of the national health, safety or interest. The National Security Council was designated to advise the director of Selective

Service with respect to activities or study areas that were necessary to the country.

On February 15, 1968, the National Security Council announced its decision to limit deferments for graduate students to those in medicine, dentistry, veterinary medicine, and osteopathy; and to end deferments for graduate students in all other fields, except that those men who were then in their second or subsequent year of graduate study might be considered for further deferment by their local boards.

The sequence of selection for filling calls was left unchanged. This sequence provides that the oldest men from the combined age group 19 through 25 shall be called first. Since there are effectively no other men in the available draft pool in the age bracket of college graduates and graduate students (22 through 25), these men must be called before younger men may be ordered for induction.

2. *What was the basis of the Security Council decision to end deferments for two classes of graduate students at the same time?*

The Security Council gave the following reasons:

1. Graduate deferments are not now required in the national interest.

2. It is unfair to exempt some fields of graduate study and not others, and distortion would result from the tendency to select draft deferred fields of study.

3. Graduate deferments are unfair—particularly in time of armed conflict—to all the young men who do not have the opportunity or the finances to attend graduate school.

4. There are no significant military manpower needs served by graduate school deferments.

3. *What occupations are deferrable?*

This decision is left entirely to local and appeal boards to decide on an individual basis. The National Security Council advised the Director of Selective Service to suspend the advisory lists of Essential Activities and Critical Occupations which had been available as guidelines to local boards in the assignment of occupational deferments since the Korean period. In general, the lists had supplied information to local boards of the kinds of occupations and activities which were nationally in short supply. The NSC, acting on the recommendation of the Secretaries of Labor, Commerce, and Health, Education and Welfare said that the lists should be suspended because:

1. The needs of the Armed Forces do not require such occupational deferments.

2. The needs of the civilian economy do not require such occupational deferments.

3. Occupational Deferments are inherently inequitable.

4. There is no justification for such deferments, since more than half the actual occupational deferments that have been granted are to men in occupations not on the lists of Critical Occupations and/or Essential Activities.

Local boards may grant occupational deferment to individuals on the basis of essential community need. They may also grant deferment to persons whose occupations they find to be essential to the national health, safety or interest. Thus, each local board has wide discretion in granting occupational deferments.

4. *Who are the members of the National Security Council?*

The President, the Vice President, the Secretaries of State and Defense, and the Director of the Office of Emergency Planning.

5. *How many college graduates and graduate students will enter the Service during this school year?*

About 50,000 are expected to enter the service as officers; 30,000 as volunteer enlistees, and 150,000 to 200,000 as draftees.

6. *Why will so many graduates and graduate students be drafted next year? Why won't the older non-college population be drafted as well?*

There will be effectively no non-college population available for the draft in the age brackets 22 through 25 beginning in September. Men called in recent months have had an average age of 20 years and 2 months. Draft calls are not expected to exceed the number of graduates and graduate students who will become I–A and available, and since they are older than other available registrants, this group wll bear the brunt of the draft calls beginning in the fall.

7. *Since some local boards have a large number of college graduates who will lose their deferments this year while other boards have none, won't those latter boards have to supply enough people that the graduates will not be inducted in such large numbers?*

The quota placed on each local board is determined by the number of registrants in that board who are reported to the State Director each month as examined and available for service. If one local board has no available men above age 20 while other boards have large numbers of men between 22 and 26, the local board having no older men available will not be assigned any part of the quota until the other boards are equalized in terms of the availability of registrants of similar age.

8. *How many men are there in this country who are available for the draft?*

As of May 1, 1968, there were 1,199,988 men classified I–A and I–A–O. Not all of these are immediately available since some were appealing and some had not yet been examined. About 340,000 were under orders for induction or examination: 136,000 were in I–A pending reclassification; and a total of 91,058 were listed as examined and qualified. This latter group will increase rapidly during the summer as men who have been deferred as college seniors or graduate students are reclassified into I–A, and exhaust their appeals.

9. *Why does General Hershey insist that there shall be no change in the order of call when it seems obvious that the military services cannot utilize the training of all these college graduates?*

General Hershey does not make the rules. He simply carries out the orders that are issued to him by his Commander-in-Chief. The law provides that the President may institute a "prime age group" which would consist of all available registrants born in a particular calendar year (redesignated each year) plus all those men deferred at their request as students after June 30, 1967, who lose their deferment. These men would be integrated and called oldest first by month and day of birth. The President has not invoked this provision of the law.

10. *Why not?*

Perhaps because the law did not provide for a transitional year of change from the "oldest first" order of call to the prime age group order of call. Men who had not been old enough to be reached under the oldest first system, but were too old to be in the selected prime age group would therefore escape liability to service altogether unless they had been in college.

Another factor that may have entered the decision is that the prime age group provision, as written in the law, allows all the boys who were deferred in other than student status during their year of "prime" age to escape entry into the prime age group altogether. Boys in a junior college program not leading to a bachelors degree, or those in two year technical schools or apprentice programs are deferred in II-A. The law says that only men deferred in II-S or I-S(C) fall back into the prime age group when their deferment ends. (See Appendix for Classification definitions.)

11. *Several university and other associations have asked that the calls be spread among all the seven age classes eligible for service so that only a proportionate share of the draft calls would fall on the new graduates and graduate students. Why wasn't this done?*

A Department of Defense Fact Sheet says that the Executive Branch gave thorough and serious consideration to various alternatives, including this one, and that "none of the alternative methods was found preferable to the present system in terms of equity of service, administrative feasibility and public understanding."

12. *What are the grounds for occupational deferment?*

In general, local boards grant occupational deferment to individuals whose work activity is found to be essential to the national health, safety or interest, or to the needs of the community; when a replacement of similar competence is not available.

13. *Who should make the request for occupational deferment—the employer or the registrant?*

Both should request deferment—and at the same time. A deferment request by either the registrant or the employer without the other is unlikely to be given serious consideration.

14. *I am a full time graduate student and a half-time teaching assistant. Am I eligible for an occupational deferment on the grounds of being a teacher?*

No. Selective Service Local Board Memorandum No. 96, issued by General Hershey on April 25, 1968, says: "A full time graduate student shall not be considered for occupational deferment because he is engaged in teaching part time."

15. *What constitutes full time status for a graduate student?*

Selective Service regulations provide that the dean of the graduate school shall certify full time status. This would normally be done in accordance with established university policies, which will, of course, vary among graduate schools; or on the recommendation of the department. You should check with your graduate dean or department chairman to determine under what circumstances you will be considered a full time student.

16. *I am a graduate research assistant. Am I eligible for occupational deferment?*

If you are a full time graduate student, probably your local board will not defer you. However, if your research work is a full time occupation, you may request deferment citing the value to the national interest of your research. Local Board Memorandum No. 96, which precludes occupational deferments based on the teaching activities of full time graduate students, may prejudice many draft boards against similar deferments for research activities (See Questions 12 and 13).

17. *I am a part time graduate student and I have a normal (half-time) teaching assistantship. Am I eligible for occupational deferment on the basis of my teaching?*

Consideration for occupational deferment usually is given only for full time work. Each local board may decide for itself whether such deferment is essential to the community or to the national health, safety or interest. There is nothing in the Selective Service regulations to deny such deferments to part time graduate students.

18. *What constitutes full time employment in teaching or research?*

Your employer would determine whether or not you are a full time employee. The number of class contact hours; the number of hours of teaching plus preparation; the number of students taught; or other factors including salary base might be used by the University to determine the dimensions of full time teaching. The qualifications of full time research also would be determined by the University.

19. *Would I prejudice my chances for occupational deferment as a college teacher*

or research assistant by taking some graduate courses?

Your local board is not concerned with what you do in your spare time.

20. *I am a part time graduate student and occupy a teaching position that carries a teaching load greater than the normal teaching load for a graduate teaching assistant in my department. Do I qualify for an occupational deferment?*

It is up to your local board. Since you are not a full time student, nothing in the Selective Service regulations bars you from receiving an occupational deferment. You and your employer may request a II–A classification. You should be able to show that your teaching duties are essential to the maintenance of the University's teaching function; and that a replacement of similar competence is not available.

21. *If graduates accept employment outside a university, can they be deferred because of their occupations?*

This will depend on the nature of their work, and the decision of their local boards and appeal boards regarding the essentiality of their work activities (See No. 12).

22. *If I should be successful in obtaining an occupational deferment this year on the basis of my present teaching activity will I jeopardize my deferment if I begin thesis research a year or two from now?*

We cannot anticipate what the rules may be a year or two from now. Under current rules, you would be ineligible for deferment as a graduate student. If you were employed full time, you could continue to seek occupational deferment, while perhaps doing part time thesis research.

23. *If I had a II–A classification based on my duties as a teacher, could my local board change my classification to I–A in July on the grounds that I wasn't teaching during the summer?*

If your local board was officially informed that your teaching contract had been renewed for the following year, your deferment would not be lost simply because of summer vacation. However, no occupational deferment is valid for a period longer than one year, although most may be renewed. The registrant and his employer should apply for a continuation of the deferred classification prior to its expiration. The registrant is responsible for keeping his local board up-to-date on his status.

24. *I was classified I–A by my local board in May 1968 because I was graduating in early June. I did not appeal the classification because I thought I had no basis for appeal. Now I have taken a job in a defense industry and my employer would like to request occupational deferment for me. However, my thirty day appeal period is past. Is there anything that can be done?*

Both you and your employer should write to your local board explaining your present employment (See No. 12) and requesting reopening of your case on the basis of this new information. The local board has the right to reopen or not to repoen your case at its discretion. However, when a classification is reopened and considered anew by the local board, a new classification card must be issued and new rights of appeal are established, even if the new classification by the local board is another I–A classification.

25. *I have accepted a teaching position beginning in September in a university outside the state in which I presently reside. If I must request an appeal before I move to the state in which the university is located, may I request a transfer of my appeal to that state?*

Technically, no. However, if you have a signed contract to teach there, and wish to have the appeal considered in that state, you should request the transfer. Many boards would be willing to make the transfer if they had a copy of the contract. (See No. 38).

26. *I graduated in June and have now been reclassified I–A. I started my graduate work in the summer term, and would like to go as far as I can before I am drafted. My local board says there is no reason for me to appeal because the law does not allow them to give a deferment. Is that true?*

It is true that they cannot give you a II–S classification, but you may appeal any classification by your local board, even if you have no apparent reason for doing so.

27. *Can I appeal my I–A classification simply to gain a little time to finish my foreign language exam before I am inducted?*

Yes. Men who complete their first year of graduate study in September may be able to finish an important requirement of their graduate degree by using their personal appearance and appeal periods wisely. (See No. 38)

28. *I have been awarded an NSF fellowship for graduate study in physics and have completed one year of graduate work. I have a straight "A" average, and have been told that there is a shortage of physicists in this country. Isn't there some way I can complete my doctorate before serving my military obligation?*

The current regulations do not differentiate between study in one field and another, or between outstanding students and mediocre ones. Further, since you have been awarded a Federal fellowship, you would have to be certified as a full-time graduate student to NSF (All Federal Fellowship holders have to be certified as full time students to their granting agency). Therefore, there is no way for you to finish your graduate work using your fellowship without interruption, unless you fail to qualify for military service. (See No. 14)

If you wish to forfeit your fellowship, you may be able to obtain occupational deferment as a full-time university employee in teaching or research and continue your graduate study on a part time basis. If you wish to retain your fellowship, you can continue full time graduate study until you are ordered for induction. Most Federal fellowships will be held for the grantee for use after he completes his military service.

29. *I entered graduate school in September, 1967, and, according to my classification card, I had a II–S classification until October, 1968. However, I have already been reclassified I–A by my local board. Is this legal?*

The regulations provide that a graduate student who entered school prior to October, 1967 for his first year of study shall be deferred for one academic year, or until he ceases satisfactorily to perform, or receives a degree. An academic year is defined as the 12-month period following the beginning of the course of study. Therefore, if you did not receive a degree in June, and if you are in school during the summer, your II–S classification should be extended to September of October. Most local boards will reinstate the II–S classification for such students when these facts are called to their attention. The state director can help you if your local board refuses to extend your II–S.

30. *I am enrolled as a physiology major within the University medical school, and have completed one year of graduate work toward my Ph.D. Since this is an allied medical field, may I continue to be deferred in order to complete my degree?*

At this time, the only medical fields for which students are eligible for deferment are those leading to the following degrees: Doctor of Medicine, Doctor of Veterinary Medicine, Doctor of Osteopathy, and Doctor of Dental Surgery. No area of study leading to a Ph.D. is deferrable for students who will begin their first or second year of study in the 1968–69 school year.

31. *I began my second year of graduate study without interruption before October 1, 1967. May I be drafted?*

Yes. However, you are eligible at your board's discretion for deferment in Class II–S for no more than five years past the bachelor's degree to obtain the doctorate, if that was your declared objective in the fall of 1967. If you received a Master's degree this year, and if your local board was told via your Form 103 that the Master's degree was your objective, you would generally not be given further deferment as a student to complete your Ph.D. If your Form 103 stated that you were in a Ph.D. program, but would get a Master's degree in 1968, your board may continue to defer you for a total of five years past your baccalaureate degree. However, they are not required to allow you to continue your graduate work. (See No. 59, 60)

32. *I entered graduate school in September, 1966 and have been pursuing a Ph.D. program. Although I intend to continue toword the Ph. D., I want to take an M.S. along the way. Will this jeopardize my II–S classification?*

It may. However, if the University, in filing your Form 103 in September 1967 said you were a Ph. D. candidate, receipt of a Master's degree need not change your status. Local boards will vary in their decisions to continue deferred status for advanced graduate students. (See No. 31).

33. *I took a Master's degree in June 1968 at an institution that did not offer a Ph. D. and I have now moved to another institution where I am engaged in a Ph. D. program. Am I eligible for a II–S deferment to complete my third, fourth, and fifth year?*

Probably not. If your declared objective in the fall of 1967 on the Form 103 was a Master's degree, you would not generally be eligible for further deferment to obtain a Ph. D.

34. *I am beginning my fourth year of graduate study in September. Will my local board automatically renew my II–S classification?*

No. Eligible graduate students must request renewed deferment, and the university must send the local board appropriate notice (Form 103 or 103–A) that the student is in school and making normal progress.

35. *I will be under age 26 when I receive my terminal graduate degree and leave school. Will I then become eligible to be classified I–A and inducted?*

Yes. However, you may also be eligible for some deferred classification on the basis of your occupation, your physical condition, or the status of your dependents. All registrants are classified I–A unless they provide information justifying deferment.

36. *I did not ever use my I–S(C) classification while I was an undergraduate. Can I use it next year as a first year graduate student if I am ordered for induction while I am a full time student?*

The new draft law passed in June 1967 prohibited the I–S(C) classification to men who had completed a baccalaureate degree and who had been deferred in Class II–S at their request after June 30, 1967. Therefore, no graduate students should be eligible for the I–S(C) during the 1968–69 school year.

37. *If I am ordered to report for induction during the school year will I be permitted to finish the semester?*

In some cases. There is no classification available to graduate students for postponing induction. However, a local board has the option of postponing induction till the end of the quarter or semester at its discretion and you may request such a postponement. The director of Selective Service and the state directors have authority to postpone induction on an individual basis, and General Hershey has said that he would "give consideration to the use of this limited postponement authority in individual cases called to my attention where the facts in that particular case clearly demonstrate the good faith of a registrant who finds himself vulnerable to induction in such a semester."

38. *What are the procedures to follow if you wish to appeal or to make a personal appearance?*

Personal Appearance.—A registrant has the right to request a personal appearance before his local board within 30 days of the date of mailing of a notice of classification by the local board. Following such personal appearance, he will be given a new classification card, and will have the right to appeal that classification within 30 days. A personal appearance before the local board is not required, and any registrant may bypass this step and make a direct request for appeal.

Appeal.—Along with the Classification Notice mailed to registrants classified in Classes I–A, I–A–O, and I–O, there will be forwarded information that a Government Appeal Agent is available to them for legal advice on Selective Service matters, particularly in connection with appeals. Registrants may appeal for a change in classification within 30 days of the date of mailing of a classification card by the local board. Requests for appeal should be sent to the registrant's local board, and should be accompanied by supporting letters and documents from teachers, employers, dependents, or others to justify the registrant's request for a change in classification.

Transfer of Jurisdiction.—A registrant has the right to request a transfer of his appeal to the appeal board having jurisdiction over his principal place of employment, his actual place of employment, or his place of residence, if his local board is in a different state or jurisdictional area. The request for transfer must be made at the same time that the appeal is requested. The local board will forward the entire file to the appeal board, which may change or sustain the classification given the registrant.

Appeal to the President.—Denial of deferment at the state level may be appealed to the President within 30 days if the vote of the appeal board was split. If the vote was unanimous, and if the registrant believes the classification is not in the national interest, he, his employer, his school, or a disinterested agency such as the Scientific Manpower Commission may seek review at the state Selective Service Headquarters and following that review, may seek further review at National Selective Service Headquarters in Washington, D.C. Only the State Director in the local board state, the State Director in the appeal state, or the National Director of Selective Service may take an appeal to the President following unanimous classification by the appeal board.

39. *I have lived for several years in a state other than the one in which I am registered with my local board. May I change my registration to a local board in the area where I now live?*

No. The local board with which you were registered or to which your registration was transferred when you were 18 is your permanent local board of jurisdiction. However, if you appeal a classification, you may request transfer of the appeal if it is appropriate. (See No. 38).

40. *My local board is 3,000 miles away from me. I would like to take advantage of the opportunity for a personal appearance before the board but I cannot afford to travel that far for this purpose. May I make a personal appearance before a local board in my own area?*

Sometimes a courtesy appearance before a local board in your own area is granted, and that board might then make a recommendation to your own local board in regard to your classification. However, the courtesy appearance has no legal status, and the recommendation of the courtesy board need not be accepted by your own local board. Further, following a courtesy appearance, your local board is not required to issue you a new classification card, or to extend your appeal rights for the thirty day period which a new classification card would provide.

41. *May I make a personal appearance before the Appeal Board?*

No.

42. *May my employer appear with me before my local board?*

Only the registrant has the right to appear before the board. However, many local boards will appreciate an opportunity to question the employer regarding the essentiality of a registrant seeking occupational deferment. An employer who wishes to appear may request the opportunity to accompany the registrant, and the local board may accept or refuse the opportunity to question the employer.

43. *May I have my lawyer with me when I appear before my local board?*

No.

44. *Can my local board refuse to allow me to make a personal appearance?*

No, not if your request is made within 30 days of the date of mailing of the local board notice of classification.

45. *In order to make plans with more certainty, may I request permission to take the Armed Forces physical examination prior to being ordered for that examination?*

Yes, you may make the request, and if your local board has the funds and/or an opening in its list of men being sent for examination, they may grant you that privilege. Generally, they will not. You can, however, get a physical examination from a private physician, and if he finds disqualifying conditions or some that he believes will disqualify you, he should write a letter to your local board to be placed in your file indicating his findings, so that these facts will be considered when you take your Armed Forces physical.

46. *What is a I–Y classification? What is the difference between I–Y and IV–F?*

Class I-Y is assigned to registrants who are not eligible for a lower classification and who would be qualified for military service only in time of war or national emergency. Class IV-F is for registrants who are not qualified for any military service.

Men who are classified I-Y may be so classified because of a temporary disqualification or because of a permanent one. For example, if a man breaks his leg shortly before he is ordered to take his Armed Forces physical, he would be classified I-Y and ordered to report back for another examination after the broken leg had had time to heal properly. Men who are over or under the weight limits for acceptability may be reordered for examination if the examining physician believes the condition will change, or if the minimal and maximal requirements change. However, men whose condition is unlikely to change with time may be kept in I-Y without any further examination for periods up to one year.

Both I-Y and IV-F classifications may be given for physical, mental or moral reasons. In each case, the I-Y classification represents a lesser degree of variance from standards of acceptability than the IV-F.

47. *Under what conditions may I obtain a III–A classification?*

Provided that you have not requested and received a II-S deferment issued after July 1, 1967; and provided that you are not a physician, dentist, veterinarian, optometrist, osteopath or male nurse; you must be given a III-A deferment if you are supporting a natural, adopted or foster child and are maintaining a family relationship with the mother or foster-mother and the child. You need not be married to the mother. You are eligible for such a deferment from the date of conception of the child, provided a doctor's certification of the pregnancy and expected delivery date is in your file before an order for induction is issued.

If you received a II–S after July 1, 1967 but you did not personally request it, you are eligible for the III–A if your wife is pregnant.

A III–A classification is also granted to a registrant whose induction into the Armed Forces would result in extreme hardship to his dependents which may include a wife, divorced wife, child, parent, grandparent, brother or sister.

48. *I requested a student deferment in September, 1967. I found out in October that my wife was pregnant and was given a II–S classification in late October. Can I get a III–A deferment since my wife was pregnant before my II–S classification was made?*

No, not simply because you are a father. You may be able to get a hardship deferment. (see No. 47.)

49. *My last II–S deferment was dated June 16, 1967. I was a student all last year. Can I get an automatic III–A classification if my wife is pregnant?*

Yes.

50. *My local board classified me II–S in September, 1967, but I did not ask for a student deferment. Now my wife is expecting a baby. Can I get a III–A classification?*

Yes. (See No. 47).

51. *I was classified I–S(C) during the past school year. I had requested a II–S, but my local board did not give it to me. Can I get a III–A deferment if I become a father?*

Yes.

52. *Can I be ordered to report for a physical examination when my classification is not I–A, I–A–O, or I–O?*

Yes. You may be ordered for a physical examination at any time, but you may not be ordered for induction unless you are in Class I–A or I–A–O; or for civilian work unless you are in Class I–O.

53. *Must I have the permission of my local board in order to leave the country?*

No. However, such permission should be requested, and if your local board grants it, they generally will not require you to do anything that would necessitate your being in the United States during the time they have given you permission to be abroad.

You may leave the country without their permission but must be prepared to return at once if necessary to take a physical examination or carry out other orders; or you will become delinquent and subject to immediate induction.

54. *What is a Selective Service Delinquent?*

He is a registrant who fails to do something which the law requires him to do. This might include failure to report for a physical when ordered to do so, or failure to have in his possession a current classification card because he had turned it in or burned it up. In the latter case, it is not the overt action which brings about his delinquency, but the failure to have his card.

55. *When a registrant is given a certain number of days to furnish information or to perform some other duty, on what day does the time begin to run?*

The period of days allowed is counted as beginning on the day following that on which the notice is posted or mailed.

56. *I am an only son and the last male heir in my line. Is there some special provision for a man in this category?*

The "sole surviving son" provision of the Selective Service Law allows a registrant to be classified in IV–A along with registrants who have completed their military service if he is the only boy left in a family in which a brother, sister or father has been killed on active duty or has died as a result of his military service. However, being an only son does not put you in any special category.

57. *May a man who has passed his 26th birthday be drafted?*

Yes, if he is delinquent, he may be inducted at any age up to age 35. Non-delinquent registrants who have passed their 26th birthdays are dropped next to the bottom of the call list. (See Appendix.) Although they remain liable for service until they are 35 years of age, they are not likely to be drafted under the present order of call and the size of current military manpower requirements.

However, the Military Selective Service Act of 1967 provides that the President may designate a particular age group as a prime age group for induction. If such a group should be named, men who have been deferred in Class I-S(C) after age 19 or who have requested and have been granted deferment in Class II-S after June 30, 1967 and who are no longer deferred shall be considered as being within the age group called regardless of their actual age. Registrants in the designated prime age group shall then be integrated and called according to the month and day of their birth, oldest first.

If the President should invoke the prime age group provision of the law, men past age 26 who were deferred at their request as students after June 30, 1967 would fall back into the prime age group if they ceased to be deferred at any time up to their 35th birthday.

Men age 26 and over who are eligible for deferment should request such deferment. The law provides that every registrant shall be placed in the lowest class for which he is qualified.

58. *How can I see what materials are in my Selective Service file?*

Either you or someone with a written authorization from you may go to your local board and examine anything in the file. You may make a copy of anything or everything in your file provided a Selective Service Representative goes with you to a place where a copying machine is available. You may also request that your file be reproduced and sent to you, but you must pay the costs involved.

59. *What is Selective Service Form 103?*

Form 103 or 103-A (used interchangeably) are titled "Graduate or Professional Student Certificate."

Either form is completed by the University and sent to the local board at the beginning of every school term. The form certifies your status as a full time graduate student, and indicates both the graduate degree you are seeking and the date when you are expected to complete the degree.

60. *How can I find out whether my University said I was a candidate for both a Masters degree and a Ph.D. degree in the fall of 1967?*

Your school registrar should have a copy of the form that was filed for you. You also may see the copy in your local board file. (See No. 58).

61. *When is a Selective Service classification subject to court review?*

The law provides that "no judicial review shall be made on the classification or processing of any registrant by local boards, appeal boards, or the President, except as a defense to a criminal prosecution instituted under Section 12 (Penalties) of this title after the registrant has responded either affirmatively or negatively to an order to report for induction."

62. *If a registrant refuses to be inducted and serves a prison term, is he then free of his obligation to serve in the Armed Forces?*

No. "Any registrant who has failed or refused to report for induction shall continue to remain liable for induction and when available shall be immediately inducted."

63. *What are the causes of most Selective Service troubles?*

Most Selective Service troubles arise because of the registrant's ignorance of, or carelessness about, his rights, especially the right of appealing any new classification given by the local board; and the registrant's failure to keep his local board informed of changes in status, qualification, and location. An understanding of the rules is essential to every registrant if he is to maintain proper classification.

64. *Where can I obtain a copy of the Draft law and its regulations?*

The Military Selective Service Act of 1967, the Selective Service Regulations, and Local Board Memoranda may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402, for a total of $9.

65. *Where can I find an explanation of the draft rules?*

One source is "'67 Draft Act", a publication of the Scientific Manpower Commission which explains the regulations governing Selective Service classifications, deferments, and appeals. Single copies are available from the Scientific Manpower Commission, 2101 Constitution Avenue, N.W., Washington, D.C., 20418 for $.25.

APPENDIX

Present regulations provide for the following classifications:

Class I-A: Available for military service.

Class I-A-O: Conscientious objector available for non-combatant military service only.

Class I-C: Member of the Armed Forces of the United States, the Environmental Science Services Administration or the Public Health Service.

Class I-D: Member of reserve component or student taking military training.

Class I-O: Conscientious objector available for civilian work contributing to the maintenance of the national health, safety, or interest.

Class I-S: Student deferred by statute.

Class I-Y: Registrant qualified for military service only in event of war or national emergency.

Class I-W: Conscientious objector performing civilian work contributing to the maintenance of the national health, safety, or interest.

Class II-A: Registrant deferred because of civilian occupation (except agriculture and activity in study).

Class II-C: Registrant deferred because of agricultural occupation.

Class II-S: Registrant deferred because of activity in study.

Class III-A: Registrant with a child or children; and registrant deferred by reason of extreme hardship to dependents.

Class IV-A: Registrant who has completed service; sole surviving son.

Class IV-B: Official deferred by law.

Class IV-C: Alien deferred by law.

Class IV-D: Minister of religion or divinity student.

Class IV-F: Registrant not qualified for any military service.

Class V-A: Registrant over the age of liability for military service.

CURRENT ORDER OF CALL

When a call is placed without designation of age group or groups, the order of call shall be:

(1) Selective Service Delinquents, age 19 or over; oldest first.

(2) Volunteers under 26 in the order in which they volunteered.

(3) Single non-volunteers and men married after August 26, 1965, age 19 to 26, oldest first.

(4) Non-fathers married on or before August 26, 1965, age 19 to 26, oldest first.

(5) Non-volunteers 26 to 35, youngest first.

(6) Non-volunteers between 18½ and 19, oldest first.

COMMUNIST RULES FOR REVOLUTION

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, many of us have become increasingly concerned with the views and actions of our youth in the country today, realizing that these young people are the leaders of tomorrow. We have a tendency to view this degeneration of the morals and integrity of our youth as a result of our affluent society, refusing to recognize the danger which exists for the well-being of our Republic.

I wish to draw my colleagues attention to an editorial which appeared in a publication of the Scottish Rite Masons, entitled "Youth: Have We Failed Them?" I call your particular attention to the three Communist rules for revolution: First, corrupt the young; second, get control of all means of publication; and third, cause the registration of all firearms.

The article follows:

YOUTH: HAVE WE FAILED THEM?

(By Carl S. Casto)

Many adults, in your community and mine are most vocal in their condemnation of the youth of today. Many others, including some of our friends have apathetically accepted the continuing degeneration of the morals and integrity of our society. They blame the situation on the population explosion, urban congestion, and/or the high level of mobility or affluence of our generation. Rarely, do our friends, or ourselves for that matter, really try to analyze the situation to a sufficient depth to arrive at what I have come to believe may be the real source of the unrest and rebellious nature of segments of today's youth.

There seems to be no discernible connection between the many instances, but it is fairly obvious that all such instances do display a shocking disregard for our laws, established moral standards, faith in the Almighty, and personal integrity. Why then, we must ask ourselves, does this similarity persist? Is it possible that our youth are the pawns in a much larger game? I have come to believe that they are and perhaps through no fault of their own. In this process of evaluation I repeat for your consideration the:

"Communist Rules for Revolution."

A. Corrupt the young, get them away from religion. Get them interested in sex. Make them superficial, destroy their ruggedness.

B. Get control of all means of publication and thereby,

1. Get people's minds off their government by focusing their attention on athletics, sexy books and plays and other trivialities.

2. Divide people into hostile groups by constantly harping on controversial matters of no importance.

3. Destroy the people's faith in their natural leaders by holding them up for ridicule and criticism.

4. Always preach true democracy, but seize power as fast and as ruthlessly as possible.

5. By encouraging government extravagance, destroy its credit, raise fears of inflation, and general discontent.

6. Foment unnecessary strikes in vital areas. Encourage civil disorders, and foster lenient and soft attitude on the part of government toward such disorders.

7. By specious argument cause the breakdown of the old moral virtues of honesty, sobriety, continence, faith in the pledge and word and ruggedness.

C. Cause the registration of all firearms in some pretext with a view to confiscating them and leaving the populace helpless.

Interesting is the fact that these Rules were among the captured papers taken in Dusseldorf, Germany in May 1919. Interesting also is the fact that a newly reproduced copy was obtained from a known Communist

Party member by the Florida State Attorney. This individual admitted that these Rules were a part of their units plans.

Now that you have read the rules, please compare their objectives, suggested targets and probable implementation with what is happening today. The conclusions are fairly obvious. Have We Failed Our Youth? And secondly, should we as Masons be more involved in this conflict than we are? Thirdly, are you carrying your share of the battle? Get involved.

SUPPLEMENTAL AIR CARRIERS SERVE PUBLIC NEED

Mr. MOSS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MOSS. Mr. Speaker, the House will soon be considering H.R. 17685, a measure designed to clarify the authority of the Civil Aeronautics Board over all-expense tours flown by the supplemental air carriers. The following item from the Washington Daily News and the editorial from the Washington Post illustrate the urgent need for the legislation:

[From the Washington Daily News, July 16, 1968]

CHEAP AIR TOURS NOW UP TO HOUSE

A bill of tremendous interest to the travel industry—it has passed the Senate and has been cleared for House floor action would give the CAB clear authority to authorize inexpensive inclusive tour charter trips using supplemental air carriers.

The CAB earlier this year authorized a good many of these cut-rate charter trips, which travel agents could sell individually at prices far below tours using regularly scheduled carriers. Americans for the first time could buy cheap, all-expense package trips abroad similar to those long enjoyed be Europeans.

The CAB's authorization, however, was in effect nullified by a Supreme Court split, 4–4, on whether the CAB had exceeded its authority, as had been ruled by a lower court.

The bill introduced in the Senate by Sens. A. S. Mike Monroney and Warren Magnuson, undoubtedly the two most knowledgeable men on aviation matters in the Senate, passed quickly. Now it's up to the House to act on a similar bill introduced by Rep. John E. Moss (D., Calif.) and six colleagues.

The House Interstate and Foreign Commerce Committee, which has reported the bill out unanimously, heard a statement from Betty Furness, the President's consumer affairs adviser, saying:

"We urge immediate passage . . . so that . . . those who might not otherwise be able to afford a long dreamed of trip, will not be disappointed, to assure the basic right of the consumer's freedom of choice and to guarantee protection of competition in a free enterprise system . . ."

[From the Washington Post, July 16, 1968]

AIRLINES AND TOURS

The bill before the House of Representatives to clarify the authority of the Civil Aeronautics Board over all-expense tours flown by the supplemental air carriers ought to be passed. It would merely make absolutely clear the authority the Board thought it had before the Supreme Court recently muddied the waters.

The supplemental carriers—there are now 13 of them with 192 large aircraft—have been an important competitive spur to the much larger and better known scheduled carriers. They brought the all-expense tours into a price range that millions of Americans can afford and, by doing so, have expanded travel considerably. The major airlines, of course, would like to eliminate this competition. But Congress ought not to depart in this case from the principle that competition usually works to help the public interest.

Additionally, I wish to take this opportunity to bring to the attention of my colleagues the following list of those who have indicated their support for the legislation:

The Civil Aeronautics Board.
The Department of Transportation.
The Office of the Special Assistant to the President for Consumer Affairs, Miss Betty Furness.
American Society of Travel Agents (approximately 2,500 members).
The American Travel Association.
The Industrial Union Department—AFL–CIO.
United Auto Workers.
United Steelworkers of America.
International Ladies Garment Workers Union.
Cooperative League of the USA.
Consumer Federation of America, and its 83 member organizations.
Consumer Association of Indiana.
Maryland Consumers Association.
Greenbelt Consumer Services.
International Cooperative Petroleum Association.
Virginia Citizens Consumer Council.
Louisiana Consumers Association.
National Council of Senior Citizens, Inc. (approximately 2,500,000 members).
National Air Carrier Association.
Credit Union National Association.

Mr. Speaker, I urge my colleagues to act affirmatively on this legislation at the earliest possible moment.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ASHBROOK, for 60 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. GOODELL (at the request of Mr. STEIGER of Wisconsin), for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. O'HARA of Illinois in five instances and to include extraneous matter.

Mr. HARDY and to include extraneous matter.

Mr. HALL to revise and extend remarks to be made in Committee of the Whole today on H.R. 17735, and to include pertinent material.

All Members (at the request of Mr. ASHBROOK) to extend their remarks during his special order on "Developments Behind the Iron Curtain."

Mr. HORTON to extend his remarks prior to the vote on the Poff amendment in the Committee of the Whole today.

Mr. HALL to extend his remarks and include pertinent material prior to the vote on the Poff amendment in the Committee of the Whole today.

Mr. MONTGOMERY to revise and extend his remarks in Committee of the Whole before the vote on the Bingham amendment.

(The following Members (at the request of Mr. STEIGER of Wisconsin) and to include extraneous matter:)

Mr. PELLY.
Mr. ASHBROOK in two instances.
Mr. MICHEL.
Mr. SCHERLE.
Mr. CURTIS.
Mr. CHAMBERLAIN.
Mr. MORTON.
Mr. REINECKE.
Mr. DERWINSKI in two instances.
Mr. NELSEN in three instances.
Mr. MORSE of Massachusetts.
Mr. MILLER of Ohio.
Mr. BLACKBURN in two instances.
Mr. BATTIN in two instances.
Mr. MCCLOSKEY.
Mr. WYMAN in two instances.
Mr. BURKE of Florida.
Mr. CUNNINGHAM.

(The following Members (at the request of Mr. GETTYS) and to include extraneous matter:)

Mr. DENT in two instances.
Mrs. GRIFFITHS in two instances.
Mr. MURPHY of New York in three instances.
Mr. PODELL.
Mr. HOWARD in two instances.
Mr. ADAMS in two instances.
Mr. CELLER.
Mr. O'HARA of Michigan in three instances.
Mr. RARICK in four instances.
Mr. DIGGS.
Mr. VANIK.
Mr. CHARLES H. WILSON.
Mr. EVINS of Tennessee.
Mr. FULTON of Tennessee
Mr. JOHNSON of California.
Mr. MOORHEAD in three instances.
Mr. MATSUNAGA.
Mr. RODINO.
Mr. GRIFFIN.
Mr. DANIELS.
Mr. CULVER.
Mrs. SULLIVAN in three instances.
Mr. EDWARDS of California.
Mr. GONZALEZ in three instances.
Mr. BEVILL in two instances.
Mr. HECHLER of West Virginia.
Mr. DULSKI in three instances.
Mr. HAGAN.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 510. An act providing for full disclosure of corporate equity ownership of securities under the Securities Exchange Act of 1934.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present

to the President, for his approval, bills of the House of the following titles:

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

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;

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

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

ADJOURNMENT

Mr. GETTYS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until Monday, July 22, 1968, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. McMILLAN: Committee on the District of Columbia. Supplemental report on H.R. 18248, a bill to amend the acts of August 9, 1955, and July 24, 1956, relating to certain common carrier operations in the District of Columbia, and for other purposes (Rept. No. 1646, pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 6729. A bill to amend the Dependents Assistance Act of 1950 in order to make members of the Reserve and National Guard ordered to active duty for training for periods of 30 days or more eligible for quarters allowances and to make allotments; with amendment (Rept. No. 1746). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 13720. A bill to amend title 37, United States Code, to modify requirements necessary to establish entitlement to incentive pay for members of submarine operational command staffs serving on submarines during underway operations (Rept. No. 1747). Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 15268. A bill to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and provide certain services to the Boy Scouts of America for use in the 1969 National Jamboree, and for other purposes (Rept. No. 1748). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services. H.R. 16254. A bill to amend title 10, United States Code, relating to the authorized strengths and grades for certain medical, dental, veterinary, medical service, and biomedical sciences officers of the Armed Forces (Rept. No. 1749). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 17780. A bill to direct the Secretary of Defense to pay the special pay authorized under section 310 of title 37, United States Code, to certain members of the uniformed services held captive in North Korea; with amendment (Rept. No. 1750). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS. Committee on Armed Services: H.R. 18146. A bill to amend title 10, United States Code, to correct an inequity affecting officers of the Supply Corps and Civil Engineer Corps of the Navy (Rept. No. 1751). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 15678. A bill to increase the salaries of judges of the District of Columbia court of general sessions, and the salaries of judges of the District of Columbia court of appeals; with amendment (Rept. No. 1752). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. S. 1228. An act to authorize project grants for construction and modernization of hospitals and other medical facilities in the District of Columbia; with amendment (Rept. No. 1753). Referred to the Committee of the Whole House on the State of the Union.

Mr. SIKES: Committee on Appropriations. H.R. 18785. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes (Rept. No. 1754). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

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

Mr. MOORE: Committee on the Judiciary. H.R. 7957. A bill for the relief of Dr. Dario Duque; with amendment (Rept. No. 1738). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 14389. A bill for the relief of Dr. Erdogan Y. Baysal; with amendment (Rept. No. 1739). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 15060. A bill for the relief of Dr. Jaime E. Lazaro (Rept. No. 1740). Referred to the Committee of the Whole House.

Mr. DOWDY: Committee on the Judiciary. H.R. 15061. A bill for the relief of Dr. Lydia L. Lazaro (Rept. No. 1741). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 17022. A bill for the relief of Pvt. Willy R. Michalik, [redacted] (Rept. No. 1742). Referred to the Committee of the Whole House.

Mr. MACGREGOR: Committee on the Judiciary. H.R. 18274. A bill for the relief of Dr. Manuel E. Tayko (Rept. No. 1743). Referred to the Committee of the Whole House.

Mr. FEIGHAN. Committee on the Judiciary. H.R. 18316. A bill for the relief of Dr. Esteban G. Friera; with amendment (Rept. No. 1744). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. House Joint Resolution 1287. Joint resolution granting the status of permanent residence to Maria Mercedes Riewerts (Rept. No. 1745). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BARING:

H.R. 18750. 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. BUSH:

H.R. 18751. A bill to amend the Internal Revenue Code of 1954 to provide a longer period of time for disposition of certain assets in the case of regulated investment companies furnishing capital to development companies; to the Committee on Ways and Means.

By Mr. DEVINE:

H.R. 18752. 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 certain relatives of such member died while serving in the Armed Forces in Vietnam; to the Committee on Armed Services.

By Mr. DONOHUE:

H.R. 18753. 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. GOODLING:

H.R. 18754. A bill to establish the Commission for the Improvement of Government Management and Organization; to the Committee on Government Operations.

By Mr. GUDE:

H.R. 18755. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. KEE:

H.R. 18756. A bill to amend section 201 of the Revenue and Expenditure Control Act of 1968; to the Committee on Ways and Means.

By Mr. PODELL:

H.R. 18757. A bill to amend the act of March 3, 1905, relating to the dumping of certain materials into the navigable waters of the United States; to the Committee on Public Works.

By Mr. ROTH:

H.R. 18758. A bill to clarify the status of National Guard technicians, and for other purposes; to the Committee on Armed Services.

By Mr. SHIPLEY:

H.R. 18759. A bill to amend section 201 of the Revenue and Expenditure Control Act of 1968; to the Committee on Ways and Means.

By Mr. ANDREWS of Alabama (for himself, Mr. SELDEN, Mr. BEVILL, Mr. DICKINSON, Mr. EDWARDS of Alabama, Mr. JONES of Alabama, Mr. NICHOLS, and Mr. BUCHANAN):

H.R. 18760. A bill to designate the National Institutes of Health as the Lister Hill National Institutes of Health; to the Committee on Interstate and Foreign Commerce.

By Mr. BLATNIK (for himself, Mr. QUIE, Mr. NELSEN, Mr. MACGREGOR, Mr. KARTH, Mr. FRASER, Mr. ZWACH, and Mr. LANGEN):

H.R. 18761. 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. BYRNE of Pennsylvania:

H.R. 18762. 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. 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

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 necessarily 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 unnecssary. 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 militia 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. Homegrown 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. MCCLELLAN. 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 farmowners.

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.

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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, [redacted], 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., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. William Thomas Bradley, [redacted], 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, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. William Robertson Desobry, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Leo Henry Schweiter, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. John Louis Klingenhagen, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Walter James Woolwine, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Ralph Longwell Foster, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Herron Nichols Maples, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. John Frederick Freund, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Leo Bond Jones, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. William Allen Knowlton, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Jack Jennings Wagstaff, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Linton Sinclair Boatwright, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Hugh Franklin Foster, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Donald Hugh McGovern, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Orwin Clark Talbott, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Kenneth Lawson Johnson, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Willard Roper, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Albert Ernest Milloy, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Donn Royce Pepke, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Willis Dale Crittenberger, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Harris Whitton Hollis, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Francis Paul Koisch, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Bruce Smith, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. William John Durrenberger, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. James Leon Baldwin, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Morgan Garrott Roseborough, [redacted], Army of the United States (colonel U.S. Army).

Brig. Gen. Edward Bautz, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Jack Carter Fuson, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. William Henry Blakefield, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Elvy Benton Roberts, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. George Samuel Beatty, Jr., [redacted], 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, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Ralph Longwell Foster, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Morgan Garrott Roseborough, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. John Frederick Freund, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Walter James Woolwine, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Hugh Franklin Foster, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Linton Sinclair Boatwright, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. James William Sutherland, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Elmer Hugo Almquist, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Andrew Peach Rollins, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Leo Bond Jones, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. William Robertson Desobry, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. William Albert Becker, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Willard Roper, [redacted], Army of the United States (colonel, U.S. Army).

Lt. Gen. Frederick Carlton Wayand, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. George Irvin Forsythe, xxxxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Robert Charles Forbes, xxxxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Orwin Clark Talbott, xxxxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. William John Durrenberger, xxxxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Walter Philip Leber, xxxxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Donn Royce Pepke, xxxxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Robert Edmondston Coffin, xxxxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. John Hancock Hay, Jr., xxxxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. James Joseph Gibbons, xxxxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Henry Blakefield, xxxxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Richard Joe Seitz, xxxxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Clarence Joseph Lang, xxxxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. George Lafayette Mabry, Jr., xxxxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. John Scarborough Hughes, xxxxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Herron Nichols Maples, xxxxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Leo Henry Schweiter, xxxxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Ellis Warner Williamson, xxxxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. William Eugene DePuy, xxxxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Karl William Gustafson, xxxxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Bruce Smith, xxxxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Edward Bautz, Jr., xxxxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Richard Thomas Knowles, xxxxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Donald Harry Cowles, xxxxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. John Russell Deane, Jr., xxxxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Samuel William Koster, xxxxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. George Marion Seignious II, xxxxxx, 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., xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. George William Casey, xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Judson Frederick Miller, xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. C. J. LeVan, xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Ward Watkin, Jr., xxxxxx, U.S. Army.

Col. Robert Carter McAlister, xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Alexander Russell Bolling, Jr., xxxxxx, U.S. Army.

Col. Frederic Ellis Davison, xxxxxx, U.S. Army.

Col. William Love Starnes, xxxxxx, U.S. Army.

Col. Marlin Watson Camp, xxxxxx, U.S. Army.

Col. John Holloway Cushman, xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. DeWitt Clinton Armstrong III, xxxxxx, U.S. Army.

Col. Fred Ernest Karhohs, xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Carter Horne III, xxxxxx, U.S. Army.

Col. Samuel Lafayette Reid, xxxxxx, U.S. Army.

Col. Robert Creel Marshall, xxxxxx, U.S. Army.

Col. James William Gunn, xxxxxx, U.S. Army.

Col. James Joseph Ursano, xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Donald Volney Rattan, xxxxxx, Army of the United States (lieutenant colonel, U.S. Army.)

Col. John Howard Elder, Jr., xxxxxx, U.S. Army.

Col. John Charles Bennett, xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Washington Putnam Jr., xxxxxx, U.S. Army.

Col. Emmett Robinson Reynolds, xxxxxx, U.S. Army.

Col. George Monroe Bush, xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Dennis Philip McAuliffe, xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Sidney Michael Marks, xxxxxx, U.S. Army.

Col. George Gordon Cantlay, xxxxxx, U.S. Army.

Col. Arthur Hamilton Sweeney, Jr., xxxxxx, U.S. Army.

Col. George Murrell Snead, Jr., xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. James Cliffton Smith, xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Ross Bond, xxxxxx, U.S. Army.

Col. Bertram Kall Gorwitz, xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Kirk Singlaub, xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Woodland Morris, xxxxxx, U.S. Army.

Col. Harold Arthur Kissinger, xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Claude Monroe McQuarrie, Jr., xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Edward Pieklik, xxxxxx, U.S. Army.

Col. Henry John Schroeder, Jr., xxxxxx, U.S. Army.

Col. Thomas Fuller McCord, xxxxxxx, U.S. Army Reserve.

Col. Edward Michael Dooley, xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Hubert Summers Cunningham, xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Wallace Clifton Magathan, Jr., xxxxxx, U.S. Army.

Col. Jack MacFarlane, xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Maurice Wesley Kendall, xxxxxx, U.S. Army.

Col. Harold Robert Parfitt, xxxxxx, U.S. Army.

Col. Richard Hubert Groves, xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Harold Johnson, xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Stewart Canfield Meyer, xxxxxx, U.S. Army.

Col. Edwin Bradstreet Owen, xxxxxx, U.S. Army.

Col. Michael Edward Leeper, xxxxxx, U.S. Army.

Col. David Ewing Ott, xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Clarke Tileston Baldwin, Jr., xxxxxx, U.S. Army.

Col. Jack Alvin Albright, xxxxxx, U.S. Army.

Col. Hugh Richard Higgins, xxxxxx, U.S. Army.

Col. Charles Morton Young, Jr., xxxxxx, U.S. Army.

Col. Bert Alison David, xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Sam Sims Walker, xxxxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Burns Caldwell III, xxxxxx, 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.

EXTENSIONS OF REMARKS

MEDICAL EDUCATION IN A DYNAMIC SOCIETY

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. FISHER. Mr. Speaker, under leave to extend my remarks, I include an address delivered by Hon. Wilbur Cohen, Secretary of the Department of Health, Education, and Welfare. The occasion was the dedication of the University of Texas Medical School at San Antonio on July 12, 1968.

The address follows:

MEDICAL EDUCATION IN A DYNAMIC SOCIETY

(By Wilbur J. Cohen, Secretary of Health, Education, and Welfare)[1]

I am delighted to be with you today and I am honored to participate in the dedication of the University of Texas Medical School at San Antonio. The people of this city and the entire State of Texas can be very proud of the achievement we celebrate today.

We are symbolically opening a door to the future—a future that is full of promise and reward. From this great institution will emanate the knowledge and services that will improve the health and well being of millions of American men, women and children. From this institution will come the men and women who will discover and deliver the medical miracles of tomorrow.

What is so special about this medical school and its affiliated hospital is that so many people were instrumental in their establishment. The San Antonio Medical Foundation, other individuals and groups from Bexar County and from outside the county joined in the struggle of a decade to see that San Antonio had not only a medical school but an excellent medical school of which the entire State could be proud. The Federal government has contributed $5 million in this joint effort.

To single out one person would not be proper because so many people were involved but I do believe that special recognition should be given to Dean F. Carter Pannill who began in January 1965 with no faculty or curriculum and today he can proudly say that he has 80 distinguished faculty on board and a very imaginative curriculum. And I am confident that under the continued leadership of Frank C. Erwin, Chairman and Member of the University of Texas Board of Regents, Chancellor Harry Ransom and Vice Chancellor for Health Affairs, and Dr. Charles LeMaistre, the school will be a center of excellence which will prepare students for the dynamic, complex world that is rapidly unfolding before us.

We dedicate this new facility in a period of revolutionary changes in the field of science, technology, medicine, communications and human aspirations. The advancement of science and technology and the virtual explosion of medical knowledge and its application have led to significant improvements in the lives of millions of Americans. Within recent years:

Diseases that had afflicted mankind for centuries are being prevented and cured.

Many of the frightening diseases of childhood have been eliminated.

Surgery that was once precarious has now become routine.

Important advances have been made in the treatment of mental illness and mental retardation.

Many new drugs and medical techniques work daily miracles.

The dramatic events of the recent past are but a preview of the future. Within our lifetime we will undoubtedly see the development of life-saving techniques and services which are yet undreamed of. We may see the end of cancer, and the prevention of crippling arthritis, and arteriosclerosis. We will, no doubt, see the conquest of mental retardation. And life expectancy may even be increased.

Scientists tell us they may be able to unravel the genetic code. Hereditary defects that pass from parent to child may be prevented. Congenital blindness and deafness may be reduced. New drugs and chemicals may be used to cure mental illness, retard aging and improve the learning and memory process.

The perfection of mechanical substitutes as an interim approach to the treatment of heart, lung and kidney failures are well along in development, and we are steadily adding to our knowledge of immunology and fundamental processes that will some day preclude the use of mechanical substitutes.

New developments in computer technology will make possible mass health screening, medical diagnosis, monitoring of patients, improved laboratory procedures and other improvements in the actual delivery of health services. Improved transportation and communications will provide adequate rescue systems to give immediate attention to accident and disaster victims injured in isolated areas distant from metropolitan centers.

With the flip of a switch or a turn of a dial, physicians here in San Antonio may be able to telediagnose a patient miles away in other parts of Texas over a new two-way closed circuit television system. Not only will the physician see the patient but also monitor his blood pressure, heart beat, pulse, and analyze X-rays and blood samples. Nurses in remote Texas communities could receive expert diagnosis by doctors here. Or your hospital could communicate with another hospital in Chicago or New York, for example, on general or emergency health information. The growing experimental use of electronic communications in the practice of medicine has exciting potential for improving the quality of health care, while at the same time alleviating the shortage of doctors, nurses and other health personnel. A *Biomedical Communications Network* utilizing the reality of today's electronics, television satellites, and computers is already far advanced in our planning.

Technology—computers, television, films—also offers great promise in medical education by permitting the student to learn by himself, reducing the demands on scant faculty time, supplanting many of the usual lectures. Learning time can be accelerated and continuing education facilitated.

In an era of the most remarkable advance in the medical and biological sciences, in an era of rapid growth in both the quality and quantity of health manpower, in an era of dramatic improvement in the delivery of health services we find a widening gulf between what our health system is producing and what the American people have every right to expect of it.

Many of our citizens have been left behind by the march of medical science. Why? Because there aren't enough family doctors? Because decent medical facilities are lacking in vast urban and rural areas? Because the cost of health care is rising precipitously? Because our health care system with its tremedous potential is not delivering what it could and must deliver?

Personal health services often are not available to many segments of the population—notably the poor—except through hospital emergency rooms or a telephone answering service.

Generalists, that is physicians to care for the needs of families, are declining in numbers while super-specialists are increasing.

These are challenges which all of us concerned with health must face and solve. And it seems to me that one of the front lines of attack must come through the medical institutions which will train the health professionals of tomorrow.

I believe the time has come when we need another Flexner Report, another careful assessment of the relevance of all medical education to all the health needs of all the American people. There are three million people in this country working in the health field. By 1975 there will be four million. How well equipped will they be to cope with the problems they will face? Is the training they are receiving *now*—for most of those additional one million health professionals are in school now—is it preparing them to find and apply solutions to the problems of delivery, of medical economics, of comprehensive health planning?

We desperately need to have answers to these questions, answers as pertinent to our times as Abraham Flexner's were to his.

The medical school, the teaching hospital, the community hospital are the core of medical education. They must not only produce the aware health professionals we will need in the future but they must also furnish access to the kinds of comprehensive health services we should be providing right now.

The Regional Medical Programs that have been established are facing just that problem. I am very pleased that the San Antonio Medical School will be participating in the Texas Regional Program. The Cervical Cancer Project of this school is one of the important operational projects to be financed by the almost $2 million operational grant to the Texas Regional Medical program. It calls for the development of a comprehensive multi-discipline program to eradicate cervical cancer in South Texas by mass screening.

Planning and operating a new educational facility to cope with the complex problems of the health needs of a modern society is a challenging task, but full of opportunities.

The modern institution has new opportunities to draw on the knowledge of many disciplines—the social and biological sciences, the humanities and other disciplines. They have opportunities for developing unified cooperative programs in the health professions. A major barrier to high quality care today is the failure of communications and a lack of precise definition of functions among a growing number of health professions. Too often the health professional views the patient in an isolated way. A broader approach to medical education could prevent this from happening. As Hippocrates said, "To heal even an eye, one must heal the head, and indeed the whole body."

Here in the medical school you can begin to develop education and service programs that will enable students in the various health professions to work together cooperatively to meet the total needs of the patient. Patient needs can be studied and the role of each health occupation in meeting these needs can be determined. Staff can study optimal roles and functions among health personnel and explore the levels that

[1] Presented at the Dedication of the University of Texas Medical School at San Antonio, Texas, July 12, 1968, 4:30 p.m. C.D.T.

can be used most efficiently and effectively to develop health services.

Your medical school and its teaching hospital can make a significant contribution to the development of community health services. By providing continuing education which is essential in today's world you can help practicing physicians from becoming obsolete. By engaging in community wide efforts to improve health services students and faculty can be given actual community-based experience.

Your medical school must become involved in developing models for delivering the best health care possible. In San Antonio, for example, you have a unique opportunity to study the community's needs and to help meet these and the special health needs of the 40,000 migrant workers located here. You can also reach out to the Mexican-Americans and other migrant workers scattered throughout the sparsely populated area to the south. As a teaching institution you can take leadership in developing programs that will reach out to the many groups of your State and community. Through neighborhood health centers, mobile units that will travel in the rural areas, and telecommunications, and other cooperative efforts with health personnel, you can provide the manpower and expertise for improving the health of thousands of Texans. And you can show other communities throughout the Nation ways to improve health care for their citizens.

Medical schools are at a point of change. Their great research efforts must continue. But their area of concern must be extended to involve their regions, research must include the study of the social system of medicine, community health programs must know that the immense resources of the medical school centers are with them. More, many more, physicians and health personnel must be produced.

And we must turn our attention to the young men and women from all economic levels and make careers in the health field a possibility for them, advantaged or disadvantaged be their origin. Just as our medical schools now have Departments of *Post* Graduate Medical Education perhaps we need Departments of *Pre*medical Education. Here we could enroll those hesitant 19 or 20 year old boys and girls who "think" they want to study medicine but don't know *how*, or just know it is too expensive or too long. By catching these hopefuls early and by counseling, by tutoring, by funding, here we can find the talent, from all the diversity of our society, for our undermanned health team.

Satellites? Departments of Premedical Education? Medical schools without walls? No, not dreams anymore than Medicare was a dream. Instead these are the exciting realities of the era in which this medical school is being launched.

A characteristic of much that the Johnson Administration had done in the health field has been to create programs that bring about an involvement, a creative contribution, from the communities and regions served. The Partnership for Health, Medicare, The Regional Medical Programs, the Child Health Act, the Community Mental Health Centers are just a few of the landmark achievements of recent years. The success of much that has been put in motion will be measured by the ideas, the effort, and the cooperation coming forth from the practicing physicians, the community hospitals and the medical schools. Bold new, imaginative approaches must be adopted to improve the effectiveness of the resources we now have—in terms of manpower, facilities and services. And the real leadership must come from the institutions that are preparing students for careers in medicine.

A revolution has begun in the field of medicine. The American people through their Congress have declared that each individual has a right to the best health care with an equal opportunity to that care regardless of age, sex, color or any other factors, except medical need.

We have not yet fulfilled that right for every citizen. But we are making progress. And I firmly believe that within the next decade we shall see startling breakthroughs in health care in the United States, with resulting improvements in the health of the people.

I see every mother getting comprehensive prenatal care, and every infant being wanted and getting the health care he needs for sound growth.

I see every disabled and disadvantaged person—no matter what his handicap—getting the rehabilitation and the specialized attention he needs to become a productive independent citizen.

I see a health care system capable of delivering health services of a high quality to every individual wherever and whenever he needs those services.

I am confident that we will move into the next decade and beyond on a wave of medical progress that will make achievements to date seem almost commonplace by comparison. Yet such progress will not occur without the fullest participation of the medical profession, the Government, and the American people in taking up the great tasks that lie ahead. As President Lyndon B. Johnson said in his Health and Education Message to Congress last year:

"No great age of discovery in history can match our own time. Today, our wealth, our knowledge, our scientific genius give us the power to prolong man's life—and to prevent the erosion of life by illness . . .

"But each gain, each victory, should focus our attention more sharply on the unfinished business facing this Nation in the field of health."

Let us then take up this unfinished business and work toward the noblest achievement of a society: the assurance of health and quality of life for all of its citizens.

CAPTIVE NATIONS WEEK

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1968

Mr. ST GERMAIN. Mr. Speaker, as we commemorate the 10th observance of Captive Nations Week, we should reaffirm the inalienable rights of the captive nations to national independence and individual freedom and express the support of our Nation toward the full realization of these rights.

I have always held to the conviction that the flame of nationalism, though suppressed in some lands, can never be extinguished and that, with help, it can overcome the darkness of tyranny. I think that recent events in Rumania and Czechoslovakia have proven to the world that the flame of nationalism has not been extinguished in the captive nations.

It is to the free nations of the world that the nations of Poland, Rumania, Bulgaria, Albania, Czechoslovakia, Estonia, Hungary, Lithuania, and Latvia look for guidance and assistance.

The recent events in Czechoslovakia and other movements toward self-determination in other Eastern European countries serve to manifest the desire of these captive people to break the chains of tyranny and gain greater freedom in which to express their cultural traditions.

Hopefully, this movement toward liberalization will flourish in all the captive nations. Let us, on this occasion, reaffirm our support toward this end.

VOCATIONAL EDUCATION ACT AMENDMENTS

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. COLLIER. Mr. Speaker, for several years I have expressed a deep concern with the great need for accelerating vocational training programs, particularly at the secondary school level. While the Congress has certainly recognized the need for vocational training in the Manpower Training Act and in various other job-training programs, there has been a lack of emphasis upon training students who are not college-oriented to become useful citizens in our highly technological economic society.

While millions of dollars have been spent to improve and expand programs in the fields of social sciences, languages, even the arts, we have neglected assisting young people who need specialized training in the vocations and trades. I contend that a much broader program in this field would result in a sharp decrease in the number of school dropouts, particularly among those students who are neither adept nor have any great interest in pursuing a course of education which prepares them for college admission. Yet there is a crying need for skilled labor. It is obvious that those who drop out of school because of a lack of interest in general academic work or who manage to complete these courses with a minimum of interest or motivation become unemployable because they lack occupational skills. Recognizing that it is better late than never, I commend the Committee on Education and Labor for bringing forward the Vocational Education Amendments of 1968, which I wholeheartedly support.

Unless there be any misunderstanding with regard to my remarks regarding the delay in moving forward with vocational training programs at the high school level, it should be pointed out that the Vocational Education Act of 1963 passed by Congress did emphasize the need of continuing to make an evaluation of the job market from the standpoint of occupational skills. It also established a Council on Vocational Education which, however, was not appointed until 1966 and did not submit its report until early this year. That fact notwithstanding, expenditures for vocational education did increase sharply, but from a very low base even though Federal grants were multiplied four times at the State level while local expenditures were being doubled.

It is interesting to note that the increase in the enrollment in vocational programs for disadvantaged students reached 137,000 in 1967. However, this is hardly an impressive figure when you consider the total enrollment in the Nation's high schools and particularly the sharp increase in our school population.

I believe the committee report sums up the situation in an excellent manner in observing that occupational preparation should become more specific in the high school, although not limited to one vocation. It points out that it should be built around significant families of occupations or industries which promise expanding opportunities. In this manner a student can leave the program with one skill but is not challenged to pursue a postsecondary education. More important is the fact that the long-range cost of this program will undoubtedly be recouped through the economic benefits certain to be derived from it.

It is my further hope that Congress will at some time in the very near future implement this program with the passage of the Human Investment Act which I and many of my colleagues have introduced in the last 2 years of the Congress to encourage industry to participate in a broader vocational training program in the years ahead.

NEW ALTIMETER SYSTEM FOR PAN AM'S BOEING JETS

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. ADAMS. Mr. Speaker, just announced by Pan American Airways is the forthcoming installation of an "automatic altitude reporting" system, revolutionary to the industry. These encoding altimeters have been ordered for Pan Am's 24 Boeing 727 jet transports and are scheduled to be installed in September.

The key feature of the unit is its ability to simultaneously provide aircraft altitude to pilots in the cockpit and to air traffic controllers on the ground. Ground controllers thus will know the identification and flight level of an aircraft without having to be told by the pilots. This will eliminate much of the radio "chatter" that has previously accompanied aircraft altitude reporting.

With this new process, electronic signals will be automatically beamed from the aircraft to ground control stations. In the cockpit, altitude information is displayed on a conventional-looking altimeter indicator on the instrument panel. At the same time, the aircraft's altitude and identification number—or flight number—are electronically beamed to ground station computers which print out the information on air traffic control radar scopes. Aircraft identification and altitude will be printed like a tiny tag alongside the blip on the radar scope. As the aircraft changes altitude, the numbers by the blip will automatically change to tell the controller the plane's flight level.

The new altimeters are designed to exceed the accuracy requirements of the Federal Aviation Administration. Pan Am and other airlines are voluntarily undertaking the task of equipping aircraft with the necessary electronic gear in order to be ready for the day when this element of air traffic control will be a standard operating procedure.

For example, engineers are developing automatic altitude reporting gear to be standard equipment of future generation 747 Superjets and supersonic transports. New Boeing 707 jet transports, delivered to Pan Am since August 1967, are equipped with special computers which give the aircraft automatic altitude reporting capability.

Aircraft delivered to Pan Am prior to August 1967, will be retrofitted with automatic altitude reporting gear.

CAPTIVE NATIONS WEEK

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1968

Mr. ROBISON. Mr. Speaker, the week of July 14 marks the 10th observance of Captive Nations Week. On this occasion we are once again drawing attention to the plight of peoples in Europe and Asia who have been subjugated by the imperialist policies of Communist Russia.

The peoples of these countries, having no desire for allegiance with or military protection by the Soviet Union, were arbitrarily deprived of their sovereignty, their dignity, and their individual freedom. While it is true that there has been a change in the severity of the Communist rule in some countries of Europe, nevertheless the fact remains that the individual citizens in these countries are deprived of the basic rights of citizens which are guaranteed by such charters of liberty as the Declaration of Human Rights of the United Nations.

During the past 50 years, some 22 countries including Poland, Hungary, Ukraine, Czechoslovakia, Rumania, East Germany, and Bulgaria have been forcibly dominated by the Soviet Union.

The three small states of Lithuania, Estonia, and Latvia are particular examples of the most deplorable policies of Soviet Communist imperialism. My concern for the tragic fate of the heroic people of the Baltic States caused me to introduce House Concurrent Resolution 287 in the 89th Congress to protest the bondage of the Baltic countries behind the borders of the U.S.S.R.

We should put forth every effort to obtain a frank and open discussion as to the future fate of these forcibly annexed nations. This week should be a time for deliberation on measures that would advance the prospects of liberating these captive nations. I have for some time urged the establishment of a Special House Committee on Captive Nations to focus attention on such measures.

However we proceed, it is time for men to unite and advance in a concerted effort toward creating a peaceful world order in which every nation has the right of self-determination. Thus it must continue to be our solemn goal to do all in our power to signify to these people that we will never forget the captive nations, nor accommodate ourselves, even in our minds, to their permanent captivity.

CHEERS OR JEERS FOR THE FLAG

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. HALPERN. Mr. Speaker, the highly respected Chaplain of the Senate, Dr. Frederick Brown Harris, has written the most beautiful tribute to the flag of our Nation that it has been my privilege to read in many years. It was published in the Washington Star of July 14, 1968, under the title "Cheers or Jeers for the Flag," and it asks us what has happened to the surge of pride in the hearts of Americans when anywhere the Stars and Stripes are unfurled.

Mr. Speaker, Dr. Harris discusses this question so eloquently that under unanimous consent of the House I include the full article in the Extensions of Remarks:

SPIRES OF THE SPIRIT: CHEERS OR JEERS FOR THE FLAG

(By Dr. Frederick Brown Harris)

What has happened to the exultant surge of pride in the hearts of Americans when anywhere the Stars and Stripes are unfurled?

In this year of our Lord, in the life of our nation—and of all nations—there is little necessity to exhort people inside our nation, and outside our nation, to shout our faults and failures from the housetops. There already are too many experts in that field.

Of course, villifying America has been the stock in trade of jeering tyranny, expressed in half-truths and outright misrepresentations as with gleeful delight they hold a magnifying glass over our admitted imperfections. We do not expect them to cheer for the red, white and blue!

But our deep concern is the contemporary tendency for misled citizens of this valiant land—the envy of all the earth—to follow the example of covetous outsiders who push their hate campaigns against anything they dub American.

One thing to remember is that dictatorship washes its soiled linen in private. Nothing is made public which does not pass official censorship. The whitewashed reports given to the enslaved, and to the outside world, are "doctored" to conform to the purposes of tyrants whose will is the nation's policy. In a genuine democracy all is different. It is what is wrong which is likely to be exhibited.

In competition with the iron regime of conformity, government of the people, and by the people, has a temporary disadvantage. Its dirty linen is hung out on the public common for all to behold. There are investigations and revelations which enrage and shock the preponderantly decent members of the commonwealth. Those who are aghast at the iniquity exposed are likely to lose a sense of proportion and, looking with scandalized eyes, to ask in despair, "Is this America?"

With all that tends to drag the American dream from its pinnacle, there never was a time since Betsy Ross designed the starry banner which has been lifted in heroic yesterdays from Independence Hall to South Vietnam when it was more appropriate for Americans with a Te Deum in their hearts to sing, "Three cheers for the red, white and blue!"

Where, oh where, but in America is plenty so shared, need so alleviated, sympathy so abounding, gulfs so bridged? It is the land of the friendly face turned to all the world. Quite significantly a great British newspaper, true to the Union Jack, the Manchester Guardian, declared editorially some time ago: "The United States has done more than any other country to guarantee peace in the world. The United States has done more than any other country in the world to help others, and to secure their help, prosperity and welfare." And so, from 3,000 miles away, under English skies we hear the refrain, "Three cheers for the red, white and blue!"

Discouraged and disgusted Americans, deceived by a distorted sense of proportion, need to read the story of Elijah. In a fit of depression he believed that the whole nation had turned to denial and corruption. He thought that he alone had preserved national honor. Sitting under a juniper tree he wished he had never been born. But he was mistaken. God told him there were many quiet homes where people, such as are the leaven of any land, had not defiled their garments. And so, Elijah ran up the flag again with pride, as we must do in our own land.

There are many who, failing to put crimes against the state in their true proportion to righteousness in this good land, come to think of the flag as having lost the stars of its idealism, and the white stripes of its virtures, leaving nothing but a waving red blush of shame as a national emblem. But, thank God, this is not so! To be sure, corruption gets the headlines; but to one traitor to the flag there are thousands whose patriotism is as pure as that of the founding fathers.

In this epochal day, with many "false lights on the shore" and with those on board who do not have America in their hearts, still with swelling pride we can join in the cheers which ring in Angela Morgan's lines:

"Let us cry it aloud from the steeple—
Let us shout where the darkness is hurled.
Lo!—look to the light of all people—
America—torch of the world!"

COMMUNISTS AND OUR MILITARY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. RARICK. Mr. Speaker, U.S. Judge Bazelon has ruled that a Communist enemy in our military ranks cannot be given a dishonorable discharge. I wonder what enemy he thinks compels us to maintain a standing Army? Why are our boys in Vietnam? Foreign aid is to stop Communist aggression?

At least the unelected Federal judges ruled that a Communist can be excluded from military service with our loyal sons and fathers.

I place a clipping from the Washington Daily News for July 18, in the RECORD at this point:

RED TIES NOT ENOUGH FOR DISCHARGE

The U.S. Court of Appeals ruled today that U.S. servicemen cannot be dishonorably discharged because of association with the Communist Party.

The three-judge panel said, however, that such servicemen could be separated—but not under dishonorable conditions—from the service if there was sufficient doubt of their loyalty.

The suit was brought by Charles Kennedy, a practicing physician in New York, who claimed he was dishonorably discharged from inactive-duty status in the Naval Reserve solely because of his connections with the Communist Party. The suit said that Dr. Kennedy had been commissioned in 1945, spent one year on inactive status, two years on active duty and two years on inactive status before being discharged "under conditions other than honorable for the good of the service."

Judges David Bazelon and Charles Fahy agreed that Dr. Kennedy's record—the plaintiff did not deny his communist ties—were insufficient grounds for that kind of discharge. Judge Warren Burger dissented.

HON. JOE POOL

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. TEAGUE of Texas. Mr. Speaker, I, like many other Members of this body, was shocked when I heard of the untimely and sudden death of our colleague, Joe Pool, of Dallas, Tex. I had known Joe personally for some time prior to his becoming the Texas Member-at-Large in the House of Representatives and welcomed him to this body. As all of us know, he soon made his presence known with his activities on both the Post Office and Civil Service Committee and the Committee on Un-American Activities.

Yesterday Mr. Pool was laid to rest in his hometown of Dallas. He was eulogized by a former colleague of his in the State legislature the Honorable Jimmy Phillips of Beaumont, Tex. Under leave to extend my remarks in the RECORD, I wish to include the eulogy offered by Mr. Phillips.

I have had the good fortune to have had the opportunity to have been closely associated with my friend Joe Pool for more than forty years.

As a friend, it is difficult and well nigh impossible to find the words to express my feelings on this sad and tragic occasion—there is so much that can be said.

Joe Pool was a likeable, jovial, jolly, compassionate, unsophisticated and down to earth man whose dedication and candor set him apart from most men.

As one editorial writer put it so aptly, "Joe was an American who believed to the core of his soul that this country was freedom's mighty protector and any man who soiled his citizenship by veering only slightly in dedication to the United States of America was his enemy".

His constituents have lost a fair and fearless Representative, Texas has lost a lawmaker of impeccable character, and the Nation has lost a dedicated and determined crusader for what is right for America.

Joe Pool, through his hard work and long hours on the job in Washington, earned the respect of his colleagues on both sides of the aisle, and it is so ironic that he was cut down at the very zenith of his career: and it is typical of the man that he was on a mission of service to his country at the very time he was stricken. Joe Pool, as many others before him, gave his life for his country.

Through the years, I have watched Joe travel his path of public service—as a member of the University of Texas student assembly during the years we both worked our way through the university in the midst of the depression.

As an intelligence officer during World War II, as a member of the Texas Legislature, during which time we both served together in that body where he distinguished himself with his legislative investigations and his legislative programs.

As a Member of the United States Congress, during the past seven years, where Joe earned the respect of his colleagues, the affection of his constituents, and the grudging admiration of his detractors.

Our paths have crossed many times in the past forty years and I have had occasion to observe Joe during his finest and happiest hours when surrounded by his family and friends he tasted the fruits of victory in winning elections.

I have also been with him as he experienced bitter political disappointments on occasions when he lost elections.

One of the things I shall always remember most about Joe, besides his dedicated and zealous work as a public servent, was his absolute refusal to ever accept defeat.

Even in his darkest hours his *almost unbelievable and incredible ability* to remain confident, continue his optimism, and proceed undeterred toward his goal of dedicated public service in spite of all obstacles *always amazed* me.

I shall always remember Joe's compassion—I have witnessed many times his pleasure and satisfaction when he was able to be of help to ordinary folks—his constituents who looked on him as their only hope for assistance in problems confronting them. His happiest moments came on the occasions he could call some anxious constituent and report success of his efforts to solve their problem.

This deep concern for the needs of his constituents was always evident—even to the very last minute of his existence on this earth.

Among his effects found in his pocket on the night of his death was a note in his handwriting to himself reminding that he must stay in touch with the wife of a Viet Nam veteran reported "missing in action" and continue his efforts to try and secure information on the fate of the missing Viet Nam veteran.

There was *not even the slightest* evidence of any petty vindictiveness anywhere in Joe's makeup——

There was *not any evidence of any fear* for his own safety in his sometimes dangerous and hectic experiences with those who vigorously and sometimes violently expressed their disapproval of his activities as a public servent.

There *was every evidence of his dedication,* determination and extreme candor in carrying out what he believed would help keep his country safe from danger from within or without.

Joe was a kind and compassionate person whose public image would not project this characteristic to those who did not know him—*I never knew Joe to ever turn anyone away,* even some of his severest critics and worst political enemies, who asked him for assistance got his help—and he many times brushed aside suggestions from his friends that he should not bother to waste his time on his enemies.

Joe was a dedicated family man—proud of his wife and children—his major concern with his job in Congress was that it kept him away from his family more than he would like. And he many times expressed his concern to me about being away from his loved ones so much.

Joe Pool was a rugged, determined, hard-working member of the House Un-American Activities Committee. As a ranking member, he saw the committee as a court of last resort for this freedom loving nation—a vital instrument for rooting out those who would overthrow this system of government.

His actions gained him national publicity and the admiration of law-abiding Americans everywhere—200,000 letters pouring in to Members of Congress during this session objecting to a pending bill abolishing the House Un-American Activities Committee,

to me, is the best evidence of America's stamp of approval of Joe's work.

Another editor's comment regarding Joe is so typical of the man that I quote it here . . . "It was to Pool's credit that it was hard to be neutral about him. To his detractors he was a formidable opponent—frank, hard-hitting, unafraid—he never backed away from a fight"—the wrath and extreme viciousness of his enemies who opposed him never caused him to waiver from his goal.

I believe the greatest tribute paid to Joe since this tragedy, has come from people—not personally acquainted with Joe—just ordinary folks living in his congressional district—passing by his bier and commenting: "The Congressman did not know me but I knew him."

Most applicable to Joe, as though he specifically had Joe Pool in mind when he wrote it, is a passage which poet James Thurber once wrote about one of his friends, and I quote . . .

"He made many friends—and lost very few, he made the right kind of enemies and kept them all. This is not to place a premium on making enemies—it is but to say this man . . . stood for something!"

JIMMY PHILLIPS.

CAPTIVE NATIONS WEEK

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1968

Mr. MURPHY of New York. Mr. Speaker, this week marks the 10th anniversary of Captive Nations Week. It is important that we, a free people, take this opportunity to reaffirm our support of those unfortunate people throughout the world who, but for the oppression of a Communist dictatorship, would be free.

Freedom knows no political boundaries or geographic limitations; it is a part of the human spirit, and as such is a driving force which will ultimately triumph over oppression wherever it may exist. Our own Nation was founded and lives today in this spirit of freedom.

While freedom is universally desired, however, it is not universally enjoyed. People in many nations, particularly in Eastern Europe but in other areas of the world as well, are denied this basic human right by the oppression of Communist-imposed dictatorships. For these millions, freedom is not the reality, but the dream. These people represent the captive nations about which we speak today.

This week we should reaffirm our dedication to the proposition that all men should be free, and we should continue to do whatever is in our power to work for their eventual freedom, for when freedom is denied anywhere it affects free men everywhere.

It is also vital that we protect freedom wherever it is threatened, for when freedom is threatened anywhere, it is threatened here at home. Today in Vietnam we are doing just that. We are helping the free nation of South Vietnam to protect itself from Communist aggression. We are fighting to make sure that Vietnam does not become another captive nation. I am happy to join my colleagues and freedom-loving people everywhere in working toward this goal.

TENTH OBSERVANCE OF CAPTIVE NATIONS WEEK

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1968

Mr. CRAMER. Mr. Speaker, I rise to add my voice to what has already been said. It is indeed the duty of every American and of this body to constantly remind ourselves of the continuing plight of those captive peoples of East-Central Europe.

This week we are observing Captive Nations Week in honor and remembrance of the 100 million Europeans struggling for independence under their present Communist regimes.

The goals and purposes of this observance are perhaps best expressed in the words of the Captive Nations Week manifesto, the text of which follows:

CAPTIVE NATIONS WEEK MANIFESTO, 1968

The undersigned organizations, dedicated to the restoration of freedom in the captive nations, call attention to Public Law 86-90, uanimously adopted in 1959 by the Congress of the United States, by which the third week of July each year was designated as Captive Nations Week.

Recent developments in East-Central Europe indicate that the Communist system is confronted with built-in problems and deep-seated strains and tensions. The record of over two decades of Communist rule brings into sharp focus continued oppositions of the East-Central European peoples to unpopular, self-perpetuating 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. The Czechoslovak people, animated by a "consciousness" of twenty years of injustice, have been the crucial motivating force behind the change sweeping their country.

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. A policy of official anti-Semitism was hastily introduced to divert public attention from the real issues involved.

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 aspirations of the workers and the farmers—be fully aired at meetings and conferences held in conjunction with the International Year for Human Rights, proclaimed by the United Nations as well as by the President of the United States.

This year thus opens up new horizons for a closer look at the pressing problems of fundamental human rights in East-Central Europe and for a timely initiative to make the implementation of these rights an objective of Western policy.

For the peoples of East-Central Europe, it is important to learn of the continued determination of the free governments of the world to lend their moral and political support to the rightful aspirations of their captive East-Central European brethren.

While commemorating this year's Captive Nations Week: We stress that the Soviet Union has violated its solemn promises of freedom and independence to the nine nations made captive during and after World War II—Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Rumania;

We also stress that the Communist regimes in the East-Central European nations continue to suppress the will of the people by denying periodic and genuinely free elections. We appeal to the free governments of the nations of the world:

1. To declare, in accordance with the principles of the Atlantic Charter, the Universal Declaration of Human Rights and the Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries, adopted by the United Nations on October 14, 1960, their support of the right to self-determination of all people held captive by the Communists and, consequently, to make this issue the permanent concern of the United Nations;

2. To use every opportunity to press the Soviet Union and the Communist regimes of East-Central Europe to restore to the peoples of these countries the full enjoyment of the rights and freedoms guaranteed in the Universal Declaration of Human Rights;

3. To bring to world attention the urgent need for a responsible attitude by the free nations of the world designed to help bolster the morale of the East-Central European peoples and thus create a climate favorable to their quest for full national sovereignty and individual freedom and dignity.

We appeal to the People of the United States of America to manifest during Captive Nations Week, July 14–20, 1968, their awareness of the importance of freedom for 100 million peoples in the Communist-dominated lands to the establishment of a valid European settlement and world peace.

CHRISTOPHER EMMET,
Chairman, American Friends of the Captive Nations.

GEORGE M. DIMITROV,
Chairman, Assembly of Captive European Nations.

CAPTIVE NATIONS WEEK

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1968

Mr. MINISH. Mr. Speaker, I take this opportunity during the 10th anniversary of Captive Nations Week to reaffirm my belief in the right of all the people of the world to self-determination and to liberty. I am sure I speak for the overwhelming majority of American citizens when I say we have not, and shall not, forget those less fortunate individuals around the world who live under the oppressive heel of totalitarian communism.

Recently we have witnessed encouraging signs of a liberalization in certain Eastern European countries, notably Rumania and Czechoslovakia. While we may all view this movement with hope for the future, we do well to remember the experience of Hungary a decade ago when that nation began to move toward a less oppressive form of government. The lesson here is that there is no firm and permanent guarantee of the basic hu-

man rights of freedom, liberty, and justice under a communistic system of government. The State is supreme and controls all forms of expression and political activity. While it may temporarily loosen its grip on the lives of its subject, these controls can reappear at any time in even more tyrannical forms.

Mr. Speaker, each year Captive Nations Week serves as a fitting reminder that millions of enslaved people in the Communist world are not allowed to choose their own system or to achieve their own destiny. We must recognize the plight of these people and pledge our moral support to their struggle for basic human dignity.

OCCUPATIONAL HEALTH AND SAFETY BILL

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. ADAMS. Mr. Speaker, the problems of occupational health are usually illustrated and underscored by an array of facts and figures which reflect the enormous loss suffered by the Nation's industrial production when workers, because of illness or disability contracted on their jobs, are absent from work.

But what of the other side of the coin? The family man who suddenly comes down with a skin eruption caused by some chemical or other irritant connected with his job? What about the flareup of a cough caused by the inhalation of dust in the shop?

No one has bothered to try to calculate the number of family plans that have had to be scrapped, the domestic dislocation caused when the breadwinner comes down with some job-related illness. Remember that despite our industrial sophistication there are still many job shops where you work by the hour or by the day—if you are there you get paid, if not—too bad.

One of the less dramatic results of occupational disease occurs when a worker develops a sensitivity to the materials he has been handling without trouble, often for years.

This sort of problem is happening with increasing frequency among fiberglass workers, for instance. In some cases, the worker has to give up his job, the seniority he has accumulated, the skill he has learned—all of which results in a terrible loss to the individual concerned and to the employer who loses the services of a worker with proven experience on the job.

Often, the cumulative effect of a given job is anything but safe—ranging from harmful to fatal. One of the most difficult problems associated with occupational health hazards is that the origin of many dehabilitating conditions all too frequently escapes detection.

Only by a long-range research and control effort can we hope to avoid many of the occupational diseases, especially in the field of occupational respiratory diseases and occupational lung cancer. This is but one reason for supporting the Occupational Safety and Health Act of 1968, H.R. 17748, but it is enough.

THE WAR ON CRIME

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. COLLIER. Mr. Speaker, during the 7 years that elapsed from 1960 to 1967, the number of crimes committed in the United States increased by an astronomical 88 percent, while the number of inhabitants went up by only 10 percent. There was a 41-percent increase in the number of murders and a 61-percent increase in the number of forcible rapes. Aggravated assaults went up by 66 percent.

Let us look at some other figures. Burglaries increased by 79 percent, robberies went up by 86 percent, the number of automobile thefts doubled, and the number of larcenies involving at least $50 each increased by 103 percent. As we examine these figures, we must bear in mind that many crimes are never reported.

The 90th Congress has been dealing with the problems caused by several wars—the war in Southeast Asia, the war on inflation, and the war on crime, all of which have escalated during the last 7 years. We are all hoping that the negotiators who are presently meeting in Paris will be able to conclude an honorable peace and thus terminate the longest war in which our Nation has ever been engaged. As fiscal 1968 came to an end with a $25 billion deficit in the Federal budget, Congress struck what we hope will prove to be a major blow against inflation by combining a 10-percent surtax on both individual and corporate income tax payments with a $6 billion spending reduction.

What about the other conflict—the war on crime? Many of my constituents are concerned about the war in Southeast Asia, as they have sons, husbands, fathers, brothers, or fiances in Vietnam. The people who live in my district are also worried about inflation, as the value of their dollars continues to shrink, not only from one year to the next but between to the grocery store. The residents of the 10th Illinois Congressional District are also concerned about the crime problem and the breakdown in law and order.

While it will obviously be impossible to completely eliminate crime from an imperfect world, it is imperative that we do something to improve the situation. If we cannot secure a final victory in the war on crime, we can at least win a few major battles by reducing the number of murders and other vicious crimes.

The Congress recently took a long first step by passing anticrime legislation. Among other things, the bill which took effect when President Johnson affixed his signature authorizes $400,000,000 of Federal money to strengthen local police departments, permits the police to use electronic "bugs" and wiretaps under court supervision, gives them more leeway when they question suspects, and makes voluntary confessions admissible in court.

The Congress was, I am firmly convinced, carrying out a popular mandate when it passed the final version of the anticrime bill by overwhelming votes, by 368 to 17 in this body after the other body had passed it by 72 to 4. Those who opposed the measure on final passage did so for the most part because they could not accept all of its many provisions and certainly not because of a reluctance to restore law and order to the Nation.

What else needs to be done if we are to bring the crime problem under control?

We must cease condoning lawlessness because of the economic status of criminals, particularly since millions of poor people do not engage in criminal activities. The increase in crime to which I referred earlier was accompanied by the greatest material prosperity this Nation has ever known. Besides, to place the entire blame for the increase on the poor is to perpetrate an injustice, as many crimes have been committed by the middle class and the well to do who do not have the excuses of poverty, lack of work, and illiteracy.

I must mention in passing that this Congress and its predecessors have provided many billions for aid to education and the war on poverty, but crime continues to accelerate.

According to the report of the Commission which the President appointed to investigate the crime situation, less than 21 percent of the crimes that are reported to the police are cleared by arrest and less than 6 percent result in convictions. Many of the criminals who are included in the 6 percent are briefly incarcerated and then turned loose by short sighted parole boards to commit new crimes.

I recognize the necessity for a parole system, but it ought to be a sensible one whereby those who commit minor crimes can be rehabilitated and not an irresponsible one that permits vicious murderers and rapists to resume their criminal activities.

One of the reasons for the low percentage of arrests is the hamstringing of our policemen by some of the more ridiculous decisions of the courts, from the highest to the lowest. Similarly, one of the reasons for the even lower percentage of convictions is the fact that the lower courts are bound by the precedents set by the Supreme Court, whereby murderers have been turned loose on the flimsiest of technicalities.

While the anticrime measure which the Congress recently passed imposed some restraints upon the Warren court, more remains to be done. Let us hope that the other body will act with deliberation and caution as it prepares to fill the vacancy on the U.S. Supreme Court that will arise with the departure of Earl Warren. Whether his successor is appointed by Lyndon B. Johnson or by the next President, he ought to be well qualified academically, with sufficient lower court experience and a sense of judicial restraint.

The coming 91st Congress ought to consider legislation that would limit the appellate jurisdiction of the Supreme Court and require minimum appellate court experience for any future appointees.

Mr. Speaker, the steps which I have outlined will not usher in a millennium of total respect for law and a complete absence of criminal conduct, but I believe they will go far to help the decent law-abiding citizens to win an occasional battle in the war on crime.

ENDANGERED EDGE OF THE SEA

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. DINGELL. Mr. Speaker, the July 19, 1968, issue of Life magazine carries an excellent editorial entitled "Endangered Edge of the Sea." The editorial points up the vital importance of estuarine areas to mankind's well-being and then takes note of the short-sighted manner in which we in America are destroying this invaluable resource. The editorial also alludes to my bill, H.R. 25, as legislation which will protect our estuaries. So that my colleagues may be familiar with the editorial, I include it at this point in the CONGRESSIONAL RECORD:

ENDANGERED EDGE OF THE SEA

The tidal zone where America borders the sea in bays, marshes, estuaries, sloughs and flats may be the least understood and most maligned fraction of our natural world. The shallow edge of the sea where salt water mingles with fresh, commonly called the estuarine zone, is the most productive acreage known to man. It provides food and sport, moderates our weather and protects us from the weight of a storm-driven ocean. In return we dredge its shallows, pile muck onto its marshes, dam it off with highways and bulkheads and glorify our efforts as "reclamation." We aren't reclaiming a thing—we are destroying. And unless the Congress and the states move quickly to put into law the protective measures demanded by ecologists we will have sacrificed one of our greatest wealths to create dry sterile land that the nation already has in abundance.

Two thirds of all our fish and shellfish—and that includes such choice species as the bluefish and striped bass, the shrimp, the shad, the salmon and the oyster—spend all or a vital part of their life cycle in the estuarine zone. Wipe out the estuarines and you wipe out the fish.

The ecology of this continent is based on the interaction of thousands of species in zones that are often immense. Gut a bay by dredging it for gravel and more than the fish are affected. A key link in a waterfowl flyway may have been broken. Insects that were never a great problem suddenly become a plague. The bay's ability to cleanse itself of sewage may have been lost and it becomes an open cesspool.

Just this sort of problem is building in San Francisco Bay. Already shrunk from its original 700 square miles to 435 by the haphazard filling of its shores, the shallow bay is in danger of being squeezed down to an ignoble drainage ditch. In the entire state of California 67% of the wetlands area has already been lost. In Connecticut only 20 square miles remain and on Long Island, in a recent span of only 10 years, 29% of the wetlands were demolished.

It is tragically late to recognize the problem, but there are signs of an awakening. Massachusetts has enforced, since 1965, a stiff law requiring permits for all alterations of estuarine areas. And in San Francisco the Bay Conservation and Development Commission has had the power to veto filling projects for the past three years while it worked out a master plan for bay development. Recognizing that a bay is far too valuable a resource to be preserved solely for the needs of ecology, the BCDC suggests strongly that future development of the shoreline of San Francisco Bay should be restricted to projects for which such a location is vital—port terminals, ocean-based industries and recreation areas (right now only 10 of the bay's 276 miles of shoreline are open to the public).

The BCDC is scheduled to go out of existence next year. If that happens, control of filling will revert to the localities. And it is not easy for any city or county to ignore the siren call of a developer who promises to reclaim acres of "useless" marsh and add it to the tax rolls—particularly when the marsh makes its greatest contribution to fishermen in another state or duck hunters a thousand miles away.

Because the problems and values of estuaries transcend local boundaries, their protection can be guaranteed only by federal standards, binding on the states. Just such a measure passed the House of Repersentatives in February. It is languishing now in a Senate committee. And it will continue to languish until Americans realize, as John Clark, president of the American Littoral Society, puts it, that "the shore is in the same danger now that the forests were when Teddy Roosevelt took office." An acre of cutover forest will come back, given time. An acre of marsh 20 feet under the town dump is gone forever.

AMISTAD DAM

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. FISHER. Mr. Speaker, now 96 percent complete, the international Amistad Dam and Reservoir, being constructed on the Rio Grande just above the city of Del Rio, Tex., will soon be a reality.

This mammoth flood control and water conservation project will have a capacity in superstorage, flood control, conservation, and silt storage of 5,660,000 acre-feet. It will also produce hydroelectric power, with an ultimate capacity of 80,000 kilowatts for the United States and a similar capacity for Mexico.

The gates have been closed and water is now being impounded. The lake will ultimately become the 20th largest reservoir on the North American Continent.

Total cost of this project will approximate $80,000,000. Cost, like the water, is allocated 56.2 percent to the United States and 43.8 percent to Mexico under the 1944 boundary treaty.

The dam rises 254 feet above the riverbed and at maximum water surface elevation, the reservoir water surface will be approximately 80 miles up the Rio Grande. Of the 851 miles of highly indented shortline, an estimated 547 miles will be located in the United States.

Under the direction of the National Park Service, a vast recreational area adjacent to the lake has been established. I have introduced legislation to implement and expand the public use that will be made of the lakeside area. Coleman C. Newman has been appointed the first superintendent of the Amistad Recreation Area. It is estimated that 2 million visitors will take advantage of this facility each year, for which Del Rio, the Queen City of the Rio Grande, will be host.

Since my bill authorizing this great project was approved by the Congress in 1964, the joint construction has proceeded, under the able direction, on the U.S. side, of Joe Friedkin, Commissioner of the International Boundary and Water Commission.

Recently Mr. Friedkin released a progress report, a copy of which follows:

INTERNATIONAL AMISTAD DAM CONSTRUCTION STATUS REPORT, JULY 1, 1968

Joint construction by the United States and Mexico of the International Amistad Dam on the Rio Grande near Del Rio, Texas-Ciudad Acuña, Coahuila, is 94 percent complete at the start of the 43rd month of construction. The construction is on schedule. The construction sluice gates were closed May 31, to enable storage of flood waters. Final completion of the dam is scheduled for the spring of 1969.

The cost of the dam is divided—United States 56.2% and Mexico 43.8%. Each country is constructing a part of the dam, performing work corresponding to its part of the cost.

Work allocated to the United States is 90 percent complete. The United States contractor is currently engaged in work on concrete placing operations on the spillway monoliths and the United States non-overflow section. Work allocated to Mexico is 100 percent complete.

Total work completed on the principal features of the dam to date are:

Foundation excavation, 2,634,000 cu. yds., (complete).

Embankment placement, 11,877,000 cu. yds., (99%).

Rock structural excavation, 2,243,000 cu. yds., (99%).

Concrete Placement, 1,753,000 cu. yds., (97%).

The United States work is being performed by a combine of four United States contractors, Perini-Vinnell-Jones-Leavell, and the work in Mexico, by the Mexican contracting firm of La Victoria y Asociados, S.A.

J. F. FRIEDKIN,
Commissioner.

MOVING IN THE WRONG DIRECTION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. ASHBROOK. Mr. Speaker, the infamous anti-American Robert Williams, the fugitive revolutionary who has bounced from Cuba to Red China to Africa, has threatened a black nation within the United States for American Negroes. The threats as he explains them are contained in a news article from the Columbus, Ohio, Dispatch of July 14. I

will include it with my remarks since it is important to note that there are activities such as these and persons both within our Nation and abroad working toward such absurd goals.

It is important to place such remarks into a proper perspective. While Williams as a Communist revolutionary, has called for revolution at various times and for various reasons, and has attempted to provide for every radical who might want it instructions outlining methods of destroying and rioting; while all this is true, he certainly is not the leader of a large number of Americans. The "we" that he uses in his speech represents a small number of radicals who froth at the mouth at every chance to break the rules of society.

The idea of a "black nation" in the Southern United States is not new. Communists called for such a "nation" decades ago and have also tried to generate sympathy by similar attempts to split off, in their terms, a "Negro nation." Their problem has been, of course, that Negroes are proud Americans and the vast, vast majority are opposed to anything or anyone of Williams' stripe.

Williams and those like him are certainly moving in the wrong direction. This is indeed the opposite direction. The article follows:

FUGITIVE WANTS BLACK REPUBLIC IN SOUTH

(By J. B. Thomson)

DAR ES SALAAM, TANZANIA.—Robert Franklin Williams says he and his followers intend to found a black nation in the American Deep South—peacefully if possible, but "I think we will have to fight for it."

Williams is a 43-year-old fugitive from a North Carolina kidnaping charge who was elected "president of the Black Republic of New Africa" at a Detroit gathering of 50 Black Power delegates last March.

The Detroit gathering decided that, regardless of the reaction from Washington and the indigenous citizenry, New Africa would be carved out of Alabama, Georgia, Louisiana, Mississippi and South Carolina.

Williams has spent most of the last seven years in Havana and Peking. Just now he is biding his time at a small bed-and-breakfast hotel in this humid capital of Tanzania, Red China's friendliest ally in Africa.

Calm and relaxed, he said in an interview that he expected a war in the United States on the ground that white Americans do not intend to integrate and the Negroes no longer want to be part of "a corrupt American society."

The States chosen for incorporation in the projected Negro republic were singled out, he said, because they benefited most from slavery and now have the heaviest concentration of Negroes.

The aim for this independent, sovereign entity, he said, is to attract Negroes from all over the United States—scholars, laborers, city dwellers and farm workers—to live under a government operation a one-party system with collective ownership of industry.

A bewhiskered, slightly paunchy six-footer, Williams expressed belief that this is the time for Negro militancy.

"There isn't going to be any integration," he said. "White Americans don't want it and don't intend to give it and the civil rights issue is long dead.

"If nonviolence for civil rights was ever going to achieve anything we would have integration today, because we have had an awful lot of nonviolence.

"The only thing left for us is to have our own state, where we can live in dignity.

"And we intend to have it—perhaps peacefully, if the U.S. government and the white Americans are sensible, and with bloodshed if they are not.

"It would be a different kind of war, an urban guerrilla struggle. And we can win it because America cannot defeat 22 million people within the one country and not destroy itself in the process.

"We can wreck America through her industry . . . We are on the inside. We can do it. The U.S. government had better know this."

Williams said more and more Negroes today were thinking along his lines, that nothing will be won through peaceful means.

"Only violence or the threat of violence has achieved anything for Negroes," he said. "We plan violence if the U.S. government does not give us our country. If the government is sensible it will see the justice of our cause. It could save America from devastation."

Williams carries a Chinese travel pass. He has written a book and various pamphlets. The book, "Negroes with Guns," tells much of his story.

He contends the indictment for kidnaping, growing out of abduction of a white couple after a racial flareup in 1961 in Monroe, N.C., was based on a trumped-up charge. He fled to Communist Cuba, where he staged "Free Dixie" broadcasts to U.S. Negroes via Radio Havana.

He shifted in 1966 to Peking, where he put out a newsletter, "The Crusaders," which was barred last year from the U.S. mails.

Williams says he is awaiting a call from his "inside" helpers to return to the United States, legally or otherwise.

The ranking helper is his "first vice president," Milton Henry, 47, a Pontiac, Mich., attorney.

CAPTIVE NATIONS WEEK, 1968

HON. WILLIAM H. BATES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1968

Mr. BATES. Mr. Speaker, as we participate in the 10th annual observance of Captive Nations Week, it is ironical that the headline news of this week includes reports of efforts by the Soviet Union to force its satellite state, Czechoslovakia, to back down on its liberalization as evidenced by its response to demands by its intellectuals and students for more freedom of expression.

The pressures being brought by Russia and the governments of some of her more "loyal" captive nations upon Czechoslovakia graphically illustrate the problem with which we are concerned in marking Captive Nations Week. Similarly, efforts in Rumania and Poland to swing away from the rigid controls of their Communist regimes are being beaten back by the Soviet Union and the local government leaders charged with maintaining suppression of all thought and action not strictly in line with the edicts from Moscow.

All this seems to affirm the fact that the Red states and their Communist Party apparatus are determined to keep a billion people under a domination which is the exact antithesis of the freedom and independence which we in the United States enjoy and to which all peoples everywhere are justly entitled.

Under the United Nations charter, all member states, including Russia and most of her satellites, "pledge themselves to take joint and separate action" to promote "universal respect for, and observance of, human rights and fundamental freedoms for all."

The Soviet Union voted for the Universal Declaration of Human Rights nearly two decades ago, yet it has continued to deny application of the rights and freedoms guaranteed by that Declaration to the peoples of Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, and Rumania, all captive since World War II, and the other nations of East-Central Europe and Asia whose destinies the Soviets control.

As we once again reaffirm our belief in the aforequoted objective reiterated by the United Nations organization, we pray that the peoples of the captive nations may have the courage and persistence which will somehow persuade their dominators to permit them to realize the liberation so long denied them. We must continue to exert every effort to convince the Communist overlords that they must put into practice the pledges to which they have so glibly given lipservice to the outside world for the past score of years.

REMEMBERING THE CAPTIVE NATIONS

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1968

Mrs. DWYER. Mr. Speaker, once again Members of Congress have an official opportunity to commemorate Captive Nations Week and in doing so to consider the plight of the citizens of once-free nations now behind the Iron Curtain who continue the struggle for freedom and independence, to review the painful progress being made in some countries toward a more free and open society and the harsh repression still being exerted in others, to reflect on those additional measures of encouragement which those who are blessed with freedom might take with respect to our less fortunate brethren in Eastern Europe, and above all to demonstrate again and again, at every opportunity, our sense of oneness with those who strive to recapture their liberty.

We have not forgotten the people of the captive nations, nor can we forget them so long as we cherish freedom.

As further evidence of the concern being shown by our people, Mr. Speaker, I include as a part of my remarks an editorial from the July 15 issue of the Courier-News of Plainfield, N.J., and the texts of a resolution adopted by the Captive Nations Committee of New Jersey and a proclamation issued by the Governor of New Jersey:

CAPTIVE NATIONS REMEMBERED

We live in a period of paradox.

At a time in our history, when many wonder why we have taken a firm stand in Vietnam against the advance of Communist aggression; we see nine East-Central European Countries trapped behind an iron curtain and denied the fundamental rights of truth, justice and liberty.

At a time in our history, when we seek to promote international travel, cultural exchanges, disarmament and better understanding between the Soviet Union and the United States; we are witness to an international movement that has already moved into nine East-Central European Countries and which is threatening beyond Europe into Asia and the Far East, Africa, the Middle East and to the very doorstep of the United States in Latin America.

The nine nations are Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Romania. They are the Captive Nations. Even today we read news reports of power plays to keep pressure on those satellite states of the Soviet Union.

The Soviet Union in its carefully-worded phrases on the subject of non-aggression, peaceful coexistence and territorial integrity defends its own conquests which are skillfully executed by propaganda, subversion, economic pressure and political warfare. There is a wide difference between promise and performance. The Communist regimes they have set up to deny free men their institutions exist because of and at the pleasure of the Soviet Union. They are hardly outstanding examples of government by self-determination. They are captive nations.

The final act has not yet been played out. The world's two great nuclear powers shun direct conflict.

But within the Captive Nations the various forms of popular resistance, both violent and passive in character, are evidence to the fact that the fires of liberty have not been completely extinguished although they burn low.

Within our own nation and our own state, the effort is kept alive to let the people of the Captive Nations know that the people of the United States share with them in their aspirations for the recovery of their freedom and independence.

Daniel Marchishin of Plainfield is chairman of the Captive Nations Committee of New Jersey. This week he and his committee have called upon the members of Congress, the Governor and the mayors of our municipalities to remind our people of the Captive Nations and our indignation at the continued enslavement of those people by the international Communist conspiracy.

And the greatest paradox of all is that we must do these things so as not to offend Soviet Russia or to jeopardize our disarmament discussions or to upset the Paris peace talks. While those on the other side couldn't care less about how they offend the United States so long as they can fish in troubled waters and drop another iron or bamboo curtain to deny what we consider the inherent right of free men to justice, to liberty and to live in peace with their neighbors.

Those who need to reestablish their faith in the United States of America today and where we stand in the cause of peace with justice and honor, and why we stand there, might do well to remember the Captive Nations.

RESOLUTION: CAPTIVE NATIONS COMMITTEE OF NEW JERSEY

Whereas the week of July 14, 1968 marks the "Captive Nations Week" in the United States of America; and

Whereas the Congress of the United States has unanimously expressed in Public Law 86-90, approved July 17, 1959, its indignation at the continued enslavement by the international communist conspiracy of the Albanian, Bulgarian, Byelorussian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Polish, Romanian, Serbian, and Ukrainian peoples and many others, which are known as the Captive Nations; and

Whereas Presidential proclamations designating "Captive Nations Week" have caused the American people to be continually aware of the plight of the nations dominated by Communist Imperialism and to dedicate themselves to the support of the legitimate and just aspirations of the people of those Captive Nations; and

Whereas the desire for liberty and independence by the overwhelming majority of the people of the Captive Nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace; and

Whereas it is fitting that we clearly manifest to such people through appropriate and official means the historic feeling that the people of the United States share with them in their aspirations for the recovery of their freedom and independence.

Now therefore, be it resolved that the Captive Nations Committee of New Jersey urges: 1.) the Governor of New Jersey and the mayors of all cities and towns in the state to issue appropriate Captive Nations Week Proclamations; 2.) the members of the United States Congress from New Jersey to mark the occasion with appropriate remarks on the floor of the U.S. Senate and House of Representatives; 3.) the members of the U.S. House of Representatives from New Jersey to give their full support to House Resolution 15, submitted to the 1st Session of the 89th Congress, January 4, 1965 by Representative Derwinski, aiming at establishment of a Special Committee on the Captive Nations; 4.) the members of the U.S. Congress from New Jersey to give their full support to H. Con. Res. 757, submitted on April 3, 1968 by Mr. Patten and sponsored by Mr. Daniels, Mr. Helstoski and Mr. Rodino, so that the said resolution be acted upon favorably by the Congress.

Unanimously adopted June 17, 1968.

On behalf of the Captive Nations Committee of New Jersey.

DANIEL MARCHISHIN,
Chairman.

PROCLAMATION

Whereas, the week of July 14, 1968 marks the "Captive Nations Week" in the United States of America; and

Whereas, the Congress of the United States has unanimously expressed in Public Law 86-90, approved July 17, 1959, its indignation at the continued enslavement by the international communist conspiracy of the Albanian, Bulgarian, Byelorussian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Polish, Romanian, Serbian, and Ukrainian peoples and many others, which are known as the Captive Nations; and

Whereas, presidential proclamations designating "Captive Nations Week" have caused the American people to be continually aware of the plight of the nations dominated by Communist imperialism and to dedicate themselves to the support of the legitimate and just aspirations of the people of those Captive Nations; and

Whereas, the desire for liberty and independence by the overwhelming majority of the people of the Captive Nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace; and

Whereas, it is fitting that we clearly manifest to such people through appropriate and official means the historic feeling that the people of the United States share with them in their aspirations for the recovery of their freedom and independence.

Now, therefore, I, Richard J. Hughes, Governor of the State of New Jersey, do hereby proclaim that the week of July 14, 1968, as Captive Nations Week be observed by the citizens of New Jersey.

Given, under my hand and the Great Seal of the State of New Jersey, this eleventh day of July in the year of Our Lord, one thousand nine hundred and sixty-eight and in the Independence of the United States the one hundred and ninety-first.

RICHARD J. HUGHES,
Governor.

By the Governor:

ROBERT J. BURKHART,
Secretary of State.

AMERICAN YOUTH CHALLENGED

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, as so many of us are aware, it is in the young people of America that our best hope for the future progress and achievements of our country lies.

Therefore, it is a pleasure to call to the attention of the U.S. Congress and the American people the excellent address and inspiring challenge to our youth given by my good friend, the Honorable George J. Feldman, U.S. Ambassador to Luxembourg, at the Boston University overseas graduate program fourth commencement exercises in Heidelberg, Germany, on June 15.

ADDRESS BY THE HONORABLE GEORGE J. FELDMAN, U.S. AMBASSADOR TO LUXEMBOURG, BOSTON UNIVERSITY OVERSEAS GRADUATE PROGRAM, FOURTH COMMENCEMENT EXERCISES, HEIDELBERG, GERMANY, JUNE 15, 1968

It would be remiss of me, on an occasion such as this, not to comment on the tragic loss of Senator Robert F. Kennedy. It is ironic that an assassin's bullet should abruptly end the distinguished career of a man dedicated to an approach to politics which was essentially one of reconciliation. This senseless act becomes even more difficult to comprehend because it happened after the tragedies in Dallas and Memphis. This poses a frightening question—whether assassination has become a thinkable political act.

These are indeed troubled times, all over the world. They are times of change, of instability, of tension. Such periods of change are always marked by insecurity and uncertainty, and thus, they place a special strain on the unstable, the weaker members of society. It is in such an atmosphere of insecurity and uncertainty that such people go over the brink, lose control, grow violent, explode, seek extreme answers, resort to extreme acts.

But, you may ask, if this is a world-wide phenomenon, then why is it in America that these frightening events have happened.

I think there are several reasons for this, which may be summed up by saying that we have the weaknesses of our strengths, the vices of our virtues. By that, I mean that the very qualities and traditions that have made us strong and great also have an opposite side and cause us trouble and sorrow.

It is a fact of American life stemming from our representative form of government that our political leaders must be in close contact with the people. They do not live isolated behind high walls, but are often out with the crowd, in the crowd. This is not the case in almost any other country. Then add the following elements: the unparalleled freedom of movement within the United States; our people do not travel about with identification cards issued by the police; they are not under surveillance. And this same freedom applies also to the thousands who come to us from abroad for various reasons, often from countries with entirely different traditions. So in our heterogeneous society, all manner of people have immediate access to our leaders. In a country of 200 million people, of course, we have our share of warped minds, and this adds up to quite a few.

Then there is, lastly, that other old tradition of ours, easy access to guns. And I want to say that I personally think that is one tradition we should abandon, and right away.

When you combine all of these elements, it seems to me, you come up with an adequate explanation of why and how these things can happen in America. That does not excuse them or make them tolerable. But it is important to see them in their true perspective!

The whole world is shocked. But why is the whole world shocked, why indeed, is it even aware of these events? Because it is in *America* that they have happened. They, like ourselves, are shocked because they continue to regard us as the very cornerstone of freedom and democracy. And so, in a curious sort of way, we can find some consolation in that very shock.

In threading our way through the hard period of change upon which we are now entered, our greatest hope is in our youth. More than that, our *only* hope is in our youth. You will make a new America that is going to be much different from the old. It is up to you whether it will be a better one or a worse.

I meet many young people. I make it a point to do so. And I am glad to be able to say that I find the experience reassuring. Indeed, to bring the matter closer to home, I find that the young people who constitute the Class of '68 are just a little better prepared, just a little more qualified, to shake off the protective robes of the academic world and come out into the arena where the tedium and the excitement of day-to-day life goes on.

You will find, upon your entry into what (for the lack of a better phrase) we call the "real world," that your studies here have served you well.

You will find that your abilities to probe, to analyze, to discuss rationally, and to conclude logically, are abilities which are in great demand in this—the last third of the twentieth century.

You are going out into a world that is at once filled with wondrous things, and yet a world permeated with suffering and despair.

You are citizens of a nation that has grown and prospered and developed—yet, in which, there are many things left undone. And we have much going for us as we set about doing them. We are citizens of the most advanced nation in the world. We enjoy the highest standard of living. We have the most advanced technology and the most productive industry in the world. Similarly, we are the leaders in medicine, science, education, and the arts; students from the world over seek to enter our institutions of higher learning, reversing the situation of not so many years ago.

And despite the problems with which we are now struggling—which I shall touch on in a moment—our record of social and economic progress in the United States in recent years is without equal in modern times.

In my lifetime, our country has fought two world wars, and has been involved in major conflicts in Korea and now Vietnam. In all of these wars, we have resisted forces of selfish, ruthless agression. In none of these wars has the United States sought material gain. Our basic commitment has been a commitment to freedom, and not to colonial expansion, plunder or annexation.

Our nation was carved from a wilderness by men who cherished the priceless tradition of freedom. Our nation was built on a system of free enterprise, with opportunities for all, and all kinds of opportunity. Our nation has grown from a small scattering of colonists at Jamestown and Plymouth—to an industrial and mercantile giant that is rapidly approaching a one trillion dollar gross national product. Yes, our national accomplishments are manifold.

But at the same time the challenges that face us now are greater than ever! Your generation, as I said before, will be called upon to cope with social and economic problems the like of which the world has never seen. And those who come after you—succeeding generations—will have to be taught and inspired by what you do with your lives. This is no small responsibility.

What is the present situation? We are faced with a war in Vietnam that is bleeding the human and financial resources of the nation. We have an expanding dollar crisis—at home and abroad. We face pressures—humanitarian pressures—to do our part to aid the developing countries of the world.

Domestically, we have work to do—strenuous work—strenuous work in the areas of poverty, civil rights, job opportunities, blighted areas, housing, law enforcement, health, mental health, the environment; in transportation, government spending, and economic resources; in the areas of youth, the aged, recreation—I could go on and on.

As the so-called Kerner Commission Report pointed out just recently, every man and woman in this nation has an inner battle to be won—a battle that for many people, in many parts of our country, will be an inner struggle of the greatest proportions.

There are no two ways about it. Our nation must end, *without procrastination*, hate, lawlessness, and the cruelty and the sheer waste of discrimination. We must bring hope and self-respect, dignity and equal opportunity, to all those who have been downtrodden for far too many years. We must go forward together—as Americans—trusting in one another, believing in each other, seeking always areas of accord, or we, as a nation, shall never have the chance to grasp the soaring opportunities nor solve the nagging problems of the space age.

I would hope that history will credit your generation with meeting head-on these exciting, perplexing, rugged challenges of our times. So I *am* optimistic about the caliber of the young men and women of today who will be the leaders of tomorrow. As a recent issue of *Nation's Business* Magazine points out, the American people instinctively resist being bogged down in any social, economic, or political quagmire.

While we are restless over the inconclusiveness of Vietnam, over the enormity of the race relations problem, over the complexities of the future of the dollar, we must remember that our American heritage is a heritage of problem *solving*. We must remember that we are the innovators; we are the builders. And, because it *is* possible to erase poverty and injustice, because it *is* possible to revive the economy and restore the soundness of the dollar, because it *is* possible for men to work out reasonable solutions to knotty international problems, because we do believe in reason and the law, I am completely confident that these things will be done.

However discouraging events may sometimes look, I don't sell America short for one minute. And don't you lose faith in America! Our nation's people have a history of turning restlessness and dissatisfaction into *progress*. Overcoming obstacles lifts us to new levels of achievement.

And this leads me to just a few brief comments on the quote "situation" unquote on our campuses in recent weeks and months. First, a few statistics. Since September of 1967, students at 62 colleges and universities have held demonstrations on social, political, or educational issues. 62 campuses—out of a total of 5,570 institutions of higher learning in the United States. Not a large percentage. But look at this: More than 14,000 students participated in these demonstrations and *that* certainly is an impressive figure, you say. No, not really. Not when you consider that there are approximately 4 million, 234 thousand undergraduates in the United States. It comes to about one-third of one percent!

But beyond the statistics there is a greater story. Just as most of an iceberg is well below the surface, so is unrest and dissatisfaction among our young people. That one-third of one percent is deceptive, because never before have the students of America been more prepared to involve themselves—in thought as well as in deed—in the workings of American freedom and liberty. There may have been only a small percentage of students actively protesting, but there are thousands who have been thinking . . . who have been talking . . . who have been hoping and wishing and perhaps fearing a little . . . about the new world that you will soon be entering. And this is just what this nation needs!

Young people who are thinking . . . who are wondering, who are trying to figure out right answers, come up with good alternatives! There is a need today for a sound, durable and compelling philosophy which will perceive at once the greatness of America and the freedom in America . . . as it moves our nation forward and answers the diverse cries of its citizens. Ours is a great nation. An even greater America lies before us. We can climb any mountain, or meet any challenge, by combining the test of wisdom and timeless principles of the past with new knowledge and new methods, with vision and imagination, and a flat refusal to accept defeat.

Blatant disregard for law and order is not the way to new vision, new imagination. It engenders violence. It is totally unacceptable. And in America it is unnecessary. Within the framework on which this nation was built, there is ample provision for lawful change.

Because the challenge to you *is* to change, to improve upon, what has gone before you, I urge you with all my heart to become fully involved in making your nation a better nation—in making your world a better world.

I am confident that each of you will play a decisive role in meeting the challenge—and that your generation will carry proudly the torch that is being passed. Remember always that men in all times face immense problems; remember that, despite all else, you were born into the nation that has the best capacity to solve them.

Your great responsibility now is to improve upon that heritage with the zeal of those who have gone before you—to stand up and be counted when the need arises—to leave nothing undone that you, as individuals, know you can accomplish. I wish you success and trust in the outcome.

A NEW ELECTRONIC EDUCATIONAL MIRACLE

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. HALPERN. Mr. Speaker, I wish to take this opportunity to commend the distinguished gentleman from California [Mr. CHARLES WILSON] for his remarks last week concerning a unique advancement in educational technology, the system malfunction analysis reinforcement Trainer—SMART. I also had the privilege of observing this educational computer in action at special showing here in Washington, and I was thoroughly awed by its operation and limitless potential. SMART is an ideal example of the end product of this miracle age of electronics in which we live.

What is worthy of our consideration here, however, is not merely a series of complex technical factors, but a highly intelligent approach to the basic problem

of breaking through to the heretofore slow-to-grasp individuals, the unteachable and also accomplish the extremely difficult task of reaching the hard-core unemployed.

SMART was developed by Educational Computer Corp., of King of Prussia, Pa., as a result of problems encountered in the dynamic simulation of complex systems used in military training programs. The trainers were built to provide trouble-shooting practice in a binary form that conceptually represents the operation and circuitry of the system. In addition, the trainer prepares maintenance technicians without requiring the use of actual, financially prohibitive equipment.

Next in the development process came the data-flow trainers, which have improved technical training and reduced training time. In the Navy's loran program at Norfolk, for example, proficiency was tripled, while the training time remained constant.

The SMART is capable of dynamically simulating any number of systems or parts of systems with the same basic unit. This great flexibility is achieved through its unique use of changeable programs. Any electronic, mechanical, hydraulic, or combination system can be programed so that its signal flow can be dynamically represented on the SMART. As a result, any number of programs can be developed and used interchangeably.

Experimental programs using the SMART have been implemented in a number of high schools under the sponsorship of the U.S. Office of Education. In these courses the SMART was used to teach courses in electronics and automotive mechanics. The results of these experimental courses showed beyond a doubt that SMART is one of the most advanced and successful concepts in technical training.

At the Northeastern Pennsylvania Technical Center, Wilkes-Barre, Pa., SMART is being used to train appliance repairmen, auto mechanics, oil burner and TV repairmen. This training center is being funded by the Departments of Labor and HEW. Mr. Andrew Lestishock, the assistant manager of the Youth Opportunity Center, Pennsylvania State Employment Service, wrote Mr. George Young, president of Educational Computer Corp., the following progress report, which I feel states the case clearly:

BUREAU OF EMPLOYMENT SECURITY,
PENNSYLVANIA STATE EMPLOYMENT SERVICE, YOUTH OPPORTUNITY CENTER,
Allentown, Pa., June 18, 1968.

Mr. GEORGE YOUNG,
President, Educational Computer Corporation, Sicklersville, N.J.

DEAR MR. YOUNG: I am taking the liberty of forwarding this letter to apprise you of the creditable job your Northeastern Training Center staff is doing with our enrollees.

Our office referred thirteen applicants into this training facility. Every one of them had an employability handicap of some nature. In some cases, we were rather skeptical that any degree of success could be achieved. Two of my counselors and I journeyed to the training center last Friday and were pleasantly surprised by the changes noted in the students. In some instances, the degree of change was unexpected. Your staff has met the challenge; attitudes and behavior have changed, confidence is being instilled and further nourished, introversion is being conquered to an undreamed-of degree, the desire to learn and progress has been inculcated; a good all around job is being done. The vocational training methods and program, especially the smart trainer, leave nothing of any consequence to be desired. The advances made in the vocational training area in such a short period of time are almost unbelievable.

Your people in Wilkes-Barre apparently seem to have the right formula and are to be commended for their abilities, dedication and perseverance.

Would you believe that virtually all of our students would like to re-enter the program upon graduation? All but two so indicated.

It is not too often that I have the pleasure of writing such a laudatory letter. Please convey my appreciation to your staff for a job well done.

Very truly yours,

ALVIN H. SNYDER,
Manager.
ANDREW LESTISHOCK,
Assistant Manager.

Mr. Speaker, I submit that the possible applications of this truly remarkable development in the area of education are virtually limitless. The SMART not only is flexible in its operation and gets through to the supposedly unreachable, but it also helps solve such important problems as teaching shortages, the importance of accelerating the training period, and elimination of the need for costly mockups of technical equipment. A bold, new concept has been shown me and there is no doubt remaining in my mind that in the not too distant future this approach will be as commonly used as the audiovisual concepts, which only a few years ago appeared revolutionary, are today.

RESTORE POST OFFICE CUTS NOW

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. PHILBIN. Mr. Speaker, I am greatly concerned about the impact of the so-called economy program in the Post Office Department.

Under this ill-timed, ill-advised program, the Department will be compelled to forgo hiring 15,780 needed employees this year. It will also have to cut 15,000 positions from the existing quota, and in 4 years, the Post Office Department will be required to surplus 83,238 positions.

This situation is almost incredible, and I simply cannot understand how a great Post Office Department which renders so many indispensable services to the people of our country is singled out for such drastic retrenchment at a time when its business is increasing to an all-time peak, and it is besieged on all sides by expanding population and marked increases in its workloads.

These cuts are untimely, unrealistic and indefensible, since they will place postal personnel at the 1966 levels at a time when business activity and the Gross National Product is the highest in history.

Over 1½ million new homes are being built every year, and this number will increase, since suburban growth is exploding in many areas.

To cut 30,000 jobs from the postal service in 1 year at this time and curtail important deliveries necessary for business and the convenience of the people will eliminate the jobs of utility men and unconscionably slash the work of Post Office Department substitutes.

The cuts will necessitate costly, expensive handling and delivery procedures to deliver the mail. Overtime costs will skyrocket, forcing expenditures up to probably greater levels than at present.

Because of these unfortunate results of ill-advised drastic cuts, the patrons will receive inferior, inadequate service; the economy and the people will suffer from lack of adequate postal service; and the Government is likely to be faced with ever-increased costs.

The cuts and curtailment of the postal service cannot possibly be justified on any intelligent, realistic basis, because there is no way to reduce the volume of mail in the Nation, which is rising at a rapid rate. The only way to handle this problem is to deliver the mail, and this will require more workers, not less, and this is a vital job that must be done, if we are not to see our wonderful postal services deteriorate and deprive people of mail services that they need more than ever.

I hope that the Department will take action on its own to cancel these cuts and reinstate the situation that prevailed before they were ordered.

If this is not done, I propose to support H.R. 18191, introduced by my valued, able friend, Chairman DULSKI, which would exempt the Post Office Department from these drastic cuts.

Congress must provide for adequate postal service and, that means that we must do everything in our power to make sure that the American people receive it.

I urge all my colleagues to support the elimination of these cuts and to continue full, adequate, efficient mail service for the American people and the American public and all those who have occasion to use the facilities of our great Post Office Department, the best in the world. Let us keep it that way.

As part of my remarks, I include in the RECORD the recent fine letter of the National Association of Letter Carriers on these curtailments:

NATIONAL ASSOCIATION OF LETTER CARRIERS,
Washington, D.C., July 15, 1968.

AN URGENT MESSAGE TO MEMBERS OF CONGRESS

DEAR CONGRESSMAN: Former Postmaster General Lawrence F. O'Brien, appearing before the Subcommittee on Postal Appropriations, declared that the Post Office Department was approaching a catastrophe. With the advent of Public Law 90–364, the catastrophe has arrived.

The Post Office Department, under this law, will be compelled to forego hiring 15,780 needed employees this year. It will also have to cut 15,000 positions from the existing quota. In four years, the Post Office Department will be required to surplus 83,238 positions.

Consider these facts. Congress last year increased rates by one billion dollars. The revenue of the Post Office Department amounts to six billion dollars a year; its ex-

penditures amount to seven billion dollars a year. The bulk of the difference in income and expenditures is made up of Public Service items.

The cuts ordered will place the postal personnel back at the 1966 complement. This in the face of the largest Gross National Product in the history of the Nation—now in excess of $800 billion.

We have a rapidly increasing population; there are between one million and one and one-half million new homes every year. We have a mushrooming growth in suburban areas.

The Nation is concerned about poverty and necessary jobs, but will cut out over 30,000 jobs from the postal service in one year. Curtailment of deliveries will eliminate the jobs of utility men. These men will pick up the work of the substitutes, and substitutes, who have no guaranteed hours of work, will find their income brutally slashed.

Mail does not evaporate when deliveries are cut. It piles up, requiring more expensive handling and delivery procedures. The use of overtime will leap by bounds. Expenditures could very well be greater than less, under the proposed cuts.

The mail users, who are spending one billion dollars a year more, will be receiving inferior service.

The postal service is a basic industry in our economic life. The Post Office Department has no control over its volume of work—the mailing public sets the work load.

The Dulski bill, H.R. 18191, will exempt the Post Office Department from these drastic cuts. Please give this bill your active support.

Sincerely,

JEROME J. KEATING,
President.
J. H. RADEMACHER,
Vice President.
J. STANLEY LEWIS,
Secretary-Treasurer.
CHARLES N. COYLE,
Assistant Secretary-Treasurer.
GEORGE A. BANG,
Director of Life Insurance.
JAMES P. DEELY,
Director of Health Insurance.

OCCUPATIONAL HEALTH AND SAFETY ACT OF 1968

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. TIERNAN. Mr. Speaker, with the development of new technologies and new occupations, it is evident that providing adequate light, space, and air, and placing guardrails around dangerous machinery is not enough. There are other hazards, much more subtle hazards which do not show effects immediately, but manifest themselves belatedly and in such proportions as to indicate a serious danger.

Recent reports of a rare cancer showing up among individuals handling asbestos is a case in point. This cancer was so rare 20 years ago it did not appear in medical textbooks. It became well known, tragically, in 1960, as a result of studies made among workers in the asbestos fields in South Africa where almost 100 cases of this illness were diagnosed in a few years. In the United States today there are at least 100,000 asbestos workers. Some studies have been made of these workers in various communities and States, and the statistics show that the incidence of cancer is considerably higher among these workers than among the general population; certainly enough to indicate that concern is indicated. The same situation holds for soft coal workers' pneumoconiosis.

The Europeans have been aware of the problem for a number of years and are working to correct it. In this country, we have just begun to realize that we have a health problem of serious magnitude. H.R. 17748 will enable the Department of Health, Education, and Welfare to undertake needed research such as this. This authority is vitally needed, not only in cases such as the asbestos workers, but in many other occupations where new health hazards are becoming apparent. By passing this bill, countless lives can be saved, and the danger of new health hazards in new occupational fields can be substantially alleviated. I hope my colleagues will join in assuring the enactment of H.R. 17748, the Occupational Health and Safety Act of 1968.

OF BLACK AMERICA—II

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. ROSENTHAL. Mr. Speaker, the second show in the seven-part CBS-Xerox television series titled "Of Black America" was aired on Tuesday, July 9, 1968. I am pleased to report that this telecast serves as an admirable successor to the excellent first show in this important series.

This most recent show, "The Black Soldier," attempts a welcome revision of American attitudes toward the role that black Americans have played in our Nation's history.

Negro participants in our military history did not begin in Pleiku, or in Inchon, or even Anzio. The fact is that Negro soldiers have fought valiantly in every war in our history. Most Americans are, sadly, almost totally ignorant of the extent of this participation, and the fault for this disgraceful omission must be laid to all of us who contribute to the creation of our favorite American myths.

"The Black Soldier" show does an admirable job of alerting us to an enormous gap in our attitudes, but the old myths have great staying power. For this reason, I am inserting in the RECORD the full transcript "The Black Soldier" in the hope that we may confront our myths, and then revise them.

The material follows:

CBS NEWS SPECIAL OF BLACK AMERICA, "THE BLACK SOLDIER" AS BROADCAST OVER THE CBS TELEVISION NETWORK, JULY 9, 1968

Narrated by Bill Cosby.

Produced by Peter Poor.

Written by Thomas A. Johnson and Jon Wilkman.

Executive Producer, Perry Wolff.

Sponsored by the Xerox Corp.

(Soldiers in Vietnam.)

The United States Army in Vietnam. During the last two hundred years the American military has fought eight major wars around the world. The source of its strength remains the same—men . . . young men.

(Soldiers in a group.)

American fighting men, ten thousand miles away from New Haven and Watts—fighting another war. White men . . . black men . . . Today, they fight as equals. Long before the violent birth of our nation, black men died in American wars. They died as equals, but they were not always allowed to fight—or live—as equals. In most history books the story of the black man in battle is usually ignored. The true history has many surprises.

(Monument in Boston Common.)

This monument on the Boston Common honors the first martyrs in America's struggle for freedom. Since the founding of the American Colonies tensions between colonists and British troops had been building. On March 5, 1770, these tensions explored into violence. British troops opened fire on angry Boston crowd. A drawing by Paul Revere records this pivotal instant in American history—the Boston Massacre. The first to fall was Crispus Attucks, an escaped slave—a black man. This was the beginning. Revolution became inevitable.

(Recruiting poster.)

The Colonial Army needed men, but General George Washington did not want black men. Despite Washington's official policy, Negroes willingly fought against the British. The British officer who ordered the "shot heard 'round the world" at Lexington, Major Pitcairn, was killed at the Battle of Bunker Hill by a Colonial sharpshooter. His name—Peter Salem. He was a black man.

(Washington at Valley Forge.)

While George Washington discouraged Negro enlistments, the British promised freedom to any slave who would join the loyalist cause. This was the first of many attempts to undermine the Negro support in American wars. Although the British had only limited success, General Washington was alarmed. He called for the active recruitment of black freemen.

(Washington crossing the Delaware.)

When Washington crossed the Delaware on Christmas Day, 1776, two Negroes were with him—Oliver Cromwell and Prince Whipple. Nearly five thousand black men fought in the American Revolution—one-sixth of the Colonial Army.

(Perry at Lake Erie.)

In 1813 a young America was at war again. Captain Oliver Hazard Perry didn't want Negro sailors but the Battle of Lake Erie changed his mind. He said later: "They seemed absolutely insensible to danger." An Act of Congress had restricted the Navy to "able-bodied white males," but black sailors fought and died aboard American warships.

(Jackson at New Orleans.)

In 1814 General Andrew Jackson actively recruited black soldiers for the defense of New Orleans. Until then, fear of slave revolts in the South had restricted black participation in the war. More than six hundred free Negroes helped hold strategic positions against the British Assault. Jackson's appeal had been to black men who were free. Most Negroes were still slaves.

("Freedom to the Slave" banner.)

By 1860, growing pains had begun to split the nation. Slavery was a public symbol for the deep problems that led to Civil War. At first it was a white man's war. Eleven days after Confederate troops opened fire on Fort Sumter, a free Negro volunteered to fight for the Union and was refused. The official policy in the North said that Negro slaves were contraband—captured property, not potential fighting men. President Lincoln feared the loss of border state support if he used black troops in the war. Meanwhile, from all over the North came offers of black regiments.

(Escaped slave drawing.)

From the South came escaped slaves who

were willing to join the fight for freedom. Bearing the scars of slavery, a few were allowed to serve. They became symbols of new hope for black men, both slave and free. After months of costly and indecisive fighting the North began to recruit Negro troops. It was all-out war and military necessity over-ruled racial politics. By June 1862, the first Negro combat unit called the "Corps d'Afrique"—the African corps—was organized.

(Negro sailors.)

Black sailors were mixed with white seamen aboard fighting ships on both sides. The Union's Mississippi Squadron reported more than 800 black sailors. Negro sailors were aboard the iron-clad "Monitor" when it fought the "Merrimac." One black river pilot, Robert Smalls, became a Union hero when he delivered his Confederate gunboat and its slave crew to the Union Fleet.

(Civil War camp.)

On January 1, 1863, President Lincoln issued the Emancipation Proclamation. The United States armed forces were officially opened to all Negroes. Freedom, however, did not bring equality. The Civil War ended slavery but marked the beginning of a segregated American military. Segregated Negro units were called "United States *Colored* Troops."

(Drawing of Battle of Milliken's Bend.)

Former slaves clashed with slave owners. At Milliken's Bend, Louisiana, one thousand black soldiers fought two thousand white Texans in fierce hand-to-hand combat, but were finally over-run. Most black troops were non-combatants. They were laborers, cooks and teamsters. They were also spies, couriers and scouts. By the end of the war, 186,000 Negroes had joined the Union Army. Even the South passed a Negro enlistment bill in 1864, but it was too late. More than 500,000 Americans died in the Civil War. More than 38,000 of them were black.

(24th Infantry in dress uniform.)

After the War, four all-Negro regiments were organized and sent to frontier forts on the Western Plains. Their officers, of course, were all white.

(After man loses his hat.)

Saturday afternoon at the local movie house most Americans learned that the "taming of the wild west" was a matter of the white man versus the redskin. Few history books record the fact that when the cavalry rode to the rescue the troopers were often black. Black troopers died with General Custer at the Little Big Horn . . . They helped run Sitting Bull into Canada . . . Chased desperadoes like Billy the Kid and captured the Apache Chief, Geronimo.

(Black troopers.)

These were some of the *real* troopers who fought the Indians on the Western Frontier—fourteen of them won the Congressional Medal of Honor. Later black troops fought in the jungles of the Philippines and then chased Pancho Villa along the rugged borders of Mexico.

(Battleship "Maine".)

Havana Harbor—February 15, 1898. Thirty Negroes were aboard the Battleship "Maine" that night—twenty lost their lives.

(Negro troops in Cuba.)

When the Spanish-American war broke out, black troops were called from the frontier, and shipped to Cuba.

(Drawing of Teddy Roosevelt in battle.)

Within months, the all-Negro 10th Cavalry had saved Teddy Roosevelt and his Rough Riders at Las Guasimas. Black soldiers played their most important role to date in the Spanish-American War. Black troopers fought at El Caney and joined the Rough Riders in the charge up San Juan Hill.

(Cartoon: Teddy Roosevelt.)

"I want no better men beside me in battle than these colored troopers," said Colonel Roosevelt. But seven years later, as President Roosevelt court-martialled three companies of the all-Negro 25th Infantry when there was violence in Brownsville, Texas, due to discrimination against black troops. Tough and independent black soldiers refused to conform to servile white stereotypes.

(Houston courtroom.)

While hostility in Houston, Texas, eleven years later, provoked an even bloodier clash. Black soldiers of the 24th Regiment shot up the town, killing seventeen whites. The result was a mass murder trial. Thirteen Negro soldiers were hanged and forty-one sentenced to life imprisonment.

(Negro recruits in World War I.)

When the United States entered World War I, Americans said they would "make the world safe for democracy." The country mobilized; but Negro enlistments were restricted. Once again, however, manpower needs overruled racial prejudice.

(Negro officers.)

The Army's highest ranking Negro officer, Colonel Charles Young, was retired as "physically unfit for duty", even though he rode horseback from Ohio to Washington, D.C., to prove his fitness. The American military remained segregated and most black troops were commanded by whites.

(Pershing reviewing troops.)

General John J. Pershing, Commander of the Allied Expeditionary Force, earned his nickname, "Black Jack", as a commander of Negro troops before World War I. Pershing had no objections to black combat troops, but many high ranking officers and government officials publicly questioned the black man's ability to fight. During the war more than 370,000 Negroes were in uniform—40,000 on the front lines. Most black soldiers were relegated to service units. They were laborers—ditchdiggers and stevedores.

(Negro troops overseas.)

The first Negro combat division overseas, the 93rd, went into battle in April 1918, fighting under French command. Homegrown discrimination followed black soldiers into the trenches. One document, widely circulated in France, openly declared that Negroes were inferior to whites. Despite this discrimination, black combat units fought well. The 369th Regiment saw 191 straight days of front-line action and never lost a foot of ground.

(Negro troops being decorated.)

Black troops won many combat awards, and were the first to win the highest French military honor, the Croix de Guerre. For most Americans, however, the black combat record was obscured by controversy. One black regiment, under American command, was accused of "sneaking to the rear." A government investigation found no basis for widespread criticism of Negro troops, but within four months after the Armistice, all black troops were shipped home. Negro troops had been well-received by the French, but exaggerated reports of black soldiers raping French women prompted American officials to get black troops out of Europe. In New York, Negro veterans were marched up Fifth Avenue through cheering crowds . . . back home . . . back home to Harlem.

(Training camp.)

During the years between the two wars, Negro troops were reduced to less than three percent of the armed forces. After World War II broke out in Europe, America began a new mobilization. The 1940 Selective Service Act said there would be "no racial discrimination in the selection and training of America's armed forces," but the military maintained its tradition of segregation.

(Joe Louis training camps.)

Public figures like Joe Louis became symbols for the recruitment of a black American Army. Military thinking still relegated most Negroes to labor battalions, but some were trained for combat duties—even elite units.

(Negro paratroopers.)

Elite, but separate. The pattern was clear: There were going to be two Armies, two Navies and two Air Forces—one white and one black. The military reflected a racially divided America. The Armed Forces felt that their job was to fight, not to lead social reform.

Black America's Air Force began training on the Alabama campus of Tuskeegee Institute.

(Davis reviewing troops.)

The 99th Pursuit Squadron was activated in 1941 under the first Negro West Point graduate since 1889, Lt. Colonel Benjamin O. Davis, Jr.

(Dorie Miller.)

One of the first American heroes of World War II was Dorie Miller, a Navy mess steward at Pearl Harbor. He shot down four attacking Japanese planes and won the Navy Cross. Three years later, Dorie Miller was killed in action. He was still a mess steward. Most Negroes in the Navy were messmen and change came slowly.

(Negro sailor with semaphore.)

The black American Navy, in February 1944, included two anti-submarine vessels with all-Negro crews. Their officers, with one exception, were white. The absurdity of a Navy within a Navy finally led Secretary of the Navy, James Forrestal to order the integration of all naval vessels.

(Landing craft at sea.)

For 167 years the Marine Corps was all-white. In 1942, the Corps began enlisting black fighting men for the first time. As manpower needs went up, resistance to black troops went down. Segregation, however, remained. Military leaders argued that segregation reduced racial friction. In fact, it intensified it. During the war there were racial incidents at home and overseas—from the defense plants of Detroit to base camps in Guam. In the Pacific, Negroes worked and fought at Guadalcanal, Okinawa and Iwo Jima. Death and suffering made no racial distinctions.

(Pilots of the 99th.)

The 99th Pursuit Squadron represented a major departure from the military policy of using Negroes mostly as service troops. It was a token gesture. After years of pressure, black men were finally allowed to prove that they could perform the complex jobs of a modern military machine. The 99th established one of the best combat records of the war.

Other all-Negro Air Corps units folowed. In all, 95 black pilots won the Distinguished Flying Cross.

(Negro troops marching in Europe.)

Two all-Negro infantry divisions served overseas—the 93rd in the Pacific and the 92nd in Italy. Public officials, military men and war correspondents closely watched the 92nd's performance. On February 14, 1945, elements of the division were accused of "melting away" in the face of German resistance. Lack of faith between black troops and their white officers and a confused chain of command weakened the 92nd. Morale was often low. Ninety percent of the unit scored poorly on military intelligence tests. Many had not been trained with their basic weapon—the M–1 rifle.

(Negro troops being decorated.)

542 Bronze Stars and many other combat awards were earned by the men of the 92nd, but controversy marred their record. One Negro officer wrote after the war: "When I think of what the 92nd might have been, I'm heartsick." The controversial record of the 92nd was widely publicized, although it was only one of four thousand black units that served during World War II.

The German counter-offensive—the Battle of the Bulge—broke through Allied lines advancing toward the Rhine. It also resulted in a break-through in the American Army's racial policies. Twenty-five hundred black volunteers were integrated into white companies on the front. *Germans* forced the first large-scale racial integration of the American Army. After the battle was won most of the

Negro volunteers were returned to their segregated units. More than a million Negroes served in the American armed forces during World War II—half of them overseas. Black soldiers landed at Omaha Beach on D-Day. Negro anti-aircraft units fought on Normandy Beach—in Italy and North Africa. Black engineers worked on the Ledo Road in Burma, the Stillwell Road in China, and linked Alaska and Canada with the Alcan Highway. At Anzio black engineers unloaded nearly two thousand tons of supplies under fire. Black troops served all across Europe and throughout the Pacific. Many were decorated for bravery in combat.

(Troops parading.)

The majority of black troops were engineers, stevedores and truck drivers, but service troops had their heroes too. More than half of the drivers in the famous Red Ball Express were Negroes. With the end of the war America began to reassess the racial policies of the military. The enormous manpower needs of the war effort had already threatened racial segregation in the armed forces.

(General Davis talking to troops.)

Brigadier General Benjamin O. Davis, Sr., the military's highest ranking black officer, began his career as a private in the Spanish-American war. His was a lonely career. A new era in the history of the Negro in the Armed Forces was about to begin. The black community had grown far more militant in its demands for racial equality. Black veterans came home and joined a new fight—the fight for Civil Rights.

(President Truman signing document.)

In October 1947, a national Commission on Civil Rights, formed by President Truman, called for a new government program dedicated to the "elimination of racial segregation from American life." On July 26, 1948, President Truman signed an historic Executive Order. He declared: "There shall be equality of treatment and opportunity for all persons in the armed forces without regard to race, color, religion or national origin." The job of changing a century-old military tradition of racial segregation began.

(Meeting of generals.)

At first there was resistance. Military leaders again argued that the armed forces were not meant to be an instrument of social reform, but Secretary of Defense James Forrestal, and Secretary of the Air Force Stuart Symington, strongly supported the new program. "We're going to end segregation," Symington told the Generals. "You've got to stop this double-talk and act."

(Trucks on dock.)

War in Korea hastened the breakdown of America's segregated armed forces. By 1953 only five percent of Negro enlisted men remained in all-black units. The percentage of Negro officers in the Army had doubled. One military report announced: "Efficiency has been increased, disciplinary problems reduced and morale improved."

(Negro troops in Korea.)

Historic all-Negro units were integrated with white troops. A year before it was integrated, the 24th Infantry Regiment added a final victory to its 81-year history. Black soldiers of the 24th captured the city of Yech-on, our first major victory of the Korean war. For the most part, the history of the Korean War was not a history of white troops or black troops. In the military "an order is an order," and the American armed forces had been ordered to integrate. By the end of the war the military found itself in the forefront of the Civil Rights Movement. On May 17, 1954, the Supreme Court handed down its historic school desegregation decision. The armed forces had ordered its civilian schools desegregated four months before.

(Soldiers returning from Korea.)

American soldiers returning from Korea had not only fought a war, they had lived an experiment. The success of racial integration in the military was undeniable fact. For many Americans, both white and black, the impersonal discipline of an integrated armed forces was their first experience of racial equality.

("Kittyhawk" at sea.)

Today America is at war again. The carrier, "Kittyhawk", launches air-strikes against North Vietnam. In the war in Vietnam black and white fighting men are fully integrated. Eleven percent of the American population is black. In Vietnam, Negroes are about twenty percent of the combat forces—even more in elite units. Fourteen percent of the Americans killed in Vietnam are black. Young black fighting men along the DMZ and in the jungles around Saigon say: "We're proving ourselves." But there is already 200 years of proof. The irony is that many of these young Negroes—and many white Americans—think this war in Vietnam is the first time black men have fought in an American War. The purpose of this half-hour has been to set the record straight.

JOHN P. LEACACOS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. VANIK. Mr. Speaker, it has been my profound pleasure over the last 25 years to work with and know the remarkable Washington bureau chief of the Cleveland Plain Dealer, John Peter Leacacos.

Mr. Jack Leacacos has served with the Plain Dealer since 1934, covering at various times the European scene, the Middle East, and the Far East. Besides managing and directing the Plain Dealer's excellent Washington staff, Mr. Leacacos covers the State Department and writes a column for the Cleveland paper.

Despite all these activities, Bureau Chief Leacacos has just written and had published a new book entitled, "Fires in the In-Basket—The A B C's of the State Department."

Knowing Mr. Leacacos' experience and familiarity with the State Department, I do not hesitate to recommend this book to everyone interested in the State Department, American foreign policy formation, and the inside workings of Government in the Nation's Capital.

I include at this point in the RECORD a review of Mr. Leacacos' new book:

PLAIN DEALER'S LEACACOS TELLS OF "STATE"

(By Ralph J. Donaldson)

My great and good friend, the scholarly, indefatigable, inscrutable and oft-times imperious John Peter Leacacos, has written a book which should become the definitive text for students and practitioners of American foreign policy. It is called "Fires in the In-Basket—The ABC's of the State Department" (World; $8.95).

Leacacos has prowled the chancelleries of Europe, he has cultivated the potentates and statesmen of the Middle East and Far East and, more recently, as chief of The Plain Dealer's Washington bureau, he has become an enfant terrible on the capital scene, prying into dusty corridors and devious labyrinths where newspapermen have seldom trod, and delving into the complexities and mysteries of the State Department's sprawling and globe encircling bureaucracy as few other reporters have ever done.

He disclaims writing either a snow job or a hatchet job; he just hopes he has done an authentic job that will "give some indication of the way in which the State Department is supposed to function; the way in which it actually functions; and the way in which it should function, according to the more progressive and realistic minds in it."

Leacacos describes the foreign affairs community as "so huge and complex that it resembles a Rube Goldberg-Krazy Kat contraption, housed in an enormous skyscraper on rollers. How to get this vast monstrosity, with all its parts and inhabitants, to move in the right direction, let alone change its course in a hurry, is the nation's most baffling problem in today's perilous world."

Even so, in times of crisis, the department has often moved with miraculous speed in obtaining vital information, evaluating it and transmitting it to the in-basket every day, the number of copies of reports and directives sent out and the total volume of business transacted are astronomical.

Fires in the In-Basket abounds with sketches, anecdotes and personal recollections of nearly everyone who has manipulated levers of power in our foreign policy during the last 20 years, as well as dissertations on our foreign problems from the beginnings of the republic.

Leacacos deplores the "depressing minimum of desultory attention paid to the State Department" in high school and college text books, to which he attributes some of our foreign policy difficulties, citing what Pogo says in the comic strip, "We have met the enemy and they is us."

Naturally, Vietnam gets frequent mention. Leacacos regards the war controversy as the consequence of "a plain neglect of public duty in not having recognized in time the Vietnam involvement for what it always was, a snake pit, with the corollary duty of deciding what to do about it."

The conclusion is inescapable that the State Department is functioning as well as it can, in view of its own inner conflicts, its disputes and overlapping authority with other branches of the government and the overriding tendency of a bureaucacy to "crawl like a centipede with snowshoes on."

But Leacacos thinks it could function better. He believes there should be a fresh start—a sweeping reorganization proposed by the president and enacted into law by Congress.

This book is a startling and absorbing revelation of how our foreign policy is made, how our foreign affairs are conducted, and how the "fires in the in-basket" affect all of us in one way or another.

A VIEW ON THE WAR

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. HOSMER. Mr. Speaker, the writer of the following letter has suggested that its text be made available to Members of Congress and since it expresses a viewpoint held by many of our fellow citizens I feel that it should be made available:

LONG BEACH, CALIF.,
June 30, 1968.

HON. CRAIG HOSMER,
Rayburn Office Building,
Washington, D.C.

DEAR CRAIG: After serving in the 3rd Marine Division for nearly 9 months in Vietnam, Corporal Randall T. Planchon II, son of our neighbors, arrived home in a casket.

He was killed by a hand grenade near Khe Sanh at 8:00 a.m. on June 15th. He had been recommended for the Silver Star on the basis of valor in action May 16th. I knew him as a personal friend and a clean-cut American boy who neither smoked nor drank. A touching letter from the Captain of M Company tells of Randy's bravery and how he will be missed by survivors of his squad.

Randy's father and mother feel that his life was sacrificed on the altar of political expediency. There would be no bitterness had he been killed on the shores of America, or in Cuba defending the Monroe Doctrine by driving out the Soviets who now have missiles and technicians there and, with Castro, have made that island, less than 100 miles from Florida, a base for subversion of the Western Hemisphere. But he and all Americans have been, and are being, betrayed by an administration that, against the late General MacArthur's stern advice, has involved this nation in another land war in Asia which it has made no practical effort to win. Instead, our Government seeks accommodation with Communism.

Liberals have controlled the destiny of the United States for many of the years between 1916–1968. The hallmark of these is that they are liberal with other peoples' money, other peoples' freedom and other peoples' blood. Internationally, they are dedicated meddlers in the affairs of other nations. Rhodesia and South Africa are current examples. The Liberal usually is a Democrat politically. Look at the record of the Liberals who have been Presidents since 1916:

(1) Woodrow Wilson got us into World War I after being elected to a second term on the slogan "He kept us out of war." The excuse was the "Lusitania incident". We lost the peace.

(2) Franklin D. Roosevelt got America into World War II by goading the Japanese to attack us at Pearl Harbor. He had been elected to an unprecedented third term, prior to which he promised "And while I am talking to you fathers and mothers, I give you one more assurance. I shall say it again and again and again. Your boys are not going to be sent to any foreign wars." (Satevepost 9–19–59)

(3) Harry Truman got us into the Korean War on the basis of "police action". The United States could have won this had it accepted General MacArthur's dictum that "There is no substitute for victory!" But it didn't, and Korea is still a stalemate.

(4) John F. Kennedy got us involved directly in military action in Vietnam because he lost face over Cuba and foolishly elected to prove to the Soviets that America just as well could wage war against Communism some 9,000 miles away from Cuba.

(5) Lyndon Johnson—by his own words more liberal than Roosevelt—escalated the war in Vietnam while making no practical military attempt to win it for fear of offending Russia and China who support the North Vietnamese. General Westmoreland, who just ended his tour of duty in Vietnam, stated that military victory is impossible "because of our national policy of not expanding the war", and has implied that the White House and the Pentagon have been prolonging the war by denying U.S. and allied fighting forces the chance to win. (Barron's, p. 7, 6–17–68). It is probable that we shall not win this war and certain that we shall lose the peace.

What have these five liberal Democrat Presidents inflicted on our country as a result of their folly, demagoguery, and broken promises? The answer is loss of hundreds of thousands of American lives; a loss of billions in money and assets; inflation and anarchy at home today; and often contempt or hatred abroad.

In regard to our neighbors, the Planchons, is it true that Liberals are liberal with other peoples' money, freedom, and blood? The answer is yes! First our Government confiscates an increasing part of their income against their will to support projects the Planchons know are wrong—such as foreign aid even to Soviet satellite nations—and often unconstitutional. Second, they are no longer free to own so harmless a thing as gold to protect their savings against inflation fostered by administration policy. Third, our Government has commandeered and squandered the life blood of their first-born son in an ill-advised and undeclared war that is being fought for political reasons on a basis of compromise, instead of military victory.

It is high time that the American people realize the truth.

Sincerely,

PAUL H. DUDLEY.

DR. TIMOTHY STILL

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. MINISH. Mr. Speaker, the sudden passing on Sunday, July 14, of Dr. Timothy Still, president of the Newark, N.J., United Community Corp., has evoked a vast outpouring of grief on the part of the citizens of Newark who loved and honored him for his tireless efforts to improve the lot of the poor and disadvantaged among whom he lived all his 48 years. Only the Thursday before, July 11, Tim had been honored at a most impressive dinner in which heartfelt tribute had been paid him by the Governor of New Jersey, the mayor of Newark and other distinguished leaders. The dinner guests, ranging from public housing residents to corporation executives, reflected Tim's unique ability to bring together persons from all walks of life in common purpose and to win friends from all segments of society.

Since the House session precluded my personally joining the tribute to Tim, who was my good friend for 25 years and able secretary during my three terms in Congress, I sent him the following telegram:

DEAR TIM: I am keenly disappointed that a late House session precludes my joining your other friends and admirers in honoring you this evening. The genuine respect and affection in which you are held by your fellow citizens of every race, creed, color, economic status, and political persuasion is most eloquent testimony of the nobility of your spirit. Just as your valiant labors over the long, hard years to correct injustices and alleviate suffering have enriched countless lives, so the manner in which you have overcome heavy odds to carve out a meaningful life is an inspiration to the poor and disadvantaged. Without bitterness nor anger but with a stout heart and resolute will you have fought to improve life for all our people.

I am proud to claim you as my friend and associate, and I extend to you my heartfelt congratulations upon your manifold achievements and my best wishes for the years ahead. To your fine family and the distinguished assembly gathered in your honor I send cordial greetings.

JOSEPH G. MINISH,
Member of Congress.

Little did I think that my joy at the recognition being accorded his great accomplishments would so shortly turn into grief at his passing. Like that other valiant champion of human rights, Senator Robert F. Kennedy, Tim lived his good and useful life under the inspiration that—

Some men see things as they are and say why. I dream things that never were and say why not.

The countless people who have benefited from Tim's selfless life will always remember him with love and admiration and will be spurred on to carry forward his commitment to translating the dream of America into reality for all our people.

The following perceptive editorial in the Newark News of July 16 pays fitting tribute to this truly good man, Timothy Still:

TIMOTHY STILL

The untimely death of Timothy Still at 48 represents a grave loss to Newark.

As president of the city's principal anti-poverty agency, the United Community Corporation, Mr. Still was a moderate regarded with deep affection by countless poor people in whose behalf he labored.

Yet Mr. Still possessed such a rare quality of sincerity and understanding that he enjoyed simultaneously the respect of the more militant members of his community and the admiration of his white associates. This friendship found expression only a few days ago in a testimonial dinner that brought from the governor of the state an authentic tribute that "he knows the people around him and he loves them."

Although school ended for him in the eighth grade, Mr. Still achieved the distinction of an honorary degree of Doctor of Humane Letters at Rutgers' last commencement. Raised in the Central Ward, he chose to remain there among his people, even though, through self-advancement, he could have moved on to a more comfortable environment.

His dedication was to the underprivileged, particularly the youth, of Newark. He felt he could work most effectively in their midst. In so doing he saw the UCC through a series of crises and labored unceasingly to prevent a repetition of last July's riots.

This legacy of good will is but one of many monuments to Timothy Still, whose demonstrated devotion to his black neighbors extended to causes which promised to benefit the city he cherished.

LAW ENFORCEMENT: THE POOR WANT IT, TOO

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. ROSENTHAL. Mr. Speaker, last fall the National Advisory Commission on Civil Disorders reported its sweeping basic conclusion:

Our Nation is moving toward two societies, one black, one white—separate and unequal.

Both Negroes and poor people have recognized the existence of two separate systems of justice and unequal enforcement of the law: black man's justice and white man's justice; poor man's justice and rich man's justice.

It has been said that sporadic enforcement of the law is only another form of tyranny. The Riot Commission documented this with respect to the black man.

Jack Nelson of the Los Angeles Times describes clearly the "poor man's justice" in the excellent article, which follows:

LAW ENFORCEMENT: THE POOR WANT IT, TOO

(By Jack Nelson)

(NOTE.—Nelson, The Times' correspondent in Atlanta, was assigned to Washington during the poor people's campaign.)

ATLANTA.—When the federal government sets out to enforce the law it can do it with great dispatch, as in the case of Resurrection City and the poor people's campaign.

Government officials saw their duty and did it with a massive show of force and determination, supported by the White House. And that's what the Rev. Ralph David Abernathy expected. He knew the consequences when he refused to abandon the plywood shantytown and led almost 300 of his followers to a demonstration—an unlawful assembly—on the Capitol grounds.

The government's action was justified under the law, of course. The violations were clear, the public demand for enforcement, clamorous. It was the law and, as Anatole France observed, "The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets and to steal bread."

What the issue boils down to, then, is law enforcement. But much of the public seems unaware of the fact that in the spirit of nonviolent protest, Mr. Abernathy and his followers accepted—even courted—arrest and jailing in order to dramatize the fact that a major reason poor people remain poor is that many federal statutes are not so assiduously enforced.

The poor people are demanding new government programs, too, but an obvious complaint is that existing laws and government programs—ostensibly aimed at wiping out racism and poverty—are not effectively enforced or administered. And many violations in these areas are just as clear as the acts of civil disobedience in Washington. Unfortunately, there has been no public clamor for this kind of law enforcement.

Law violations that exploit the poor and the oppressed are legion. Negroes, even qualified ones, still face widespread job discrimination, especially in the South, where more than half the nation's 22 million blacks live and where they are generally denied equal job opportunities by their own state and local governments.

Big companies with defense contracts break equal-employment laws with seeming impunity. The school desegregation law is violated to the extent that the great majority of the nation's blacks still attend inferior, predominanly black schools—and this 14 years after the Supreme Court decision prohibiting public school segregation.

The instruments of justice—law enforcement agencies, court officials and juries—remain largely all white in many areas and voting rights are still suppressed in some areas despite the 1965 Voting Rights Act. The list is almost endless—Negroes are denied equal participation in many federal programs, including the Small Business Administration, government-loan housing, farm housing and other agricultural programs and welfare programs.

And federal officials are not unaware of these violations. A federal agency—the U.S. Commission on Civil Rights—keeps them constantly apprised. But the commission is not an enforcement agency; it can only recommend. This it has done, year after year, but most of its documented studies and recommendations—including proposals that specific cases be prosecuted—have failed to stir the government.

Even as the showdown neared at Resurrection City, the commission issued a little-noted report which paralleled many of the complaints of the poor people's campaign. The report, based on a study of 16 poverty-stricken black belt counties in Alabama, stated that the government "is not intervening effectively at any point to provide people who have been the victims of slavery and discrimination with an opportunity to lead decent and productive lives."

The report noted that companies with large government contracts engage in "blatant discrimination" and cited the case of the American Can Co., whose company town, Bellamy, is "totally segregated." All-white homes—but only four black homes—have indoor plumbing. American Can owns the town's all-black school—the white children and a few blacks are bussed to a predominantly white school in another town. The company's policies violate federal law as well as its government contract, but no action has been taken against the firm.

Some of the most vociferous opposition to federal programs to help the poor has come from richer segments of society which enjoy the benefits of other federal programs. There are instances of wealthy landowners drawing huge government subsidies for acreage allotments who underpay their poverty-stricken tenant workers in violation of the federal minimum-wage law.

Bankers in some areas refuse to handle government food stamps, as noted recently not by a federal official, but by Georgia's progressive welfare director, William H. Burson.

"These bankers, protected in their wealth by the guarantees of our federal government, take advantage of their positions of power to try to promote their own prejudices," Burson said. He accused the bankers of giving "full service to the rich, but not to the poor."

Real estate firms, whose transactions mostly involve government-loan housing, violate open-housing laws with no fear of punishment. There's been little if any enforcement of President Kennedy's executive order banning discrimination in the sale of government-loan housing so why should there be any great hope that the recent Supreme Court decision upholding an old fair-housing law will mean a breakthrough in equal housing? Of course, Congress this year already had passed, under great pressure, another fair-housing law, but what does it all mean without effective enforcement?

The Justice Department complains—and justifiably so—that it lacks the manpower to adequately enforce all civil rights statutes. Why, then, is there not a demand for more manpower—and perhaps a reallocation of existing personnel? There are more attorneys in the department's land and resources division (93) than in the civil rights division (92). The antitrust division has 282 attorneys.

Would not a concern for human rights dictate a reappraisal of priorities? Would not a nation serious about guaranteeing equal rights for all its citizens provide the men and the mandate for enforcement?

It now has been more than four months since three Negroes were killed and more than 30 injured in a confrontation between 100 unarmed college students at Orangeburg and an equal number of armed South Carolina state police—and the Justice Department reports it is still investigating to determine whether the civil rights of the students—most of whom were shot from the rear—were violated. The Justice Department says lack of manpower is one reason the investigation has dragged.

But government finds the manpower when there is a public demand for it—or enough pressure from lobbies. It ordered the tenants of Resurrection City to vacate the premises within an hour and those who refused were immediately arrested and jailed. Thousands of police officers and troops were ordered on duty.

If existing laws to protect the economic and civil rights of all citizens were as zealously enforced, there would have been no need for raising many of the issues of the poor people's campaign.

RESOLUTION CONDEMNING THE PUBLIC PORTRAYAL OF BRUTALITY, VIOLENCE, SADISM, AND SEXUAL IMMORALITY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. BROYHILL of Virginia. Mr. Speaker, I have just been advised that the executive committee of the Senior Citizens Day Center of Arlington, Va., at a special meeting on July 8, 1968, unanimously adopted a resolution condemning the public portrayal of brutality, violence, sadism, and sexual immorality in films and television programs.

As I am in complete accord with the views of these good people, I welcome this opportunity to include their resolution in full at this point in the RECORD.

The resolution reads as follows:

RESOLUTION CONDEMNING THE PUBLIC PORTRAYAL OF BRUTALITY, VIOLENCE, SADISM, AND SEXUAL IMMORALITY

Whereas: In our opinion, the exhibition of films and Television programs depicting brutality, violence, sadism, and sexual immorality has contributed to the general lowering of moral standards and has stimulated crimes;

And whereas: The Senior Citizens of this nation, 26,000,844 strong, properly aroused to the influence of this type of entertainment can be a compelling force toward the correction of this evil;

Be it therefore resolved: That this, the Senior Citizens Day Center of Arlington, Virginia, with a membership of over 1,000 persons, as one of the hundreds of Senior Citizens Groups throughout the Nation, do by this resolution go on record as opposed to the portrayal of bloodshed, violence, sadism and sexual immorality by the Motion Picture Industry and the Television Channels;

And be it further resolved: That copies of this resolution be sent to the several Motion Picture Studios and Television Networks apprising them of our unqualified opposition to this type of entertainment, with the request that they forthwith cease and desist from the showing of such programs; and that copies of this resolution be made available to the press with the request that it be given nation wide publicity to the end that other Senior Citizens Organizations and concerned groups be urged likewise to protest this type of entertainment; and that copies be sent to Members of both Houses of Congress and to Members of the Virginia State Legislature that they may be awakened to the necessity for effective control of the type of programs seen in our homes and foisted on the public.

Passed by the Executive Committee of the Senior Citizens Day Center of Arlington, Virginia, at a special meeting of the said Committee on July 8, 1968.

EXECUTIVE COMMITTEE,
SENIOR CITIZENS DAY CENTER.
By: FRANK EMBREY, *Chairman.*
Attest:
ETHEL S. QUINN,
Secretary.

HOUSE JOINT RESOLUTION 1

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. GALIFIANAKIS. Mr. Speaker, one of the vital issues confronting the Ameri-

can people today is the problem of crime. It is difficult to conceive of its happening in this Nation—a nation founded on the most noble principles and aspirations of man—but crime in America is increasing faster than the population, almost eight times faster.

Evidence can be seen in the lawlessness and disorder pervading our cities; in the quiet movement of organized crime into business and government—so extensive, in fact, that organized crime grosses over $8 billion a year. It can be seen in a lack of respect for law enforcement which permits constant danger to an officer in his duty of protecting the citizenry. Most disturbing of all, it can be seen in the rise of juvenile delinquency to the point that almost three-fourths of those arrested today are under 25 years of age.

The position of the Congress is unique because no other body is in a better position to coordinate the hundreds of efforts currently being made—nationally and locally—to combat crime. My distinguished colleague from Florida [Mr. PEPPER] recognized that fact by introducing House Joint Resolution 1, a bill to create a Joint Committee To Investigate Crime. I was honored to join him in cosponsoring his measure.

I believe that we, as Members of the Congress, have an obligation to this Nation to attack the problem of crime in depth—to search out its basic causes, to bring these causes to the public view, and to work to eradicate them.

We have an obligation to each community to improve enforcement of the law. Since the founding of our Nation, responsibility for enforcing the law has rested with the local community, and we must not interfere with that prerogative. However, we must see that local officials are prepared and equipped to enforce the law.

And we have an obligation to each citizen to bring about an increased respect for the law. In our complex society, only through such individual respect for the law can we maintain individual freedom.

Our people are crying for an end to the lawlessness and violence that is sweeping our Nation. By enactment of House Joint Resolution 1, the Congress has taken an important step toward answering that plea.

ADDRESS OF CONGRESSMAN AL ULLMAN AT THE WHITMAN COLLEGE COMMENCEMENT, JUNE 2, 1968

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mrs. GREEN of Oregon. Mr. Speaker, I am sure that the Members of Congress join with me in recognizing the honor bestowed on our colleague, Representative AL ULLMAN, from Oregon's Second District, when he received an honorary doctor of laws degree this spring from his alma mater Whitman College in Walla Walla, Wash. In his address to the 1968 graduating class he noted the great changes which have occurred in public affairs since he was a student there 30 years ago and the pressure which we are now feeling to affect even further changes. Our struggle, he states, to find solutions to the problems of hunger, illiteracy, poor housing must not foolishly ignore historical patterns and expect immediate results from radical means. Instead, we must work with patience and remember that these are problems which, in addition to many other factors, require time to solve.

There is a great amount of wisdom in Mr. ULLMAN's plea for individual involvement in political decisions; he warns that those problems which were just mentioned can never be solved by the Federal Government alone, but require the concern and action of every American.

Essentially, he has astutely pointed out the directions in which we should put our most concentrated efforts. During a period, such as this one, when there is so much attention to day-by-day crises, we should be extremely thankful for his ability to see our country in broader, more long range terms.

Under unanimous consent I submit his very eloquent address for inclusion in the CONGRESSIONAL RECORD, as follows:

ADDRESS OF CONGRESSMAN AL ULLMAN AT THE WHITMAN COLLEGE COMMENCEMENT, JUNE 2, 1968

It is a great pleasure, and a source of deep personal pride, to be welcomed back to Whitman by my old friend and teacher—a distinguished scholar and a great human being—Dr. Chester C. Maxey.

It has been many years since I sat where this graduating class sits today. But, in many ways, it doesn't seem so long.

Maybe it is because they have been such fast-moving, tumultuous years.

They extended from the century's worst depression, through the world's most terrible war, and through history's most precarious peace.

Those years saw the advent of dramatic new technologies that have forever changed mankind and redirected our search for values.

However, my assignment here today is not to look back, but rather to look ahead . . . not to boast of the accomplishments of my generation, for they have not all been that praiseworthy . . . not to express satisfaction with the status-quo, for that would invite disaster.

The years ahead—your years—will be even more tumultuous, more demanding, and more significant in the development of our society than any that have gone before.

When most of you here in this Class of 1968 have reached the age of your Commencement speaker the bells will have tolled for the 20th Century.

By the time one of you is likely to stand here at some future Commencement, America and the world will be much changed.

What kind of a world will the 21st Century bring? . . . *whose* world will it be?

Will we still be divided into nations that are free and those that are not? . . . or will there even be a "Free World" as we know it today?

What role will be played by that minority of peoples comprising our western civilization . . . or by those concepts we cherish as the "democratic process"?

A few years ago the roll and the rights of all these were taken for granted. But now we wonder how real they are, or how permanent.

Every new generation has its rebellion. It must be admitted, though, that the current one goes deeper than most.

When I was your age, I questioned the establishment. I wasn't sure what or who it was, but I knew it needed change and improvement.

But those who question the assumptions upon which the system is based . . . and who challenge its very existence are greatly more noticeable today.

Ours is an unprecedented age of turmoil and change—in technology, in social and religious ethics, in the psychology of the individual.

Most noticeable in this process is the revolt against historical patterns. There is a trend among some young people to see a cure-all for the world's ills in a philosophy of anarchy.

But to walk out on the world and retreat from reality is futile. To disregard the processes of history is to invite certain failure in whatever we seek to do, in whatever changes we seek to make.

We Americans have been conditioned by a curious national folklore to expect easy answers and instant solutions.

But it's time we give up that myth and accept the fact that there is no "Instant Utopia."

A march on Washington to demand an immediate end to poverty can only end in frustration when, in fact, the job cannot be done from Washington.

There is no legislation that can detour the age-long struggle for self-betterment, no government edict that can bypass the very process of life in which inequalities are all too often present.

We can, and we must, provide an opportunity for everyone to rise above hunger, ill health, poor housing and illiteracy. And there must be incentive for those who have the will and the talent to realize the better fruits the society has to offer.

But we must not let our obsession for instant solutions mislead us into thinking that all our problems can be solved by radical surgery.

Effective solutions to most of our pressing problems will only be found within the context of past experience—and in the process of time.

So where do we start on the road to the 21st Century?

There are three great challenges facing you—challenges that must be met in the decades ahead. In these three challenges are embodied some of the most difficult and important tasks our civilization has ever faced.

First—the economic challenge of learning to live with affluence. There must emerge a new and responsible partnership among the various components of our economic system—a partnership of capital, labor and government with a clear sense of public responsibility and a willingness to accept the discipline of the national interest.

Now what does that mean?

When I sat where you are sitting the world waiting outside Whitman College was wracked with unemployment and the other consequences of economic depression.

My rebellion—and that of many of my contemporaries—was directed toward the causes of such economic catastrophe.

We refused to accept the verdict that what was happening was the product of inexorable and irreversible forces.

Much was done in the 30's and the remedies were, of necessity, Washington oriented. This trend continued through World War II. After the war we were caught in the cross currents of technological innovation, but we were haunted by a stagnant economy. People were saying we had to learn to live with mass unemployment.

It took a dramatic change in attitude by American business and major revisions in public policy by the Congress to break the shackles of the boom-and-bust cycle.

The answer was to build in incentives for steady growth.

Primarily through innovations in federal

tax policy, we broke through to the era of the *growth economy*.

Unemployment has dropped to levels that would have been unbelievable in the 50's.

Automation is no longer a spectre, but a promise of a better life in the future.

But we still have a major unsolved problem. We don't yet know how to live with the growth economy.

Without some form of discipline, it is too easy to become intoxicated with the nectar of personal material success, soaring business profits, and public affluence.

We must develop within the framework of our free economy a new working relationship among industry, labor, capital, and government so that all components of our economic system act as a unit for the national good.

There must come into being a new sense of social responsibility in the private sector that supersedes special advantages.

The most important requirement for the future is a mechanism for self-discipline in wage, price, and profit structures.

We can no longer afford the luxury of unrestrained one-upsmanship.

This discipline can be accomplished without destroying private incentive or opportunities for exceptional gain.

And it must be done if we are to gain control over the forces of inflation and other economic ills that impede public and private progress in America.

Intelligent wage, price and taxation guidelines are rapidly becoming a national necessity for survival.

Combined with this we need a new sense of national purpose. We must begin now, as a people and a nation, to project our thinking far beyond our present limits—both at home and in our foreign relations.

We must redefine our national objectives, inventory our resources, decide what we *can* do within our means, and unite to act on those problems that limit the scope of the American dream.

The second great challenge is political!—the challenge of a new kind of federalism—with emphasis on local initiative and responsibility. The key word in this new local-state-federal partnership is "involvement."

We must get involved as individuals in the search for solutions to common problems, for without that kind of participation there can be no real solutions.

Today we are concerned about how to end an indecisive and bloody foreign war.

We are concerned about a rising crime rate . . . about the credibility gap between generations and between the citizen and his government . . . about racial problems . . . poverty . . . rebuilding our cities . . . and protecting our environment against physical and aesthetic pollution.

But there will be no lasting answers until Americans get *involved*—not just up to their ankles—but totally involved . . .

Not by automatically looking to Washington, but by looking first in their own back yard.

Certainly, the federal government has a role to play. But that role, under our concept of society, must be second to that of the communities themselves.

What about our cities?

Until the people of private enterprise, the people of organized labor, the people in the educational system, the people of local governments, of the churches, the arts, the civic clubs, and all other segments of leadership within the community—until they get together and decide there is a problem, define it, and come up with some solutions in which all participate, there can be no real and lasting answers.

As a member of the National Advisory Commission on Intergovernmental Relations, I want to say that there is a great deal of time and effort being spent today on the mechanics of this redirection in American government.

It has become known as the "New Federalism."

The challenge for the decades ahead is to make it work by implementing modern state constitutions and modern local government charters to assure a high degree of involvement and responsibility at the level where problems can be tackled most quickly and effectively.

Now, the third major challenge—our world responsibility. We must find a formula for utilizing our technology and our management capacity to extend economic opportunity to the emerging nations and peoples of the world.

During my days at Whitman, America was enveloped in a cloak of isolation.

We were preoccupied with our internal problems while sparks of international conflict turned into an inferno of world war.

We can never again afford to ignore the problems of our neighbors in an ever-shrinking world.

But we do need to take a new and hard look at our international obligations and commitments.

If the 21st Century is to belong to those who believe in free institutions and democratic processes we must soon reassess our role.

We must learn to export the *content* of free institutions as well as the ideas.

They must be offered as an alternative for economic security as well as for political attitudes.

We must find ways to utilize America's management capacities to move the developing nations forward on a sound economic footing, without colonial overtones or economic subjugation.

We need only to look to our neighbors in Latin America to see that poverty will be self perpetuating without dramatic breakthroughs in jobs and economic growth.

Education without economic opportunity is like a car without an engine.

Grand engineering achievements offer a false hope if highways lead nowhere and the population can't afford to buy electric power.

We should redirect our foreign policy to assist those nations in developing their own economic engine.

And we must learn to live our role as the leader of the free world without becoming the slave to a web of unrealistic and self-defeating military commitments.

We must learn to de-escalate our involvements when it is appropriate to do so, and when it is in our interest to do so.

We should strive to be the best example to the world of the free way of life, and if we properly meet that challenge we will have a world of political partners and peaceful economic competitors in the 21st Century.

These are big objectives, but not too big for America.

We are a young nation with our greatest hopes and aspirations ahead.

Here in the shadow of Wailatpu we know something of the American dream and the American heritage.

Here in the beautiful Pacific Northwest we know something of the tremendous and vibrant potential of this great land. How thankful we should be here in Washington, Oregon and Idaho for our heritage of great mountains and rivers and forests and for a resolute and independent people cradled by institutions such as Whitman.

The 21st Century won't be ours by resting on the status quo.

It won't be ours without the same kind of struggle and self-sacrifice that built this ruggest western land.

It won't be ours without wisdom and perseverance.

It won't be ours by looking to patent, mail-order solutions.

It won't be ours without the deep involvement of the people—your involvement.

But I think I know something of this audience here today—something of your idealism and your sense of purpose.

I think I can assure you that Americans of all generations still share in that idealism and that purpose.

Together, our generations can surmount the pitfalls of shortsightedness and self-interest.

Together, we can make sure that the 21st Century belongs to *you* and to men of good will everywhere.

HENRIETTA, N.Y.: MODEL FOR PROGRESSIVE GROWTH

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. HORTON. Mr. Speaker, the 90th Congress has spent a great deal of time and effort seeking answers to the problems facing the people of our country. I would like to share with my colleagues the story of a community in my district which could serve as a model for progress in these United States.

The town of Henrietta is 150 years old this year. Its people have set next week aside for a sesquicentennial celebration.

What started as a single farm on New York's western frontier has grown into one of the most progressive communities in the country.

Henrietta is a prime example of progressive community building that abounds in the Greater Rochester area of New York State.

HENRIETTA—NO "BEDROOM"

The onetime sleepy farm country came to life in the middle of this 20th century. It is now approaching the 30,000 mark in population. Local officials, such as New York States Assemblyman Don W. Cook, Monroe County Legislator Lou Morin, and Town Supervisor Vincent Haggett, are proud of the fact that 90 percent of the population can be considered newscomers and that half the population is under 21 years old.

Not satisfied to be a "bedroom community" to the city of Rochester, Henrietta chose to determine its own future. And the results are plentiful.

Henrietta was one of the first communities in the country to plan for a balanced growth. Industrial and commercial development was sought to complement residential growth.

HENRIETTA—AN INDUSTRIAL WHO'S WHO

Every Member of this House knows the problems facing local communities with a growing residential population. Industrial and commercial growth is necessary to assure a proper balance for the local tax base. Without such a balance, the cost of water, sanitary facilities, and schools becomes prohibitive for localities.

The pattern of growth in Henrietta over the past 15 years demonstrates for other communities across the Nation the value of a balanced economy.

The "miracle mile" stretch of Jefferson Road along the northern edge of the town reads like a directory of an indus-

trial who's who—General Electric, Itek, McKesson & Robbins, Ritter-Pfaudler, Rochester Gas & Electric, Rochester Telephone, Schlegel Manufacturing, Strasenburgh, and Xerox, just to name a few.

The complex includes the giant Genesee Valley Regional Market which serves a major portion of western New York.

Eastman Kodak Co. is now constructing its ultramodern marketing education center in Henrietta's Riverwood section. Another example that industry is attracted by progressive communities.

LOCAL-FEDERAL COOPERATION

As a Member of the House I have been proud to work with the citizens and officials of the town of Henrietta. They are a splendid example of creative federalism.

Henrietta has never stood with hand outstretched for Federal largesse. They have taken advantage of Federal programs but used them with the spirit which was intended—as seed money to stimulate local self-help efforts.

Henrietta is presently utilizing Federal assistance through the open-space land program to help develop a 77-acre park near the Henrietta Town Hall—a further example of planning for balanced growth which serves all the needs of town residents.

Combined antipollution and flood control projects in the tributaries of the Genesee River-Lake Ontario Basin and the New York State Barge Canal, further illustrate creative use of Federal programs.

PLENTY OF NEWS

Perhaps one of the best indications of a growing, active community is its newspapers. At a time when there are fewer and fewer competing newspapers, particularly at the town level, it is encouraging to note that Henrietta is served by two thriving weekly papers—the Henrietta Weekly Journal and the Henrietta Post.

These two local newspapers complement the Rochester daily newspapers, the Times Union and the Democrat & Chronicle in serving their growing community. Marian T. Deuel, editor and publisher of the Weekly Journal, and Andrew D. Wolfe, publisher of the Post, are to be commended for their efforts.

NOW A COLLEGE TOWN

Rochester Institute of Technology—RIT—moved to its 1,300-acre site in West Henrietta this year. A full collegiate constitution, it offers specialized courses and degree programs in professional and technical areas.

The institute is composed of the colleges of applied science, business, fine and applied arts, graphic arts and photography, science, general studies, the evening college, and the National Technical Institute for the Deaf. Degrees are given in applied science, bachelor of science, bachelor of fine arts, master of science, and master of fine arts.

RIT is a private, gift-supported institution, nondenominational and coeducational. There are more than 3,600 full-time students and 9,700 evening students, from New York State as well as 42 other States, and 21 countries besides the United States.

Combined with the 314-acre Monroe Community College campus now under construction in West Brighton, and the University of Rochester just across the city line, the RIT facility will make the Henrietta area a major educational center.

The Rush-Henrietta Central School District has more than 9,000 students, representing an almost threefold increase in a decade. The district is rated as one of the finest in New York State.

GOOD GOVERNMENT SPURS GROWTH

The far-sighted thinking of Assemblyman Cook, former Henrietta town supervisor, and Legislator Morin, former town councilman, helped set the stage for town growth. Their ideas have been carried on and expanded by Supervisor Haggett and members of his town council, John Wright, Warren Reeve, John Gorecke, and William W. Robinson.

An important facet of modern town government is the dispensing of justice. This is in the capable hands of Justice John Johnson and Lawrence Sullivan. Their clerk is Mrs. Betty Whisker.

Other town officials include town clerk Vernon Garrett, his secretary, Mrs. Roberta Schwasman, town attorney Robert Wendt, and Joseph Marticelli, assistant town attorney; John W. Glascow, highway superintendent; Clifton Eagan, chairman, board of assessors; Frank J. Vicaretti, commissioner of public works; Richard Calkins, deputy commissioner of public works; Henry Hansen, planning and zoning board chairman, and Bill Fore, planning and engineering section.

A SHOPPING HAVEN

Southtown Plaza is a huge shopping complex that would be the envy of any suburban area. Scores of stores stretch along two sides of Jefferson Road.

Southtown also has added to the rapid development of commercial enterprises along West Henrietta Road, which is the starting point for U.S. Route 15, a major north-south artery which runs deep into the Nation's South.

Suburban Plaza is the focal point of commercial development along East Henrietta Road.

THE SESQUICENTENNIAL

The sesquicentennial efforts are the work of many persons. Unfortunately, Mr. Speaker, time does not allow me to pay tribute to all of them by name. But several who have been the backbone of this celebration, deserve special mention. Jack Buyck, an attorney, is chairman of the sesquicentennial events. Supervisor Haggett is serving as honorary chairman.

Other officers of the Town of Henrietta Sesquicentennial, Inc., the sponsoring organization, include George C. Hooper, director; Philip Rupert, treasurer; Mrs. Franklin Harder, recording secretary; Mrs. Maurice Willick, corresponding secretary, and Mrs. Arthur Kalsbeck, historian.

Members of the executive committee are Mrs. John Carney, Thomas C. Hall, Casper Meisenzahl, Tage Klinga, and Bernard Wilson.

At this point, I would like to share with my colleagues some excerpts from the fine sesquicentennial brochure, which trace the long history of this community:

THE BEGINNING

In 1817 a town meeting was held in the schoolhouse in the east hamlet of the township of West-town; before assembling, the name of Henrietta was officially adopted. The first meeting of Henrietta as a town by this name was held April 20th, 1818.

Town officers were elected, including 24 pathmasters (overseers of highways) whose duties also included fence viewing. They fixed a penalty of 50c for every hog found running at large without a "yoke." A fine of $5.00 (which was a pretty heavy fine in those days) would be exacted for a buck sheep running at large during the harvest season. These fines were to go for the support of the poor. They voted to raise a sum of money equal to that "received from the public" for the support of the schools.

They adjourned their meeting after these few simple requirements were attended to until the following April when the designated meeting was to be held in the schoolhouse on Methodist Hill, West Henrietta.

TOWN GOVERNMENT

Town government in Henrietta was carried on in a room of the two hotels, on the east and west sides of town, alternately, for years during the last century. Later they met in the Town clerk's home. From 1942 until 1946, the town office was located in a house at 1249 Lehigh Station Road. The offices were located in old District #9 school on the East River Road near Bailey Road from 1946–1952.

The Town of Henrietta then purchased the two story elementary school building at 649 Erie Station Road, West Henrietta, where town offices were located from 1952–1964. With the completion of the commodious modern Town Hall at 475 Calkins Road, Henrietta Town officials and employees made a final move. Dedication of the new Town Hall was held June 14, 1964. Assemblyman Don Cook was Town Supervisor at this time; Vincent Haggett, Town Clerk; Councilmen were: Warren Reeve, Lou Morin, Tom Hall and John Gorecke. Attorneys were Robert Wendt and Joseph Marticelli.

As of January 1, 1962, Henrietta legally became a first class town, with four elected Councilmen composing the Town Board with the Supervisor. Previously the Justices of the Peace sat on the Town Board.

A RELIGIOUS COMMUNITY

The first religious group to organize in Henrietta was a Baptist Society on the east side of the township, in June 1812. They met in one another's homes and in school houses. This was the First Baptist Church (East Baptist).

In 1813 a second Baptist Society was formed on the River Road and by 1815 was known as the West Baptist Church of Pittsford. When the Town of Henrietta was organized they renamed their church the Second Baptist Church of Henrietta. They built a blockhouse for worship in 1818.

In 1827 representatives of the two Baptist churches met to consider a union. In July 1827 they organized as one church, and became known as the United Henrietta Baptist Church. A brick edifice was built on the site of the Trading Post, E. Henrietta Rd. Differences arose in 1829, but they continued as one body for several years.

In 1838 thirty-five members withdrew to reorganize in West Henrietta. They erected a new church on the corner of West Henrietta and Erie Station Roads in the west village. They named their church the West Henrietta Baptist Church, which still stands and is active today.

In 1841 the East Baptist Church sold their brick church to the Methodist Episcopal Society. The Baptist society built a frame church on Reeves Road, with a parsonage. The property also included a burial ground. In 1871 this church was consumed by fire, and a new church was built by 1876. This

little church still is active in the community today.

In 1812 a group of pioneers met at the home of Moses Sperry on West Henrietta Road . . . A log meeting house for the Congregational Church was built on Middle Road, near Lehigh Station Road. Fifty-three men signed the constitution. . . . A frame church was built at the corner of East Henrietta and Lehigh Station Road in 1832. On January 26, 1867, a fire broke out in the evening, and the church burned down. They met evenings in the Methodist Episcopal Church, by invitation, until their church was completed that year.

The First Methodist Episcopal Church society met in 1822 in West Henrietta. The second Methodist Episcopal Society formed in East Henrietta, meeting in the Monroe Academy after its erection. In 1841 they purchased the brick church at 3160 East Henrietta Road. In 1868 this was torn down and a frame building erected by this group now occupied as the Trading Post.

A third Society of the Methodist Episcopal Order was organized on the River Road about 1830, when they erected a small house of worship. This is now occupied as a residence, at the end of Brooks Road. In 1916 the Methodist Episcopal congregation joined forces with the First Congregational Church of Henrietta, when they became known as the Union Congregational Church.

In 1961 the Congregrational order of Henrietta affiliated with the United Church of Christ. A new church edifice was dedicated at 1400 Lehigh Station Road in 1966, when the old frame church on Lehigh Station Road in the village was torn down.

The Society of Friends, or Quakers, built a Meeting House on property opposite the present Theatre East, on Calkins Road. A burial ground adjoined the church yard. By 1848 most of the Quakers of Henrietta had joined the Mendon Society. * * *

The German Evangelical Lutheran Church was organized in West Henrietta in 1880. They built a church in 1890, where German-speaking services were held. About a dozen English speaking families withdrew from this church and purchased the former Universalist Church. This church was dedicated in February 1902, and was named St. Mark's Evangelical Luthern Church. The former German Church disbanded, some joining the newly established Church.

In 1901 a frame church was built on the west side of East Henrietta Road at Ridgeland, and was known as the Evangelical Church of Ridgeland. In 1937 it was known as the Ridgeland Community Church. This church burned down in 1939, four days before Easter. The congregation rebuilt it, just over the Brighton-Henrietta Town line in West Brighton.

In 1911 the first Mass was celebrated in East Henrietta. In 1912 the Church of the Good Sheperd was dedicated on East Henrietta Road, in the east village. In 1957 an elementary school was built next to the church, which is taught by the Sisters of Mercy.

The Genesee Valley Methodist Church was organized in 1951 as a non-denominational church. They held their services in the Genesee Valley Fire Hall for nine years. They became affiliated with the Methodist Denomination in 1959 and in 1960 consecrated their new chapel on Bailey Road, West Henrietta.

PROTECTING PUBLIC SAFETY

The first means of aid in fire fighting in Henrietta was the bucket brigade. If a fire occurred when folks were attending church services, the services were dismissed, for everyone hurried out. Women prepared hot coffee and refreshment for the weary fire fighters, much the same as they do today.

At one time the village of East Henrietta had a large train wheel, which someone struck with a mallet. Later Dr. Leigh Norget, veterinarian rang the Academy or Church bells. When a fire siren was installed, Mrs. Norget answered calls on their telephone and gave the siren alarm. She never left the house with the telephone unattended, but would hire someone to take calls, if she went out.

Dr. James H. Taylor, veterinarian and insurance agent, Morris Griffin, merchant, John Calkins and Ed Fretts donated each $100 for fire equipment. Mr. Fretts loaned his horse for use during need, and they were hitched up to a lumber wagon. The firemen used a hand pump which took four men to operate.

Henrietta Fire Department No. 1 was officially organized November 7, 1907. It's first piece of equipment was a two-wheeled trailer with two tank machine. The tanks were later mounted to an old Ford truck, housed in the remodelled blacksmith shop Firehouse. When in later years Dr. Norget was chief, he spent many days labor on the equipment. Fred Feasel was secretary for 40 years and could remember when the first man to arrive at the station house with a team of horses, hitched up and drove off to the fire.

West Henrietta Volunteer Fire Department was organized in the year 1925 with fifteen charter members. The brick school building on Erie Station Road east of the West Henrietta Baptist Church, was vacated when the new school was erected west on the corners. The old school was donated to the Fire Department by the school district for use as a firehouse.

At the first meeting held March 17th, 1926, the following officers were elected: William E. Myers, President; Craig Nelson, Vice-President; A. Frank Lamberton, Sec'y.; Harry W. Howitt, Treasurer; Howard Chase, Fire Chief; and William R. Meyers, Assistant Fire Chief.

Sponsors for the new West Henrietta Volunteer Fire Department was the Village Improvement Association which contributed over $700 toward purchasing the fire truck. In 1928 a second fire truck with pumper was purchased by the Town Board. The firehouse has been remodeled from time to time to meet their needs, a new addition just recently made.

The Genesee Valley Volunteer Fire Company was organized in 1940. Their first chief was Thomas Preddy. Other members were Lew Alderson, Richard Kensil, Lloyd Colburn, Al Reed, Peter Cody, Theodore Treuthart, Charles Burgesser and Larry Odell.

The following year, their firehouse burned down. Firemen were hampered in battling the blaze effectively, due to the extreme cold temperature freezing the water. For seven years their equipment was kept at Chief Preddy's residence. Finally they drew up their own plans, cleared the ground behind the site of the original house and began building a new firehouse. Carnivals and benefits were held to raise money.

The volunteers led by their President, Ted Treuthart, spent every spare moment, including several hours each evening working together on erecting a new firehouse. About forty workers appeared each night. When at last it was finished, a new shiny fire truck was purchased. When the first floor of the building was finished, they began on the second floor, planned a community hall and kitchen.

Residents of the area contributed toward a bond to finance this project. A wonderful spirit of unity was manifested in this endeavor, besides the regular duties that are performed by volunteer firemen.

The three foregoing fire companies are a part of the Henrietta Fire District of Henrietta. There are two added firehouses in the District, one on Commerce Drive and one on Jefferson Road near Baughman Construction Company. The Town of Henrietta owns all fire fighting equipment.

The present Town Fire Marshal is Charles Knab.

CONCERN FOR YOUTH

Realizing that delinquency prevention is a very important part of any community, the Town Board, in April, 1964, established a Henrietta Youth Council. This eight member board of adults, volunteers from education, psychology, law enforcement, religion and business, has directed its efforts solely toward youth, youth programs, problems and solutions.

In late December, 1966, a part-time Director of Youth Activities was hired by the Town Board, to work with teenagers as a program director to coordinate activities of community service.

In January, 1966, eight teenagers met with the Director and established the Henrietta Youth Board, a co-ed organization, open to all young people of Henrietta between the ages of 13 and 19 years.

Although only an infant today, the Henrietta Youth Board has made its mark in the community through its various volunteer services. Townspeople may remember some of the projects accomplished by this group, including Youth in Government, teenagers learning about town government by actually being elected to an official office, addressing 6000 envelopes for the volunteer Ambulance Corps Fund Drive, and the same number of Recreation Commission Newsletters.

For the past two years the Henrietta Youth Board has trimmed the Christmas tree in the lobby of the Town Hall and collected hundreds of pounds of food for needy families during a Scavenger Hunt for Food.

The teenagers saved books of green stamps and presented a clock to the town, to be used in the Youth Cabin. They have also assisted the Recreation Commission with the annual Easter Egg Hunt for pre-school children.

Members collected material for the Social Studies department at the high school, worked at the Monroe County Fair, ushered for the Community Players of Rochester and this year the group is establishing a Summer Employment Agency for Henrietta Youth.

Although the membership has grown to approximately 100 working members, there is always room for more volunteers, for the Board has had to turn down some requests for lack of help. Teenagers from Henrietta are encouraged to participate.

The Henrietta Youth Board is proud to be a part of Henrietta, and Henrietta is proud of the interest and activities of the Henrietta Youth Board.

Mr. Speaker, Henrietta has faced and solved the problems of its people for one and a half centuries. She stands today as a fair lady among American suburban communities.

Henrietta—"The Township of Friendship"—is a place where the not so rich as well as the rich can find a good home. The Henrietta example is one that could profit other towns and communities.

In closing, Mr. Speaker, I would like to take the opportunity on behalf of the 36th Congressional District and the town of Henrietta to invite my colleagues to visit this progressive community. I am sure your welcome will be friendly and warm.

I ask my colleagues to join me today in saluting Henrietta, N.Y., on her 150th birthday.

CURTAILMENT OF POSTAL SERVICES—RESULT OF POOR PLANNING

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. HUNT. Mr. Speaker, the political chicanery surrounding the Revenue and Expenditure Control Act of 1968 is now coming to light before the public's eye beginning with the Post Office Department's announcement on July 12 of the closing of 347 fourth-class post offices and the sharp curtailment of Saturday deliveries and other services. This action is prompted by the personnel limitations contained in section 201 of the act, now Public Law 90–364, whereby one in every four vacancies cannot be filled.

I am not compromising the position which I have maintained that meaningful expenditure reductions in a wide variety of Federal activities must be implemented, and section 201 is one of the means to that end. However, consideration must be given and good judgment must be applied to priorities, and it is strange, indeed, that the postal service, one of the more essential activities affecting every American, is the first to fall heir to the marked lack of sound planning and the void of any responsible effort by the Johnson administration to outline to the Congress where cuts would be made. In my estimation, the failure to exempt postal employees from the provisions of section 201 was calculated as a boldfaced reminder to the American public of the evils inherent in this administration's concept of "economy", while other less essential activities go merrily on their way. While the 10-percent surtax will continue to serve as the tragic lesson for gross fiscal mismanagement, who can forget the substantial rate increases for all classes of postal service effected earlier this year which were then proclaimed as the hope for improved postal service?

You will recall, Mr. Speaker, that on May 14, our distinguished and knowledgeable colleague from Missouri [Mr. CURTIS] proposed on the floor of this House spending reductions totaling approximately $17 billion without jeopardizing our troops in Vietnam, the war on poverty, or the fields of health, education, and welfare. This figure was arrived at by a $2 billion saving in a cutback of our troop strength in Europe; a $3.5 billion saving in foreign aid programs by reducing the level from $5.5 billion to $2 billion; a $3 billion saving in research and development activities by cutting back from $17 billion to $14 billion; a $3 billion saving in public works programs, down from $5 billion to $2 billion; a $1.5 billion reduction in the space programs from the level of $5 billion; a hold in Federal employment for a saving of $1 billion; a saving of $2 billion in agricultural programs by paying the farmer through the marketplace rather than subsidizing nonproduction; and a $1 billion savings in interest charges which would accrue to all of the above.

Mr. Speaker, the chaos resulting from expenditure reductions, about which the Johnson administration has spoken, is more by design than a lack of figures and nonessential programs on which to sharpen the pencil. The Post Office Department, and in consequence the American public, need not be the object of this frontal assault, and I urge, therefore, the prompt consideration and enactment of H.R. 18181 which will exempt postal employees from the provisions of section 201 of Public Law 90–364.

RX FOR THE POST OFFICE

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. SCOTT. Mr. Speaker, I have today received a copy of the report of the President's Commission on Postal Organization, a 200-page document with four supplemental volumes, each considerably more voluminous than the report itself. A summary at the beginning of the report indicates recommendations of the study commission that a public corporation be chartered by Congress to operate the postal service on a self-sustaining basis, that immediate steps be taken to improve the postal services, that appointments and promotions within the postal system be made on a nonpolitical basis, that postal employees be transferred to a new career service within the postal corporation, and that postal rates be set by the board of directors of the corporation subject to congressional veto.

The Richmond Times-Dispatch, a daily newspaper which serves a large portion of my district, comments upon this report and the editorial is inserted herein for the information of the membership. In my opinion, many people in the country share the concerns expressed in the editorial but I have serious reservation about the formation of a public corporation to operate the mail service of the country.

We like to think of the postal service, with all of its deficiencies, as being close to the people of the country and I am sure Members of this body receive mail from constituents complaining when the mail is not delivered in the fashion a constituent feels it should be. The Post Office Department even though in the executive branch of the Government must come to the Congress for funds and the committees of the Congress exercise some degree of control over its operations which might well be lost if a public corporation was established with power to set rates, determine service, make appointments, and perform the multitude of duties imposed upon the postal service.

Staff members of this Commission talked with me about the postal service some months ago as I feel they did all members of the Post Office and Civil Service Committees of each body and the Commission may well have performed a valuable service in examining into the existing postal operations and recommending changes. Congress may ultimately approve the recommendations of the Commission but the suggested change is of such scope in the operation of our mail service from what people have become accustomed and does involve the risk of taking such control as presently exists away from the people's elected representatives that I urge all Members of Congress and especially those privileged to serve on the Post Office and Civil Service Committee of each body to become familiar with the report and its recommendations before taking either favorable or unfavorable action on the Commission's recommendations. The editorial follows:

RX FOR THE POST OFFICE

Year after year, the U.S. Post Office—which is this nation's only nationalized industry—seems to grow more and more inefficient. Though business is booming, its costs continue to rise, its service continued to decline, and its always runs up enormous deficits.

Six months ago, postal rates went up again for the umpteenth time. You can mail a "penny postcard" now for a nickel. The major reasons for the increased rates were to reduce the postal deficit, cover the cost of pay raises for postal workers and improve mail service. The deficit isn't disappearing. The workers are getting higher pay, but there will be fewer of them. And last week significant cutbacks in mail service were announced: no more residential deliveries on Saturdays, and the closing of 347 small, rural post offices.

Clearly, something is radically wrong with the postal service. It should be no surprise, therefore, that a radical proposal has been made to remedy the situation.

Yesterday a commission appointed 15 months ago by PRESIDENT JOHNSON recommended that a special non-profit, TVA-like corporation be created to operate the mail service. While the government would own the corporation, it would exercise considerable independence and would be set up on a far more buisnesslike basis than the existing archaic service.

The patronage system, which governs the selection of some 32,000 postmaster-politicians, would be eliminated in favor of a professional management structure. The corporation would have the authority to sell bonds to finance capital improvements and—subject to congressional veto—it would have the power to establish and adjust mail rates based upon the actual cost of service, the value to those who are served and the demands of the market.

The presidential commission says that these and other changes—which were first proposed by LAWRENCE O'BRIEN when he was postmaster general—could lead to savings of some $16 billion over the next decade.

It is especially interesting and significant that the commission was headed by FREDERICK R. KAPPEL, retired board chairman of AT&T, an industry which is not only as large as the post office (it actually has more employees), but is in essentially the same kind of business.

A brief study of the performance of these two giants of the communications industry reveal some highly instructive contrasts. Over the past quarter of a century, for example, the post office has consistently raised its charges to the public while AT&T has just as consistently reduced them. While postal rates have tripled, the cost of making a telephone call has declined in many cases by as much as 75 per cent.

Over the same period, the post office has run up a deficit of over $10 billion, while the telephone company was not only making a profit, but contributing nearly $25 billion in taxes—not including many billions more in excise taxes paid by its customers.

There are, of course, special factors which may explain some of these differences. But it is probably safe to say that if AT&T had been run as the post office has been operated, it would have gone broke long ago. And if the

post office were run on a more businesslike basis—as the President's commission has proposed—it could become an efficient, effective and profitable enterprise.

OCCUPATIONAL HEALTH PROGRAM

HON. JOSEPH Y. RESNICK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. RESNICK. Mr. Speaker, when the President proposed the Occupational Safety and Health Act of 1968 he took recognition of a need that has been too long ignored. Medical and environmental studies of the health hazards of the workplace are being carried out by the Public Health Service. But because of a lack of national focus the occupational health program of the Public Health Service has been funded at levels which are woefully inadequate for a complete understanding of the occupational health hazards in American industry.

There has been a series of prototype studies made which were begun in 1965.

These studies have been made in selected areas of the country examining workers at risk in a limited number of industrial categories suspected of having high priority industrial hygiene problems.

For example, there are employed today 24 million workers in the manufacturing, construction, and automobile service and repair enterprises. Not all of these employees are at the production line. If those persons who are clerks, salesmen, and other nonplant personnel are eliminated, there are still 14.6 million workers in this group who are potentially exposed to occupational hazards.

If the studies which have been done are applied nationally, it can be estimated that 36 percent or 5.2 million employees work exposed to occupational hazards, that industrial hygiene attention is needed within the next 12 months and would need followup attention at least once a year.

But these are just prototype studies. Since 1950 there has not been one major industrywide study carried out by the occupational health program that has not been in response to a request or pressure from some outside group. Health hazards in the uranium, phosphate, diatomaceous earth and metal mining industries were studies after investigation by labor unions. Studies in the asbestos, beryllium, and plasma welding industries were in response to requests from the industries themselves.

Almost every instance where the Public Health Service has attempted to undertake a major study as a result of its own evidence the studies were discouraged as unnecessary and therefore not having enough priority to succeed in the highly competitive contests for funding. Mr. Speaker, research on the health effects of mining soft coal was proposed for a decade before evidence from Europe showed that the concern was warranted.

What is needed is a new focus on the occupational health and safety problems in the United States. H.R. 14816 will provide this refocus. By passing this legislation with dispatch the health and safety of millions of American workers will be more adequately protected.

AMERICAN-RUMANIAN AGREEMENT TO CONSTRUCT A NUCLEAR PLANT IN RUMANIA WITH AMERICAN ASSISTANCE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. BROYHILL of Virginia. Mr. Speaker, I am joining my colleagues, ably led by the distinguished gentleman from Ohio, in discussing the ill-advised and useless agreement concluded by this administration on July 8 with the Communist Rumanian Government represented by Mr. Alexandru Barladeanu, Deputy Prime Minister and fifth-ranking Communist Party Presidium member. The agreement calls for the use of American scientists in the theoretical and practical fields to help construct a nuclear reactor plant in Communist Rumania and, according to the quote attributed to Mr. Barladeanu by the New York Times, American funds were also promised together with Russian funds in footing the bill for the plant.

This agreement provides information which is potentially military in nature and certainly represents the last word in industrial technology to a country which is a member of an alliance directed against the United States and NATO, and as such is unjustifiable. It also renders indefensible the retaining of any items of the strategic embargo list to the Communist countries by removing one of the most strategic items from it.

It relieves the Soviet Union of an economically unprofitable, and politically distasteful decision to underwrite the Rumanian nuclear program, liberating its resources to concentrate on supporting those which are undertaken by the hard-core satellites.

It rewards a country which since 1964 has not undertaken any steps for liberalization except the rehabilitation of the purge victims of the former regime among prominent Communists and continues to oppress its national minorities. It helps to create a feeling of helplessness and alienation among our best friends, the peoples of Rumania who now feel abandoned by the West despite friendlier government-to-government relations.

Moreover, Rumania displays its hostility toward our policies rather actively. On June 12 the Bucharest government signed an agreement with Hanoi for the second time in 9 months to send additional military and economic aid to North Vietnam against the American forces in the southern half of that country. I hardly think that a country which grants free military assistance to our active enemy in Asia despite its great shortage of investment capital is a good choice for entrusting it with sophisticated technical-military information, and I warn against the implications of the July 8 agreement.

PENTAGON PLANNERS HINT SOVIET FLEET IS GROWING MENACE TO U.S. CAPABILITY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. ASHBROOK. Mr. Speaker, the Christian Science Monitor of today, July 18, carried a sobering article by George W. Ashworth, one of its staff correspondents here in Washington, which merits close attention. Comparing the recent strides made by the Soviet Union in its submarine building program with the half-hearted efforts of the United States in this area, the article cites the gains made by the U.S.S.R. which have caused Vice Adm. Hyman G. Rickover, our submarine authority, to observe that "we will lose our superiority over the Russians." This is one of the dangerous by-products of our policy of cuddling up to the Soviets, of killing them with kindness, so to speak. While the Soviets proclaim that they are for peace, they are arming to the teeth.

In the forthcoming presidential election campaign, the submarine phase of our preparedness program should be publicly discussed. If the facts are brought to the attention of the voters, I am sure they will see the fallacy of decreasing our defense effort while we pursue further agreements with the Soviet Union.

The article, "Sub Threat" from today's Christian Science Monitor is indeed cause for alarm, and for this reason I insert it in the RECORD at this point:

SUB THREAT: PENTAGON PLANNERS HINT SOVIET FLEET IS GROWING MENACE TO U.S. CAPABILITY

(By George W. Ashworth)

WASHINGTON.—There is a new urgency to Pentagon efforts to counteract the growing Soviet submarine threat.

For years, United States defense planners have been secure in the knowledge that the Soviet submarine fleet, although larger than that of the United States, was somewhat lacking in quality.

Now there is a growing belief in Defense that the Soviets may catch the United States unless countering moves are treated with a new priority. Some sources believe the United States faces the real possibility of being second best for a time in certain crucial areas of undersea endeavor.

Taking perhaps the most dismal view so far expressed by an official, the informed and prickly submarine authority, Vice-Admiral Hyman G. Rickover, told Congress in March, "In my opinion, within [censored] years we will lose our superiority over the Russians. I think it is probably too late even now. I think if we work hard, we can try to catch up."

Not very long ago, Pentagon analysts believed that the Soviets were between 5 and 10 years behind the United States in submarine development.

OFFICIAL VIEW OFFERED

The official viewpoint was reflected in a Time magazine article on Feb. 23, which said, "The Russians lag well behind the

United States in submarine warfare. One reason is that their ships are slower (about 25 knots submerged), make more noise, and cannot dive so deeply as United States subs, and are thus easier to detect."

But, as Time pointed out, the Soviets are trying to improve. There are signs now that the Soviets are advancing beyond the wildest expectations of most quarters, including those of the nation's intelligence organizations.

During the past year, four or five new classes of Soviet submarines have been detected operating in the world's waters. These submarines demonstrated substantial advances in speed, quietness, and weaponry, particularly in missiles.

There is every indication that the Soviets are designing submarines that may—type for type—be comparable to several components of the existing United States submarine fleet. Some Soviet submarines may have advantages that United States officials believe can be equalled or exceeded only by the new classes of United States submarines.

CONCERN DETAILED

Specifically, the major current worries are these:

In terms of quality, Soviet submarines seen in small numbers in the very recent period are of an extremely high order, and this covers a broad range of capabilities.

In terms of quantity, the Soviets, possessed already of at least 350 submarines of various types, are engaged in a rapid construction program. At least five new submarines are launched every year, and some sources suggest that the Soviet fleet may grow in the next few years by as many as a dozen or so submarines a year.

As the Soviet Navy ranges farther in strength to the various oceans of the world, its operating capabilities increase, and it becomes a more ominous presence and threat to the security of the free world navies and merchant marines.

The United States submarine fleet is now qualitatively superior to the Soviet fleet, largely because it has launched in strength fleets of missile-bearing and attack submarines in recent years. Soviet submarines of comparable quality are still very few. But that is changing.

MISSILE FLEET STABILIZED

The United States missile-bearing submarine force has reached the static level of 41. Current plans are for production of nuclear attack submarines to cease in a few years. The last construction allocation has been planned for the next fiscal year.

The Soviet submarine inventory includes only submarines built in the postwar period. In contrast, only 33 submarines in the current United States attack inventory are modern and nuclear-powered. The rest are revamped relics of World War II. Nine of the 33 nuclear attack submarines are not considered first class.

New Soviet submarines are of three types:

Ballistic missile submarines capable of launching attacks against the United States and its allies. Earlier submarines of this type were diesel-powered, with only three crude, short-range missiles in the sail, or superstructure of the submarine. Later models have more missiles of longer range positioned in the hull capable of being fired from below the surface, as are United States Polaris missiles. Some sources believe the Soviets may now have a submarine with 16 advanced missiles similar in many ways to the United States Polaris submarine. Last year, the Soviets exhibited a submarine-launched missile with a claimed range of between 2,300 and 3,000 nautical miles and a 1,500-pound payload.

Cruise missile submarines capable of attacking allied shipping and naval forces as well as striking coastal installations. Strategists were taken aback by the sinking of an Israeli destroyer with such a weapon, and the Navy is busily trying to devise more effective countermeasures. The United States has no such missiles, either on ships or submarines, preferring to rely upon guns and airpower to accomplish the same thing.

New, heavily armed, and very fast attack submarines, pose an increasingly serious threat to surface ships and United States attack submarines, as well as to the United States Polaris fleet.

NEW SUB RUMORED

There have been unconfirmed reports of a Soviet submarine capable of operating at a depth of 2,000 feet. If such a submarine were built in quantity, the Soviets would have an extremely useful advantage, for United States submarines are now believed capable of operating only at around one-half that depth or a little more.

Other Soviet submarines have been found operating extremely quietly, and some have demonstrated great speed, it is believed.

To counter the developing undersea threats, the United States is planning to develop a new and very fast submarine with advanced detection equipment and weaponry.

In announcing recently the decision to go ahead with the new submarine, Secretary of Defense Clark M. Clifford, said also that the decision would be made within several weeks whether to go ahead with development of a new class of quiet submarines with electric drives. Such submarines would be particularly useful, the Navy believes, in clandestine intelligence operations, as well as in tracking Soviet submarines.

NOISE PROBLEM UNSOLVED

Some officials within the Pentagon believe, however, that it would be better to try to quiet the drives of the fast submarines so that one type of submarine would serve several purposes. Although the new submarines will be quieter than present nuclear submarines, there is a question whether the noise level can be brought to the low levels sought for at least a portion of the attack fleet.

In the past, it has been impossible to develop very quiet submarines that were very fast. Admiral Rickover has indicated to Congress that it still might be beyond possibility, but he and his staff are working steadily upon the problem.

Mr. Clifford pointed out in announcing the new submarine program "that submarines constitute only one facet of the defense that we have against enemy submarines. We have sea-based planes; we have land-based planes; we have destroyers; we have destroyer escorts; and we have other means by which we can contend against enemy submarines."

As matters now stand, it appears that the United States will decide to spend large sums of money within the next several years upon its submarines and antisubmarine warfare.

A decision was made to continue with the attack-submarine building construction program. Each new submarine will cost close to $200 million. There will be planes and ships to buy to replace the present aging fleet. If the Soviets appear likely to be able to provide a major threat to the Polaris fleet, the Pentagon may find it advisable to build a fleet of new missile submarines to keep that aspect of the deterrent force safe from harm. That would take billions of dollars.

With so many demands upon the dollar now and with so many needs foreseeable in the near future, the prospect of continued high defense expenditures is not an easy matter to face. But sources here are coming more and more to agree that, unless the Soviet military and naval development drive loses steam, there will be no other way.

THE GOVERNMENT IS DESTROYING U.S. BUSINESS COMPETITIVENESS ABROAD

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 1968

Mr. CURTIS. Mr. Speaker, the July 18, 1968, issue of the Wall Street Journal contains an article showing vividly how the U.S. Government is destroying our business competitiveness abroad. In an article entitled "Foreign Investment Curbs: A Nightmare" Neil A. Martin points out a number of the burdens the Government's foreign investment restrictions are putting on U.S. companies.

The cause of our balance-of-payments problems is Government military and foreign aid programs. From 1950 to 1966 Government overseas deficit spending was $87.6 billion while the private sector returned a surplus of $59 billion. Yet the private direct investment program was alone singled out for restrictive treatment.

The program is being administered by the Commerce Department's Office of Foreign Direct Investment—OFDI. This "temporary" program now has 163 "career" employees and plans to go to 229 employees by early 1969.

What has this burgeoning OFDI program done to date?

First. It has increased redtape, uncertainty, and sheer frustration for U.S. companies.

Second. It has increased corporate borrowing costs by making corporations use higher priced European money.

Third. It is decreasing U.S. exports. Twenty-five percent of all U.S. exports are sold to foreign affiliates and subsidiaries of U.S. companies. U.S. companies are now being limited on how much they can sell on credit to their own affiliates overseas, thus reducing U.S. exports. One recent study by the New York University Institute of Finance estimates our exports are being reduced by as much as $400 million a year.

Fourth. Overseas production facilities are tied to direct investment, and thus competitiveness of U.S. products abroad is being threatened as well as the profitability of U.S. ventures.

Fifth. The OFDI program discriminates against companies new to international operations by keying allowable investment to a historical base period. Companies not overseas in 1965–66, the base period, now cannot invest overseas.

I have written at length previously on this subject—see CONGRESSIONAL RECORD, pages 17906–17907. Not only do I feel the OFDI program is bad economics, but it is also subject to administrative abuse and is probably illegal.

To point out once again the nightmarish aspects of the OFDI program, I am submitting for the RECORD a copy of the Wall Street Journal article. The article follows:

FOREIGN INVESTMENT CURBS: A NIGHTMARE

(By Neil A. Martin)

The Johnson Administration's tough new foreign investment restrictions are turning into a nightmare of red tape, uncertainty and frustration for many U.S. companies.

The mandatory controls on capital outflow are only six months old. But "it seems like an eternity," says one corporate chief. "We've had to expand our accounting and legal staff to keep up with the extra paperwork alone," he adds, "and we're still not sure about what we can or can't do."

But added paperwork is one of the lesser problems. The new regulations have also raised serious questions about the earnings positions of internationally oriented companies, the relationship between direct investment and exports, and, indeed, the future of U.S. investment in Europe.

The problems that brought about the investment curbs are well established. With the exception of 1957, a year of surplus, the U.S. has been running an annual deficit in its international payments of about $2 billion. Last year, according to Government figures, the U.S. spent $3.6 billion more abroad than it returned to the U.S.—more than double the 1966 level. (Some independent economists place the 1967 figure at $4.1 billion.)

WHOSE FAULT?

Equally well established, however, are the causes of the deficit. The Government's military and foreign aid programs have been a continuous drain on the U.S. dollars. Between 1950 and 1966, for example, Washington paid out a net $87.6 billion overseas in military expenditures, grants, loans and various services, while corporations and private citizens returned $59 billion in excess of all private dollar outflow.

By 1967, it is estimated, U.S. direct investments abroad climbed to $60 billion from $12 billion in 1950. The positive contribution to U.S. balance of payments from direct investments, including dividends, interest, royalties and fees, has been nearly $3 billion a year. Yet the industry's direct investment program was singled out for restrictive treatment. It is this latter fact that rankles businessmen the most when they discuss the regulations.

The Government hopes to lop $3 billion from this year's deficit, saving $1 billion through the corporate crackdown. This crackdown includes tight limits on how much U.S. companies may invest overseas, demands that they return a maximum amount of dollars earned abroad to the U.S. in the form of dividends, and liquidation of bank deposits and short-term financial assets.

The program is being administered by the Commerce Department's Office of Foreign Direct Investment (OFDI). From a dozen or so members when the controls were announced last January, the OFDI staff has grown to 163 members currently and expects to have 229 "career" employes by early 1969, a fact that seems to belie the announced "temporary" nature of program.

OFDI officials still believe they might reach the $1 billion target reductions this year although they concede it will be "tough going." For one thing, corporate expansion overseas is proceeding at the 1967 level and may top last year due mainly to the ability of U.S. companies to borrow abroad to replace restricted U.S. funds.

But most businessmen recognize that the heavy tap on the European dollar market can't continue indefinitely. The cost of European money is about 1% higher than in the U.S. Small and medium-sized companies say they are having trouble tapping the crowded European money market. And, finding European loans where repayment is delayed seven years (as demanded by the new U.S. regulations) is expected to become more difficult as time passes.

Whereas in the past a U.S. investor might buy a German company and use its earnings to finance the acquisition, he now has to return most of the profit to the U.S. Also he will find it difficult to expand or modernize the plant's facilities without undertaking a foreign loan.

"U.S. companies in Europe will be under extreme pressure just to stand still—to maintain their hard-won positions, while their competitors take over the market," says Lyman Hamilton, treasurer, International Telephone & Telegraph Corp. "Eventually," he adds, "U.S. companies may be unable to send back dollars at all. Thus an absolutely vital source of dollars flowing into the U.S. will be dried up at a time when it is most needed."

Even more striking is the relationship between direct investment and exports. A recent study by New York University's Institute of Finance warns that the U.S. may be losing as much as $400 million a year in earnings from exports and other current-account entries on the plus side of the balance of payments as a result of the curtailed investment overseas.

About 25% of all U.S. exports are sold to foreign affiliates and subsidiaries of U.S. companies. Under the regulations, a U.S. company can sell all the machinery and merchandise it wants to a non-affiliated U.S. or foreign company abroad, but is sharply limited in how much it can sell on credit to its own affiliates overseas.

AN EXAMPLE

Burroughs Corp. is exemplary of the problems facing some companies. About 30% of Burroughs' total corporate revenue and about 44% of its profit last year came from overseas. More important, about 85% of the company's U.S. exports are to its own affiliates.

Last month the company announced that it was selling a $4 million computer to a Dutch postal banking organization through its Dutch sales subsidiary, Burroughs N.V. Normally, the parent company would sell the machine on credit to its subsidiary, which would pay the parent when it collected from the Dutch buyer.

But under the new regulations Burroughs is prevented from financing the sale, leaving it up to the subsidiary to borrow against its own assets, which in this case happen to be less than the cost of the computer. How to finance the sale? (The company has turned to the OFDI for exemption from the regulations, but so far it hasn't been granted.)

Furthermore, overseas production facilities are tied to direct investment, and any cutback in the amount of investment would appear to threaten the competitiveness of U.S. products abroad as well as the profitability of foreign ventures.

Joint ventures, investments in warehousing, marketing organizations, plus concentration of funds in research and development needed to maintain the "technological gap" abroad in favor of U.S. products, are means by which large companies maintain and expand their market shares. But they inevitably involve the transfer of dollars overseas or plowing-back current earnings.

Another shortcoming of the balance-of-payments program is that all companies are treated more or less equally. This can be prejudicial to companies that are new to international operations. Companies that failed to invest or spent lightly in 1965–66, the base period used by the Government to determine how much a company can invest overseas, find it difficult or even impossible to undertake foreign projects, thus depriving international commerce of "fresh blood."

Many large international companies that cooperated with the Government's voluntary program from 1964–66 and held down investments now find themselves with unusually small base periods for making new investments. And, to make matters worse, these same companies repatriated earnings at a high level during these years to help the Government and are now stuck with these same levels under the new mandatory program.

This has posed special problems for extractive and construction industries. Oil companies are seeking special treatment in such knotty areas as exploration costs, while construction companies argue that the controls are particularly onerous for them because they incurred heavy expenditures over long periods before they received any earnings to repatriate.

HELP IS ON THE WAY

Lest the picture seem all gloomy, the Government is aware of these problems and is moving to resolve some of them. The OFDI is currently holding meetings in seven U.S. cities through July 30 to give businessmen a chance to question OFDI officials about the regulations and their problems.

The OFDI is also asking export-oriented firms about problems they are facing in financing goods to their subsidiaries abroad. "There's certainly a theoretical problem there for some companies," admits OFDI director Charles E. Fiero, "but we want to see just how dramatic a problem this actually is and what sums of money are involved. We don't know whether this is really the problem some industry people say it is."

Nevertheless, some relief appears on the way. New formulas may be devised to: Permit increases in short-term financing used to cover exports; give special treatment for construction companies that move large amounts of capital for short periods; permit oil and other extractive industries to transfer capital to continue exploration; and, perhaps, relieve companies that experience difficulties with strict repatriation rules in Europe.

To this, American businessmen will undoubtedly add a hearty "Amen."

LSD CONTROL MEASURE PROTECTS YOUNG PEOPLE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 1968

Mr. NELSEN. Mr. Speaker, as ranking Republican on the Public Health and Welfare Subcommittee, House passage of the LSD control measure was most gratifying to me. Both our subcommittee, which handled the legislation, and the full Interstate Committee are unanimous in the opinion that this bill is meritorious and should become public law.

Drug abuse is certainly one of the Nation's most serious health hazards, and I view it as a special threat to our young people. Too often they are tempted or enticed to experiment with hallucinogens, such as LSD, or with stimulants or depressant drugs. And too often such experimentation leads on to more serious drug addiction and criminality.

It is out of this concern, shared by so many individuals, that we have attempted to develop more effective controls.

Our measure sharply increases the penalties for illegal trafficking in drugs covered by the Drug Abuse Control Amendments of 1965 and LSD. Up to 5 years in jail, a $10,000 fine or both could be meted out for such trafficking in sales or unauthorized manufacture of these drugs.

This measure would also make illegal possession of any of these drugs a criminal offense punishable by fines, imprisonment or both. First offenders would be guilty of a misdemeanor with punishment ranging up to 1 year's imprisonment, fine up to $1,000 or both. But rec-

ognizing the need to prevent the first offender from having his future wrecked through a single indiscretion, the courts are provided leeway in sentence suspension. A second or subsequent conviction could result in much stiffer fines or jail sentences, however.

I do hope the Senate will act without delay upon this most important measure.

HOUSE REDUCTIONS IN 1969 BUDGET EXCEED THE $10 BILLION BUT NOT THE $6 BILLION GOAL

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 1968

Mr. MAHON. Mr. Speaker, in elaboration of the brief summary which I reported earlier today under the 1-minute rule, the Committee on Appropriations, on yesterday and today, reported three more appropriation bills for the fiscal year 1969—the District of Columbia bill, the Defense bill, and the military construction bill. We are close to bringing the appropriations business of the House to a conclusion. Only the foreign assistance appropriation bill, awaiting authorization, and a closing catchall supplemental bill remain to be reported to the House.

NEW BUDGET AUTHORITY REDUCTIONS

Mr. Speaker, if the House adopts the recommendations of the committee in the three bills just reported, the House will have "gone over the top," so to speak, in one of the main goals in the tax-expenditure reduction bill. Including these three bills as reported, the House will have reduced the 1969 budget requests for appropriations—or more precisely, new budget authority—by nearly $11.6 billion. You will recall that the goal was to cut not less than $10 billion. However, I should point out that $2.7 billion of the $11.6 billion relates to participation sales authorizations which will not materially affect budgeted expenditures in 1969 but could affect future years.

Very sharp reductions are ordained for the foreign aid appropriation bill. So, Mr. Speaker, it now seems likely that House reductions on new budget requests may approximate $13 billion or so, inclusive, of the $2.7 billion for participation sales authorizations reductions.

EXPENDITURE REDUCTIONS

Now, as to budgeted 1969 expenditures rather than new appropriation or budget authority requests, Mr. Speaker, you will recall that the enacted version of the tax-expenditure reduction bill fixed a reduction of at least $6 billion. The Committees on Appropriation and Ways and Means had recommended an expenditure reduction of at least $4 billion, but the conference committee and the two Houses finally agreed upon a $6 billion cut.

Including the three bills just reported; that is, the District of Columbia, Defense, and military construction bills, our best approximation at this time is that the House, in 12 regular appropriation bills for 1969, will have reduced expenditures from the January budget estimates by about $3.7 billion-plus. That is our best estimate at this time, but I should add, Mr. Speaker, that there have been a handful of legislative bills adopted by the House that mandate some additional expenditures above the January budget figures. A good round amount to use at this point, taking everything into account, is perhaps between $3.6 and $3.7 billion.

Even assuming a very sharp cut in the new appropriations for foreign assistance, Mr. Speaker, the first-year, fiscal 1969, expenditure reduction effect will be relatively low. Thus, it now seems clear that the $6 billion expenditure reduction will not be achieved through the individual House actions. Probably something like $4 billion, or thereabouts, would be closer to the mark. In that event, the President would be required under the tax bill to take the additional measures necessary to achieve the $6 billion expenditure cut.

I am including two tabulations summarizing the totals of the appropriation bills of the session in terms of new budget—obligational—authority and expenditure reductions:

First. Table No. 1 is in the customary form, showing the exact amounts for each appropriation bill at each stage; that is, as to House action, Senate action, and conference action, and as to both fiscals 1968 and 1969.

Second. Table No. 2 deals with both legislative as well as appropriation bills where they involve budget authority and budget expenditures. It is from the periodic "scorekeeping" report issued by the staff of the Joint Committee on Reduction of Federal Expenditures.

TABLE 1.—ACTIONS ON BUDGET ESTIMATES OF NEW BUDGET (OBLIGATIONAL) AUTHORITY IN APPROPRIATION BILLS, 90TH CONG., 2D SESS., AS OF JULY 19, 1968

Does not, of course, include any "back-door" type budget authority; or any permanent (Federal or trust) authority under earlier, or "permanent" law [1] without further, or annual action by the Congress]

Bill and fiscal year	House actions		Senate actions		Enacted	(+) or (−), latest action compared to budget requests
	Budget requests considered	Approved	Budget requests considered	Approved		
Bills for fiscal 1969:						
1. Treasury-Post Office (net of estimated postal revenues appropriated)	$1,959,535,000	$1,777,800,000	$1,959,885,000	$1,781,053,000	$1,780,653,000	−$179,232,000
(Memoranda: Total, including authorizations out of postal funds) [2]	(8,337,359,000)	(8,155,624,000)	(8,337,709,000)	(8,158,877,000)	(8,158,477,000)	(−179,232,000)
2. Agriculture	6,923,979,800	5,523,635,500	6,923,979,800	5,540,550,300		−1,383,429,500
3. Independent offices-HUD (including 1970 advance)	16,570,580,300	13,670,636,000	18,353,717,300	15,505,214,000		−2,848,503,300
(Fiscal year 1969 amounts only)	(16,570,580,300)	(13,670,636,000)	(16,953,717,300)	(14,255,214,000)		(−2,698,503,300
4. Interior	1,410,342,300	1,280,880,300	1,432,342,300	1,284,372,800	1,284,989,300	−147,353,000
5. State, Justice, Commerce, and judiciary	2,203,820,900	1,794,981,500				−408,839,400
6. Public works (and AEC)	4,908,657,000	4,499,223,000				−409,434,000
7. Labor-HEW (including 1970 advance)	18,205,261,000	17,224,771,000				−980,490,000
(Fiscal year 1969 amounts only)	(17,005,261,000)	(16,267,057,000)				(−738,204,000)
8. Legislative	257,162,531	247,497,349	308,897,533	298,151,396	298,151,396	−10,746,137
9. Transportation (including 1970 advances)	1,620,832,000	1,353,391,000				−267,441,000
(Fiscal year 1969 amounts only)	(1,620,832,000)	(1,353,391,000)				(−267,441,000)
10. District of Columbia (Federal funds)	176,961,000	[3] 145,672,000				[3] −31,289,000
(District of Columbia funds)	(594,662,000)	[3] (528,886,000)				[3] (−65,776,000)
11. Defense	77,074,000,000	[3] 72,239,700,000				[3] −4,834,300,000
12. Military construction	2,031,500,000	[3] 1,765,019,000				[3] −266,481,000
Total, these bills—						
As to fiscal 1969	132,142,631,831	120,565,492,649	27,578,821,933	23,159,341,496	3,363,793,696	[4] −11,375,252,337
As to fiscal 1970	1,200,000,000	957,714,000	1,400,000,000	1,250,000,000		−392,286,000
Total, 1969 bills	133,342,631,831	121,523,206,649	28,978,821,933	24,409,341,496	3,363,793,696	[4] −11,767,538,337
Bills for fiscal 1968:						
1. Urgent supplemental	[5] (1,216,020,863)	[5] (1,214,780,863)	[5] (1,216,020,863)	[5] (1,405,445,863)	(6)	(6)
2. Unemployment compensation (H.J. Res. 1229)	28,800,000	28,000,000	28,800,000	28,000,000	28,000,000	−800,000
3. Claims and judgments (H.J. Res. 1268, which also carried $400,000,000 highway "liquidation cash")	50,980,863	50,980,863	50,980,863	50,980,863	50,980,863	
4. Secret Service (H.J. Res. 1292)		400,000		400,000	400,000	+400,000
5. 2d supplemental	6,716,514,679	6,346,283,924	6,738,311,393	6,373,735,498	6,295,831,498	−442,479,895
Release of reserves (under Public Law 90-218)	(2,976,051,100)	(2,674,902,800)	(2,976,051,100)	(2,687,902,800)	(2,674,902,800)	(−301,148,300)
Total, 1968 bills	6,796,295,542	6,425,664,787	6,818,092,256	6,453,116,361	6,375,212,361	−442,879,895

Footnotes at end of table.

TABLE 1.—ACTIONS ON BUDGET ESTIMATES OF NEW BUDGET (OBLIGATIONAL) AUTHORITY IN APPROPRIATION BILLS, 90TH CONG., 2D SESS., AS OF JULY 19, 1968—Continued

[Does not, of course, include any "back-door" type budget authority; or any permanent (Federal or trust) authority under earlier, or "permanent" law [1] without further, or annual action by the Congress]

Bill and fiscal year	House actions		Senate actions		Enacted	(+) or (−), latest action compared to budget requests
	Budget requests considered	Approved	Budget requests considered	Approved		
Cumulative totals for the session:						
House	$140,138,927,373	$127,948,871,436				[4] −$12,190,055,937
Senate			$35,796,914,189	$30,862,457,857		[6] −4,934,456,332
Enacted			10,519,217,089		$9,739,006,057	−780,211,032

[1] In round amounts, the January budget—for fiscal 1969—tentatively estimated total new budget (obligational) authority for 1969 at $214,581,000,000 ($201,723,000,000 net of certain offsets made for budget summary purposes only), of which $73,085,000,000 would become available without further action by Congress and $141,496,000,000 would require "current" action by Congress.

[2] These figures assume the January budget estimate of 1969 postal revenues will hold.

[3] Committee bill as reported (subject to floor action).

[4] Includes $2,685,000,000 related to participation sales authorizations (Agriculture $425,000,000; VA and HUD, $2,110,000,000; State-Justice bill, $150,000,000); also includes $126,500,000 (committee bill, $256,000,000) deleted on floor point of order on State-Justice bill.

[5] Not added in totals because every budget request and every item otherwise involved have been dealt with in other supplementals for 1968 listed herein.

[6] Includes $2,535,000,000 related to participation sales authorizations (Agriculture, $425,000,000; VA and HUD, $2,110,000,000).

TABLE 2.—ACTIONS ON INDIVIDUAL BILLS AFFECTING BUDGET AUTHORITY AND OUTLAYS (EXPENDITURES) (AS OF JULY 19, 1968)

[In thousands of dollars]

Items acted upon	Congressional actions on budget authority (changes from the budget)			Congressional actions on budget outlays (changes from the budget)		
	House (1)	Senate (2)	Enacted (3)	House (4)	Senate (5)	Enacted (6)
Fiscal year 1969:						
1. Appropriation bills:						
Treasury, Post Office, and Executive Office (H.R. 16489)	−181,735	−178,832	−179,232	−132,026	−129,230	−129,430
Agriculture and related agencies (H.R. 16913)	−1,400,344	−1,383,429		−414,114	−331,114	
Independent offices and Department of Housing and Urban Development (H.R. 17023)	−2,899,944	−2,698,503		−360,000	−343,245	
Interior and related agencies (H.R. 17354)	−129,462	−147,970	−147,353	−83,000	−103,000	−103,000
State, Justice, and Commerce, the Judiciary, and related agencies (H.R. 17522)	−408,839			−136,620		
Second Supplemental Act, 1968 (H.R. 17734)				−186,352	−120,601	−210,874
Public works and atomic energy (H.R. 17903)	−409,434	[1] −181,195		−255,000	[1] −102,000	
Labor, and Health, Education, and Welfare, and related agencies (H.R. 18037)	−738,204			−341,250		
Legislative branch (H.R. 18038)	−9,665	−10,746	−10,746	−9,833	−10,900	−10,900
Transportation Department (H.R. 18188)	−267,441	[1] −113,691		−304,830	[1] −225,000	
Department of Defense (H.R. 18707)	[1] −4,834,300			[1] −1,700,000		
District of Columbia (H.R. 18706)	[1] −31,289			[1] Nil		
Military construction (H.R. ——)	[1] −266,481			[1] −32,000		
Subtotal, appropriation bills (including, as to budget outlays, the effects of 2d supplemental actions)	−11,577,138	−4,714,366	−337,331	−3,955,205	−1,365,090	−454,204
2. Legislative bills with spending authorizations (changes from the budget):						
Service-connected compensation increase for veterans (H.R. 16027)	+117,350			+98,000		
Education assistance to veterans' widows (H.R. 16025)	+7,625	+16,125		+7,625	+16,125	
Nursing care for certain veterans (H.R. 7481)	+3,551	+3,551		+3,551	+3,551	
Care and treatment of veterans in State homes (H.R. 16902)	+4,098	+4,098		+4,000	+4,000	
Social security benefits (H.R. 15414)		+134,000	+132,000		+134,000	+132,000
Railroad retirement and unemployment insurance benefits (H.R. 14563)				+88,000		+88,000
Land and water conservation fund (S. 1401)	+30,000	+30,000	+30,000			
Federal-Aid Highway Act of 1968 (S. 3418 and H.R. 17134)	−15,000	−155,000		−51,000		
National School Lunch Act amendments (H.R. 17872)				+100,000		
Subtotal, legislative bills	+147,624	+32,774	+162,000	+250,176	+157,676	+220,000
Total, fiscal year 1969	−11,429,514	−4,681,592	−175,331	−3,705,029	−1,207,414	−234,204
Fiscal year 1968:						
1. Appropriation bills:						
Urgent supplemental (H.J. Res. 1229)		−800	−800		−800	−800
Protecting presidential candidates (H.J. Res. 1292)	+400	+400	+400	+200	+200	+200
Second Supplemental Act 1968 (H.R. 17734)	−370,231	−364,576	−442,480	−394,000	−426,228	−424,465
2. Legislative bills with spending authorizations:						
Social security benefits (H.R. 15414)		+15,000	+15,000		+15,000	+15,000
Federal-Aid Highway Act of 1968 (S. 3418 and H.R.17134)	−85,000					
Total fiscal year 1968	−454,831	−349,976	−427,880	−393,800	−411,828	−410,06

[1] Committee action only.

ROCKY IS DESPERATE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 1968

Mr. MICHEL. Mr. Speaker, one of the contenders for the Republican presidential nomination has been quite active recently in a rather intensive public relations campaign. His plan for a policy directed to the war in Vietnam received a good deal of editorial attention and in that regard I include an editorial from the July 17, 1968, edition of the Peoria Journal Star in the RECORD at this point:

ROCKY IS DESPERATE

Gov. Nelson Rockefeller's "plan for Vietnam" reveals only a desperation so great as to lead him into a degree of irresponsibility that is completely out of character.

His nomination as a presidential candidate now would only guarantee that the Vietnamese would continue to press the war, and find no reason whatever to negotiate to any decision.

For Rockefeller has gone to the almost unbelievable move of announcing his "negotiating position" and then announcing in advance what he would do if that position isn't accepted . . . i.e. withdraw anyway, step by step.

Why should the Vietnamese even consider his proposal if he were President, in view of the advance notice that if they tell us to "Go to . . ." we will then accommodate them by withdrawing?

The only possible practical and real effect of this kind of a proposal made by a presidential candidate is to foreclose any chance of peace, and guarantee victory to the enemy through persistence—if they should take him seriously.

American policy and its efforts for peace have been brutally sabotaged by the politically-eager and by folks more steamed up in their role as "critics" than practical in a real search for peace—but this is the crowning blow of sabotage against the chance for peace we should all have been exploiting.

Captured Vietnam documents, plus known sessions of the North Vietnamese policymakers, have made it very clear to anyone really concerned with facts instead of theories that they will make peace only when they can see no military advantage in war.

Our task, from the start, has been to make

it clear that they can expect no such advantage.

Now, Rockefeller has joined the host of hotheads and big mouths that have been eagerly assuring the Reds that there might be a great advantage to continuing this war.

Meanwhile, American young men are dying, trying to prove what the "peaceniks" and over-eager politicians are nullifying with such statements. This is tragic. Horribly tragic.

FRIDAY, JULY 12, WAS A HISTORIC LEGISLATIVE DAY

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 1968

Mr. CHARLES H. WILSON. Mr. Speaker, last Friday, July 12, was a very important legislative day for the House of Representatives as this excellent body passed significant legislation relating to agriculture and trade development, the Public Health Service, State technical services, gas pipeline safety, and ground transportation. But it was in the areas of drug and crime control that the House took a trailblazing lead by passing H.R. 14096, amending the Federal Food, Drug, and Cosmetic Act, to include penalties for the possession of LSD and other dangerous drugs by unauthorized persons, and House Joint Resolution 1, to create a Joint Committee To Investigate Crime.

Anyone reading the daily papers is aware that mounting crime is the most serious problem facing our Nation today. The FBI data on this subject is truly staggering; from 1960 through 1967, serious crimes have increased over 90 percent. Twenty-three percent of these crimes are committed by persons under 18 years of age, an age group which is rapidly multiplying; this is a very unsettling trend.

There is an urgent need for research and study of the psychological and motivational aspects of criminal behavior so that this problem can be attacked at its roots. And, for Congress to be able to forge strong crime deterrent legislation, it must have the appropriate investigatory authority. Also, the new Joint Committee to Investigate Crime will help law-enforcement officials as well as Congressmen to take more effective action to reduce the terror which has seized this country.

H.R. 14096 will increase the penalties for persons convicted of illegal possession of stimulant, depressant, and hallucinogenic drugs. It also provides fairly for first offenders. We are all familiar with the tragic facts on the authorized use of these drugs: deformed babies born to mothers who used LSD during pregnancy, youths driven to suicide on a "bad trip", the physical abuse that is done by certain of the more deadly drugs, such as "speed." In this important matter, the Federal Government must take the lead in protecting our Nation's youth and in punishing the underground manufacturers and "pushers" who mercilessly feed off of them.

Because of pressing committee business involving my responsibilities as member of the Post Office and Civil Service Committee, I was necessarily absent from the Capitol on Friday, July 15. But I did want to express my wholehearted support for the Joint Committee To Investigate Crime and the penalties for the illegal possession of dangerous drugs and state that, had I been able to be present last Friday, I would have voted unreservedly for this historic legislation.

WIDER BUSES WOULD MEAN COMFORT AND SAFETY

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 1968

Mr. MURPHY of New York. Mr. Speaker, one of the most important and vital elements in our Nation's great public transportation systems—the bus—frankly needs room to expand.

This key industry is rightfully seeking to do so through enactment of S. 2658, a most meritorious Senate-passed bill now pending before the House of Representatives. Permissive in nature, the bill would give each individual State the authority to enact companion legislation allowing bus operators using the Interstate Highway System in that State to widen their buses up to 6 inches—or to 102 inches from the present federally imposed ceiling of 96 inches.

Passenger comfort, which would obviously be enhanced, would not be the only result. Safety, already at a laudatory high level, would be improved even more.

Charles A. Webb, president of the National Association of Motor Bus Owners, has lucidly spelled out the industry's position in a thoughtful letter to me. Mr. Webb's letter merits especial attention because as a member of the Interstate Commerce Commission from 1958 to 1967 and its Chairman in 1965 he was highly respected and recognized as one of the most knowledgeable experts in the vast and complex field of transportation. He is now a member of the Department of Transportation's High-Speed Ground Transportation Advisory Committee and in 1967 was named "Transportation Man of the Year" by the Delta Nu Alpha National Transportation Fraternity.

This transportation expertise is reflected in his self-explanatory letter, which I commend to my colleagues and include at this point in my remarks under unanimous consent:

NATIONAL ASSOCIATION OF
MOTOR BUS OWNERS,
Washington, D.C., July 18, 1968.

Hon. JOHN M. MURPHY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MURPHY: The intercity motor bus industry and its passengers—387,000,000 in 1967—have a vital interest in the pending vehicle size and weight bill (S. 2658). What follows is an objective summary of our interest in the proposed legislation and its purpose and effect.

The more than 400 carrier members of this Association provide 90 percent of the intercity bus transportation in the United States. If S. 2658 is approved and is supplemented by corresponding State legislation, bus operators will be able to provide more comfortable and safer transportation for passengers. This greater safety and comfort would result from an increase in the maximum width of buses permitted to use the Interstate System from 96 to 102 inches, as provided in S. 2658 and as already permitted in Connecticut, Rhode Island and Hawaii. Any economic benefit which bus operators would derive from passage of S. 2658 would be directly attributable to their ability to provide more attractive service to the public.

PASSENGER COMFORT

Americans are growing taller and, consequently, broader. The seat breadth of the average man is 14 inches and for the average woman 14.4 inches. Thus, the present 19-inch width of bus seats is not adequate for passengers of above average size. There is no way in which seats can be widened without a corresponding increase in bus width.

Even prior to the sharp decline in rail passenger service, bus companies were providing the only means of public transportation to thousands of small communities. In the main, bus passengers are persons who prefer not to drive or to fly or who cannot afford to do so. They may be unorganized and inarticulate, but their comfort and convenience merit sympathetic consideration.

VEHICLE SAFETY

As explained in the attached brochure, significant safety advantages can be achieved by making buses just six inches wider.

HIGHWAY SAFETY

There is universal agreement among safety experts that a six-inch increase in vehicle width would create no safety hazard on the Interstate System. Representatives of the Department of Transportation and the American Association of State Highway Officials (AASHO) have so testified. With respect to highways which cannot accommodate 102-inch-wide vehicles, the States retain full power to establish or maintain lower width limitations.

Some concern has been expressed that the operation of wider buses cannot be restricted, as a practical matter, to the Interstate System since they must go to and from terminals to pick up or discharge passengers. A large majority of States (38 including the District of Columbia) already permit the use of 102-inch-wide buses in local or suburban service on the non-Interstate System. As to highways which link cities and towns with the Interstate System, the Motor Transportation Department of the National Safety Council correctly observed in its commentary on S. 2658:

"The legislation, being permissive, enables the state to maintain control over vehicles coming on or off the Interstate Highway. It remains the state's determination to issue special permits, grant exemptions or establish routing to and from terminals."

VEHICLE WEIGHT

It is technologically possible to build wider and safer buses without exceeding the 18,000-pound single axle weight limit applicable to vehicles using the Interstate System in 25 States. Further improvements in bus design would be facilitated, however, if the Federal single-axle limitation were raised to 20,000 pounds. By virtue of the "grandfather" clause of the Federal-Aid Highway Act of 1956, 16 States (Alaska, Connecticut, Delaware, Florida, Hawaii, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island, South Carolina and Vermont, plus the District of Columbia) already have single-axle limits of 20,000 pounds or more. As reported on page 44 of the 1967 edition of *Accident Facts* published by the National Safety Council, 10 of these 16 States, plus the District of Columbia, had mileage death rates below the national average.

VEHICLE LENGTH

The maximum permissible length of intercity buses has been standardized by the States at 40 feet Production of longer inter-

city buses is not contemplated at any time in the foreseeable future. Our interest in S. 2658 is not to transport more passengers per vehicle but to provide more comfort and convenience within the limits of present seating capacity.

There have been erroneous statements in the press to the effect that S. 2658 would authorize or permit the operation of highway freight trains. The fact is that regulation of maximum vehicle length is now and always has been regarded as the responsibility of the several States. The truck train bogy reflects either a misinterpretation of existing law or a desire for Federal regulation of vehicle weights and dimensions on all highways. We agree with the House Public Works Committee and with AASHO that the primary responsibility for determining vehicle sizes and weights should continue to rest with the States. If the States prove to be incompetent in the discharge of this responsibility, the Congress has ample authority under the Commerce Clause to establish mandatory requirements for all vehicle weights and dimensions.

HIGHWAY USER CHARGES

The House Public Works Committee, the Department of Transportation, and AASHO have all concluded that the public's investment in the Federal-aid highway system would not be jeopardized by enactment of S. 2658 in its present form. Our members recognize, of course, that the costs of highway construction are rising and that huge expenditures will be required to complete the Interstate System and to upgrade other Federal-aid highways. The intercity motor bus industry is willing to pay its fair share of that cost as determined by the Congress in the light of all relevant cost-benefit data.

Knowing how busy you and your staff are in these closing days of the 90th Congress, I hope you will not deem it necessary to acknowledge this letter. It is written solely for your information and guidance.

Sincerely yours,

CHARLES A. WEBB,
President.

SOLE SURVIVING SONS POLICY

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 1968

Mr. MILLER of Ohio. Mr. Speaker, today I have cosponsored a bill to expand on the Defense Department's current Vietnam assignment policy for certain members of the Armed Forces.

Presently the Department of Defense exempts from Vietnam duty, except on a voluntary basis, the only remaining son in a family in which the father or one or more sons or daughters have been killed, captured, missing in action, or died or are permanently disabled as a result of wounds, disease, or injury sustained while on military duty. This is commonly known as the "sole surviving sons" policy.

The bill I am cosponsoring would expand the policy to include all other surviving members of the family whose father, brother, or sister has died while serving or as a result of service in the Armed Forces in Vietnam.

The tragedy of the loss of one member of a family in Vietnam, Mr. Speaker, is great enough. These American families who have already lost one member should not be asked or required by policy to offer another son or daughter to combat duty. The effect of this legislation on those families who have already made their contribution and sacrifice to the cause of freedom in Vietnam will be immeasurable. At the same time the numbers involved would not be detrimental to our efforts in the combat area. I believe this bill should have prompt consideration.

SLEEPING BEAR DUNES

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 1968

Mr. O'HARA of Michigan. Mr. Speaker, in 1957 the National Park Service conducted a survey of the remaining opportunities for public recreation and the protection of outstanding natural areas along the 5,480 miles of our Great Lakes shoreline.

An outstanding natural area identified by that survey was the Lake Michigan shoreline along the northwest coast of Michigan's Lower Peninsula. Here a great series of dunes, topped by the massive, 460-foot Sleeping Bear Dune, provide the focal point for a fascinating and diverse landscape.

The geological forces which forged this landscape are unusually well displayed in this area where their evidence is still fresh on the land. Behind the dunes, a remarkable variety of plantlife is found, with beautiful and intriguing glens and forested hills.

Since 1961, legislation has been before the Congress to designate a portion of this area as a national lakeshore for the enduring protection of its natural values and the recreational enjoyment of the public. Twice this legislation has passed the other body. It was favorably reported by the House Committee on Interior and Insular Affairs in 1965, but failed to come to the floor for a vote. We have come close to meeting our responsibility toward this heritage and to our people, but we have not completed the job.

Mr. Speaker, the August issue of Parks and Recreation magazine carries an excellent article by Mr. John Peterson concerning the Sleeping Bear Dunes and the national lakeshore proposal. This magazine is the journal of the National Recreation & Parks Association, the professional society of our park and recreation planners and executives. Mr. Peterson, who is the editor and publisher of the Benzie County Patriot, of Frankfort, Mich., describes most effectively the values of this beautiful area and the need for this lakeshore designation.

In this editorial introduction to this article, the Parks and Recreation editors note:

Probably no public park was ever more misunderstood or more misinterpreted by a local faction than was this one.

Now, however, the concern of local residents has been taken into full consideration. As Mr. Peterson points out:

During the six years since the original introduction of the bill to make a park of the "Bear," many changes have taken place in the proposed legislation. Compromises have been made, efforts to appease irate property owners have been put forth and assurances of property rights have been given.

Mr. Speaker, I am the author of H.R. 6616, a bill to create the Sleeping Bear Dunes National Lakeshore. A companion measure, S. 1192, is sponsored in the other body by Senator PHILIP A. HART who has long exerted his leadership for this project.

I would call your attention to one emphasis of this legislation in particular—that is the careful regard it gives to the rights and interests of local property owners. The policy declaration expresses the intent not to appropriate the private properties in this area, but to stabilize the shoreline and its present landscape. Specifically the language is:

In developing the lakeshore full recognition shall be given to protecting the private properties for the enjoyment of the owners.

Nor is this empty language. A strong part of the bill, section 9, requires the Secretary of the Interior to cooperate with the local township authorities in developing acceptable zoning ordinances. So long as private properties are maintained in accordance with these local zoning regulations, the Secretary is permanently forbidden to use condemnation to acquire the property involved. Thus the private owners are guaranteed permanent possession of their property, with no requirement other than their willingness to stabilize the landscape as established by local zoning authorities.

Furthermore, Mr. Speaker, provision is made for 25-year or life tenancy arrangements for any property owner who may wish to sell his property to the Federal Government.

Mr. Speaker, I submit that this legislation, far from working any kind of hardship on the local communities or individuals, is a positive and protective measure for their interests. At the same time it will make a major contribution to the recreational needs of the 20 million people who reside within convenient distance in the Chicago and Detroit areas. And it will carry us forward in our national effort to protect important samples of our native landscape for the heritage of this and future generations.

This should be considered priority legislation. It has been neglected too long. Our responsibility should be met by timely consideration of this measure so that we can move ahead immediately to do just what the bill state—"to stabilize and preserve for the benefit, inspiration, education, recreational use, and enjoyment of the public a significant portion of the diminishing shoreline of the United States and its related geographic and scientific features."

I want to emphasize Mr. Peterson's warning that unless Sleeping Bear "is brought under Federal control in the very near future there will be little left of the original wilderness character of the area to preserve."

Mr. Speaker, I include Mr. Peterson's fine article in the RECORD, and I recommend it to my colleagues:

SLEEPING BEAR DUNES—TIME IS RUNNING OUT TO PRESERVE THIS FINE NATURAL LAKESHORE AS A NATIONAL AREA

(By John Peterson)

(EDITOR'S NOTE.—The proposed Sleeping Bear Dunes National Lakeshore has been

identified as one of the most beautiful, natural areas on the shores of the Great Lakes. The National Park Service with donated funds made the survey that identified the national Lakeshore potentialities of the Sleeping Bear Dunes area and called it to the attention of the people of the United States.

(The proposal posed no threats to any home owners in this scenic area because the proposed legislation, first introduced by Senator Philip A. Hart of Michigan, contained provisions authorizing the government to purchase home properties only if the owners wished to sell. Enactment of the proposed legislation would have permitted the government to purchase undeveloped lands and provide public access and public use facilities so that natural attractions of this extraordinary scenic area could have been protected and preserved.

(Probably no public park bill was ever more misunderstood or more misinterpreted by a local faction than was this one. Six years have gone by since the proposal was first made and as the accompanying article written by John Peterson points out, the superb qualities of the area are being impaired by exploitative development.

(The opportunity to enact legislation to protect the Sleeping Bear Dunes area still remains, although both the time and the constructive opportunities are diminishing.

(Mr. Peterson's article is herewith printed, with the hope that it will serve to alert the American people to the opportunity to provide an exceptionally fine natural lakeshore in a part of our country where it is greatly needed.)

The Chippewa Indians of Michigan cherished a tragic legend explaining the presence of a sandy, wooded mound nestled atop a high bluff overlooking Lake Michigan in the state's northwest lower peninsula.

They called it Sleeping Bear. According to their tribal story tellers, a mother bear and her two cubs began swimming eastward across the great lake to escape a raging Wisconsin forest fire. As they neared the Michigan shore the mother bear arrived safely, climbed the huge bluff and lay down to watch and wait for her two cubs. The offspring failed to make the tiring swim and became what are now the offshore North and South Manitou Islands, but the mother bear continues to watch and wait.

This sad primitive legend was intended to exlain part of a geographical area that presently ranks among the most picturesque in the midwest. Its breathtaking scenery, consisting of bays and beaches, jewel-like lakes and heavily timbered hills, fascinating flora and fauna and endless dunes of clean, sun bleached sand, is potentially one of the greatest recreation areas in the nation but can once more become the scene of tragedy much more real and much more devastating than that of the Indians' mythical bear.

The prevailing winds of the past centuries have had an eroding effect upon the bear and the thousands of acres she overlooks but this has been nothing compared to the eroding effects of the so-called "winds of change."

HUMAN EXPLOITATION DESTROYING A NATURAL AREA

The natural erosion, as is so often the case, has brought character and beauty to this land which in turn is in danger of being destroyed by the unnatural erosion brought about by human exploitation.

Cottages, carelessly built roads, indiscriminate lumbering practices, water pollution, wasteful farming practices and some poorly maintained commercial establishments have taken their toll.

The region is far from spoiled, however, and it must be admitted that the property owners in the area have done a much better than average job of preservation. Most have taken pride in their property and a number of them have as strong an interest in the conservation of the natural charm of the land as professional park and recreation planners.

PROTECTIVE LEGISLATION INTRODUCED

In order to make sure this area might be forever preserved for the use and enjoyment of the many, Senator Philip A. Hart (D-Michigan) six years ago introduced a bill which would establish a National Lakeshore Recreation Area, composed of 54,000 acres.

Many hearings, field inspection trips and subsequent bills have greatly changed the boundaries of the proposed park and the latest proposal includes the bear's two cubs, North and South Manitou Islands. The bill, like the mythical mother bear, is still waiting.

Thanks to a woeful lack of preliminary education and constructive public relations, the proposal was greeted with violent opposition from many property owners who immediately organized to meet what they considered a distinct threat to their property rights.

They formed what they called "The Sleeping Bear Dunes Citizens' Council," retained legal counsel and hired a professional press agent to protect themselves against "federal encroachment."

The Citizens' Council was composed of local residents and summer resorters and was able to raise several thousand dollars for its war chest.

Success of their efforts may be accurately measured by the fact that Sleeping Bear is still without the protection that national lakeshore status would provide, and still being eroded by ever increasing private development.

During the six years since the original introduction of the bill to make a park of the "Bear," many changes have taken place in the proposed legislation. Compromises have been made, efforts to appease irate property owners have been put forth and assurances of property rights have been given.

BEAR STILL REMAINS IN PRIVATE HANDS

All of this has had some effect. Some of the originally strong opponents of the legislation have modified their positions, others have become neutralized, while a few have completely changed their minds, but opposition still exists and the Bear area remains in private hands with much of the choicest recreation areas closed completely to the public.

At the present time legislation is pending in the U.S. House of Representatives and the Senate which would establish Sleeping Bear as part of the public domain.

If it is to be passed this session, it will have to overcome the concerted, dedicated, well financed and militant opposition of the Sleeping Bear Dunes Citizens' Council, apathy on the part of the public and the tendency of an economy-minded Congress, presently concerned with the war in Vietnam, to curtail all conservation appropriations.

If it is not passed this session there is a strong possibility that it will be permanently dropped as a national project, because unless it is brought under federal control in the very near future there will be little left of the original wilderness character of the area to preserve.

Building is going on at an ever increasing pace within the planned boundaries and Platte River, which once offered a delightful wilderness canoe trip to Lake Michigan, and is now so completely developed that it's much like taking a ride down a busy residential street.

The bear still lies atop the bluff watching and waiting but whether she will be doomed forever to view her lair surrounded by private development or whether she will soon see thousands of happy visitors enjoying the beauty she has so long surveyed remains to be decided in faraway Washington where our lawmakers have the power to rewrite a tragic Indian legend giving it a happy ending.

SUPPLEMENT TO THE OPINION OF THE GENERAL COUNSEL, U.S. CIVIL SERVICE COMMISSION ON THE LEGALITY OF SELECTED CONTRACTS AT THE GODDARD SPACE FLIGHT CENTER

HON. PORTER HARDY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 1968

Mr. HARDY. Mr. Speaker, the Special Studies Subcommittee of the Government Operations Committee, on which I have been serving as acting chairman, has been surveying support service contracts during this Congress. We have been considering the efficiency and economy of such contracts as against in-house operations. This type of contract constitutes approximately $8½ billion of Federal expenditures.

A question, not under the jurisdiction of this committee, is whether such contracts are contrary to the civil service personnel laws. In October 1967, the then General Counsel of the Civil Service Commission issued an opinion dealing specifically with two NASA contracts, holding them to be contrary to the civil service personnel laws because they involved Federal supervision of contract employees, on the basis of criteria set forth in the opinion.

On April 25, 1968, in testimony before our subcommittee, the Comptroller General said that the present General Counsel of the Civil Service Commission, in consultation with a small interagency group, was working on a supplement to the October 1967 opinion. The supplement was issued on July 8, 1968. It lays emphasis on whether Federal supervision of contractor employees exists in fact as a continuing process in the performance of a contract.

Because of widespread interest in this supplement, I have asked that it be included in the RECORD following these comments:

The Civil Service Commission General Counsel issued an opinion in October 1967, regarding the legality of selected contracts of the NASA Goddard Space Flight Center. The opinion held that the contracts under review were proscribed by the Federal personnel laws. In addition, the opinion identified six elements designed to assist agencies in determining the legality of support service contracts.

Since the opinion was issued, these elements and the scope of the opinion have been subject to varying interpretations. The purpose of this Supplement is to clarify the meaning of these elements and the scope of the opinion in order to ensure that support service contracts are not drafted or performed in a manner which will evade the requirements of the personnel laws.

It should be understood that support service contracts are not *per se* proscribed by the Federal personnel laws. In addition, no single provision of a contract, such as the task assignment requirement, a technical direction clause, or a "key personnel" provision, should be used as the sole basis for a determination that a support service contract is or is not proscribed by the Federal personnel laws. Evaluation of the legality of a support service contract must be based on a realistic view of the provisions of the entire contract, and the manner in which it is administered and performed.

The touchstone of legality under the personnel laws is whether the contract creates what is tantamount to an employer-employee relationship between the Government and the employee of the contractor.

The basic criteria by which this relationship is judged are those set forth in 5 U.S.C. 2105(a), namely whether an employee is:

(1) appointed in the civil service by a Federal officer or employee;

(2) engaged in the performance of a Federal function under authority of law or an Executive act; and

(3) subject to the supervision of a Federal officer or employee while engaged in the performance of the duties of his position.

The six elements recited at the conclusion of the Goddard opinion relate principally to the third statutory criterion concerning supervision of a contractor employee by a Federal officer or employee. If the contract terms permit such supervision, or if in the actual performance of the contract such supervision is conducted, the test is met.

The Commission's experience reflects that proscribed supervision is frequently evidenced by the six elements stated in the Goddard opinion. Where the work to be performed under contract is to be on-site, with Government-furnished equipment, involving services applied directly to an integral effort of the agency, of a long duration and where comparable services meeting comparable needs are performed in that or other agencies by civil service personnel; responsible agency officials should recognize the existence of a situation where there is potential for the kind of supervision which evidences an employer-employee relationship.

The absence of any one or a number of these elements would not mean that supervision does not exist but only that there is less likelihood of its existence. Moreover, any single element may not be significant unless its presence is felt to a substantial degree. For example, sporadic, unauthorized supervision over an occasional one of a much greater number of contractor employees might reasonably be ignored; whereas, relatively continuous supervision of a substantial number of contractor employees by Government employees would have to be taken into account.

The same reasonable approach should be taken with respect to each element described in the Goddard opinion. The reasons supporting the first four elements simply restate common experience. Performance of the contract work by contractor employees on Government premises ordinarily facilitates supervision by Government employees. The simple question to be determined is whether the proscribed supervision that can be expected from this circumstance has occurred. Use by contractor employees of Government-furnished equipment creates the same facility for supervision, and warrants similar close inquiry. Since Government agencies are responsible for accomplishing their missions, application of contract services to agency efforts integral to accomplishment of the basic mission is likely to be closely supervised. And where that need is felt, it can be expected that most agencies in comparable circumstances will be filling the need with properly appointed civil service personnel.

The criterion stated in the fifth element is the continuing character of the Government need being met by the contract service. The suggestion that a need for service which lasts beyond a year must be filled by use of civil service personnel does not mean that contracts for briefer periods are invariably permissible. A contract for service to fill a temporary need of 30–60 days duration, but which involves continuous supervision of contractor employees by Government employees, would be proscribed. Finally, the sixth element, which involves a requirement for close supervision of contractor employees by Government employees for the protection of Government interests and functions is a companion piece to Bureau of the Budget Circular A–76 which requires agencies to perform for themselves those basic functions of management which they must perform in order to retain essential control over the direction of their programs.

The agencies involved in contracting for support services have the initial and primary responsibility to review and identify those contracts and contract operations which create the proscribed employer-employee relationship in violation of the personnel laws, and to take appropriate action where necessary. The Civil Service Commission has the continuing responsibility to assure compliance with the personnel laws.

MAJ. GEN. HUGH B. MOTT

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 1968

Mr. FULTON of Tennessee. Mr. Speaker, recently Gen. Hugh B. Mott was promoted to the rank of major general and given command of the National Guard's 30th Armored Division.

General Mott, who in civilian life serves as treasurer for the metropolitan government of Nashville-Davidson County, Tenn., has distinguished himself not only as a military leader but as a public servant and civic leader.

In World War II, then a lieutenant, Hugh Mott participated in one of the most unusual and important operations of the battle to defeat Nazi Germany.

This summer a young relative of Mr. Mott, Michael Mott, is working in my office here in Washington. Mike will be a sophomore engineering student this fall at Vanderbilt University, and I requested him to write about his "uncle" Hugh's experience at the Ludendorff Bridge crossing the Rhine at Remagen, Germany.

Mr. Speaker, under unanimous consent, I insert Mr. Mike Mott's account of the experience of then Lt. Hugh B. Mott on March 7, 1945:

Major General Hugh B. Mott has just recently received Congressional approval of his promotion to Major General in the Tennessee National Guard. He has had a long and distinguished career in the service of his country.

Both Major General Hugh B. Mott and General William C. Westmoreland participated in the capturing of the Ludendorff Bridge over the Rhine River at Remagen on March 7, 1945, neither being aware of the others participation. War historians say that probably no other exploit was as important to the eventual defeat of Germany as the capture of this span across the Rhine.

The seizure of this bridge by a handful of officers and men of the Ninth Armored Division created one of war's turning points. Once the Rhine had been crossed, victory was ahead.

Major General Mott, then a Lieutenant, led a team of engineers on to the bridge to cut the demolition wires and to destroy the boxes of T.N.T. located on the bridge.

After the capture, tanks and infantry began crossing the bridge and by the dawn of March 8th several tank companies and two infantry battalions had crossed the bridge.

"The Bridge at Remagen," by our colleague, Representative KEN HECHLER, has received national acclaim as the true account of the events surrounding March 7, 1945.

Both Major General Mott and General Westmoreland were decorated for their participation in the capture of the Ludendorff Bridge. General Westmoreland received the Bronze Star. Major General Mott was awarded the Distinguished Service Cross for "bravery and gallantry."

Major General Mott still serves his country, both as a general and as a civic leader, and his dedication and bravery should be an example to all Americans.

CONGRESSMAN BATTIN REPORTS

HON. JAMES F. BATTIN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 1968

Mr. BATTIN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

CONGRESSMAN JIM BATTIN REPORTS FROM WASHINGTON

JULY 19, 1968.

DEAR FRIENDS: Although it seemed on Monday as if Congress would finish this year's business in time to adjourn for the national political conventions, by the end of the week the House and Senate were again destined for a long and tedious, unproductive "rump" session. Adjournment was in the air before Wednesday, but then the House and Senate leaders gave up all hope of completing their work by the end of July. By working 12 long hours Monday the House completed action on 25 bills, many of them dealing with major issues that have been pending for months. At that pace we could have finished all of the essential work by August 2, but the brakes were applied and the grass-roots duties of Congress, a very important part of our obligation, were sacrified.

The schedule that was set by the majority leaders last week would have assured final action on foreign aid and gun controls, as well as seven other time-consuming but relatively uncontroversial items, by the end of the week. But after Monday that schedule was forgotten. The leaders had decided that a post-convention wrap-up session was inevitable. Year-round sessions have become standard. The Congress operates first in a lull and then in hectic haste to meet the end of the year which is the only deadline that is now recognized. Most of the year the House goes into session at 12 noon and out in a few hours and at that only on Tuesdays, Wednesdays and Thursdays. I am concerned that the present composition of Congress has been affected by a centralization of power that is usually attributed to the federal bureaucracy. Some congressmen who live in the east within easy travel distance from their home district prefer the three-day week because they are able to spend time in their districts.

Long legislative sessions are inherently bad and ineffective. Without adjournment deadlines, poor legislation can be maneuvered into law. With deadlines, many proposals that are on shaky ground would be voted down, but with more time legislation that is in trouble can be forced through by delays, deals, detours and a lot of arm-twisting. As late summer moves into fall and Congress continues to meet, attendance begins to fall. The roll call is already at a point where

often slightly more than half of the Congress acts on important spending bills. During the last session I remember many times the long waits on roll calls while the leaders beat the bushes to get enough members together for a bare quorum.

The grassroots part of the Congressman's job is one of the saving points of representative government. In order to judge the position of his voters a congressman must go home each year for extended stays during which a dialogue with the people should be his main activity. For instance, after I have had a chance to spend a month or two at home, I have more confidence that my votes and stands are consistent with your positions. The mail from Montana, of course, is a good criterion to decide what problems or issues are concerning the voters, but nothing gives a broader view of the issues than a tour of county fairs or a walk down a few main streets during a busy morning. America is one of the few countries where a voter can tell his representative face-to-face that he agrees with him wholeheartedly or has disagreed with his very vote. It's the duty of every congressman to provide that forum.

The only bills that have to be acted on before Congress adjourns are those dealing with appropriations for federal agencies. Without passage of this legislation, government employees would soon find themselves without paychecks and firms that sell goods to the government would be left holding the bag until Congress moved. Even these important items could be dispensed with by one action and that would continue all appropriations at the level of last year's budget. This proposal strikes fear in the hearts of the Administration and generates extreme pressure from the White House, because the federal government has come to expect a certain increase in money every year as regular as clockwork. But I think a continuing resolution on spending would do a world of good. If they didn't have practically an open-end account for their programs the departments would be forced to look at their activities and decide what is essential and what could be put off for another year. The federal government hasn't had to take that type of action for several years and even the Administration would be surprised at the savings they could discover under a tight budget. Economizing to that degree would even result in the first balanced budget for nine years and the effect that would have on inflation would be a pleasant surprise to taxpayers. The cards are stacked against any last minute economizing; however, the Congress is determined to stay in Washington. It will be a waste of time, though—from past experience with post-convention sessions, I know that those last meetings will be a political forum for the next election and legislating will become a pastime.

Sincerely,

JIM BATTIN.

CAPTIVE NATIONS WEEK

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 1968

Mr. PELLY. Mr. Speaker, during this week, designated Captive Nations Week, the world again is reminded of the tragic plight of those persons living under the domination of Communist regimes.

The history of mankind has been one of the development of freedom and justice. And, yet today, while we live in a great Nation of guaranteed freedoms, we must remember that millions of people are living under the political and economic oppression of communism.

We cannot ignore the fate of the captive nations. The history of the nations behind the Iron and Bamboo Curtains is marked by a long, brave, and bloody struggle for their independence. Yet, even though they have been thus far unsuccessful, we know that they will eventually be victorious, for man has an inborn desire to be free. His freedom can be suppressed, but his desire to achieve that end cannot be.

During this week's observance of Captive Nations Week, I wish to salute these brave nations who have been struggling for so long for the right to determine their own destiny: Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, and Rumania.

And, Mr. Speaker, furthermore, I wish to assure those former nationalists of these countries who now are fortunate enough to live in the United States, that I don't intend to forget their friends and relatives in these countries, nor do I intend to lessen my fight for their freedom.

RESOLUTION ENDORSING RECOGNITION OF FEDERAL UNIONS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 1968

Mr. DANIELS. Mr. Speaker, the New Jersey Federation of Postal Clerks at their 44th annual convention held at Asbury Park, N.J., on June 28 to 30, 1968, passed a resolution endorsing recognition by law of Federal unions.

Mr. Speaker, I have been a strong supporters of this principle and I am happy to say that in the other body similar support has been voiced by one of the Federal employees' best friends, the able and distinguished senior Senator from Maryland, DANIEL B. BREWSTER.

Mr. Speaker, under unanimous consent, I insert this resolution at this point in the RECORD:

UNION REGOGNITION BY LAW FOR FEDERAL EMPLOYEES

Whereas: The late President John F. Kennedy, a great friend of labor realizing the urgent need of union recognition for Federal employees, issued Executive Order No. 10988, granting such recognition; and

Whereas: The implementation of Executive Order No. 10988, has never reached the expectations hoped for by postal employees; and

Whereas: Executive Order No. 10988, has been consistently flagrantly and arbitrarily ignored by the Post Office Department defying the intent and purpose of such, therefore be it

Resolved: That the New Jersey Federation of Postal Clerks, assembled in convention at Asbury Park, New Jersey, June 28–30, 1968, urge the enactment of true union recognition by law for Federal employees, "Federal Employe Labor-Management Relations", H.R. 460, introduced by Representative Dominick V. Daniels (D-NJ), and S. 341, introduced by Senator Daniel B. Brewster (D-Md), and be it further

Resolved: That the national convention, to be held at Minneapolis, Minnesota, August 12–17, 1968, continue the goal of union recognition by law, as the paramount issue until enacted into law.

TITLE I EDUCATION AID BOOSTS READING LEVELS IN INNER-CITY SCHOOLS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. MOORHEAD. Mr. Speaker, the Office of Education of the Department of Health, Education, and Welfare reported yesterday that reading levels in slum schools assisted under title I of the Elementary and Secondary Education Act of 1965 have improved markedly.

The report notes that these improvements took place while reading levels in most urban schools were declining.

In view of these encouraging results of Federal aid under title I, it is unfortunate that this body voted last month to slash appropriations for this title 11 percent below last year's inadequate $1.2 billion.

It is my hope, Mr. Speaker, that the good news in the Office of Education report, entitled "Title I, Year Two," will encourage the Appropriations Committee in the other body and the other body as a whole to approve title I funding at least at last year's levels, so that the progress made so far can be sustained.

It is also my hope that the House Appropriations Committee members will soften the blow this body gave to education for the disadvantaged by accepting higher funding when the conference on the Labor-HEW appropriations bill convenes.

Under leave to extend my remarks, I insert at this point in the RECORD, an account of the Office of Education's findings from today's Washington Post. The article follows:

AID TO SLUMS IMPROVED PUPILS, U.S. REPORT SAYS

(By J. W. Anderson)

Federal aid to slum schools is beginning to produce visible improvements in reading test scores, the U.S. Office of Education reported yesterday.

The report appeared at the midpoint of the annual Congressional struggle over school appropriations. The House voted last month to cut school aid for poor children 11 per cent below last year's $1.2 billion, and the bill is now before the Senate Appropriations Committee.

Test scores from 39 cities showed that children in Federally aided slum education projects were making "normal" progress.

"The gain for low-income area schools . . . is typically much less than that," the report added.

But even "normal" progress is not enough to bring these children up to the national average since they start far behind average levels, the Office of Education warned.

The improvement in the Federally aided schools took place in the midst of a decline in reading scores in big city schools generally, the report said.

A study of reading in nine cities, including Washington, showed that achievement in all grades was sinking, regardless of neighborhood income level.

"Inadequate funding of big city education has contributed to this decline in the

effectiveness of city schools," the report declared.

The report, demanded by Congress last December and some months overdue, is based on before-and-after tests given by local school systems during the 1966–67 year.

In that year the Office of Education spent $1 billion on special aid for 9.2 million "educationally deprived" children in public and private schools (total enrollment: 49.8 million). The program is Title I of the Elementary and Secondary Education Act of 1965.

On reading in big cities, the report said: "The New York City superintendent of schools described the 1967 achievement test reports as 'the worst ever' in the schools' history. In Chicago it was reported that only 32 percent of the sixth graders could read a fourth grade book."

In Washington, according to figures published Tuesday by the school board three-quarters of the children now score below the national average for their grades in reading.

SUPPORT OF H.R. 18663

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 1968

Mr. JOHNSON of California. Mr. Speaker, I rise to hail the action taken by the Post Office and Civil Service Committee yesterday in ordering reported H.R. 18663, a bill designed to achieve certain improvements in the postal service, and also to insure employment of adequate personnel to provide the type of service which the people of this Nation have come to expect and most certainly deserve.

The Post Office Department faces a major crisis at the present time, a crisis which is the result, not of a dollar shortage, but of the artificial manpower ceilings which have been imposed. These would force a cutback in employment to the levels of June 1966, in spite of the fact that the volume of mail carried by the Post Office Department has increased by 11 percent during these 2 years.

It is estimated by this Congress that the Post Office Department will be required to receive, sort, transport, and deliver 84 billion pieces of mail this year.

The postal service does not have any control over its workload. It does not set the policies that generate its work. It does not have programs that can be expanded or contracted to meet existing conditions.

The postal service's workload is determined largely by the health of the Nation's economy. The economy is healthy—and that means there will be a lot of mail to deliver. The postal service has to deliver all that mail. The only thing it can do to cut its work force is deliver the mail less often, take longer to deliver it, require its customers to come to the Post Office to pick up their mail, or otherwise give less service to its customers.

A cutback in the level of postal service—in other words, poorer postal service—could very easily damage the Nation's economy. The postal service is our prime artery of commerce. The kind of curtailment in mail delivery service that the Post Office Department must make to meet the manpower limitations imposed by the tax bill is the wrong medicine for the Government's budget problems. The postal service should be exempted from the manpower restrictions recently imposed by Congress.

Mr. Speaker, again let me emphasize that this is not a problem involving dollars. The Post Office Department has agreed completely with the dollar limitations which have been imposed by the Congress. No clearer statement on this could be made than that made by Postmaster General Marvin Watson, in my own home State last Friday when, in Los Angeles, he declared:

> We did not dispute the loss of $169 million dollars in funds, willingly surrendering these for the good of the economy of the Nation. Indeed, we ran our financial affairs so well that we were able to return to the Government at the end of Fiscal 1968, $98 million dollars which we saved.

But Postmaster General Watson has assured me—and I am sure members of the Post Office and Civil Service Committee—that living within the dollar restrictions imposed upon him, he can deliver the mail in a proper manner if the manpower limitations are removed.

In the absence of the exemption which now has been recommended by this distinguished committee, we will see the elimination of all fourth-class offices and the demise of some 4,800 third-class offices, in addition to other reductions in service.

The Second Congressional District of California, which I represent, is composed of 20 mountain-valley counties, covering a geographic area of some 55,000 square miles and, therefore, considerably larger than the State of New York and many other States of this Nation.

With more than 300 post offices operating in this area, you can see that on the average, a post office serves something in the neighborhood of 180 square miles. The truth is, however, that fourth-class offices located in the more rural portions of the district, draw their patrons from even greater areas. If the fourth-class offices and the smaller third-class offices are discontinued, a great percentage of the more than 500,000 people living in the Second Congressional District will be deprived of adequate, prompt, and efficient postal service. They will be continuing to pay for this service but they will not be getting anything in return.

Mr. Speaker, accordingly, I support wholeheartedly H.R. 18663 and especially those provisions which would provide for exemption for the Post Office Department of the manpower limitations imposed by Congress.

Again, let me emphasize that this is not a matter of dollars. The Post Office Department will adhere to the dollar limitations imposed by Congress and, therefore, the elimination of this service upon which so many people of the Nation are dependent, would in truth not save one single 5-cent piece. So let us be realistic about this and let the Post Office Department operate within its dollar limitations in a manner which we expect the Department to operate and to continue the efficient and outstanding service which the people of this great country of ours deserve.

In conclusion, I would like to commend my distinguished colleague from New York, Congressman THADDEUS J. DULSKI, chairman of the House Post Office and Civil Service Committee, for his leadership in this matter and also the fine members of his committee. This committee has worked very closely with the Post Office Department over the years and credit can be given to these outstanding Representatives in Congress for the high quality of service which we now have in the Post Office Department.

And let us concur in the recommendations of this extremely knowledgeable and farsighted committee.

DETROIT'S WELFARE

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 1968

Mrs. GRIFFITHS. Mr. Speaker, at this time, I insert in the RECORD an interesting article on Detroit's welfare, which appeared in the July 13 issue of Scope magazine:

THE FACTS ABOUT WELFARE IN DETROIT: WHO GETS IT, WHAT THEY GET IT FOR, HOW MUCH IT COSTS, WHY NO ONE LIKES IT

(By Wayne King)

Mrs. Clay is in her late 30s, dumpy and graceless. The other day when Della Tesnow called on her, she was wearing an ill-fitting black shell, faded jeans and gold lame sandals with plastic rosebuds on her toes. The wails of the Temptations filtered up the narrow staircase from a phonograph somewhere below, clashing with the organ music of a television soap opera.

The scene was something of a soap opera itself. Mrs. Clay is one of the 22,000 Wayne County mothers receiving Aid to Dependent Children (ADC). Mrs. Tesnow is the ADC caseworker who "visits" Mrs. Clay's home periodically.

"Have you seen your husband recently," Mrs. Tesnow asked Mrs. Clay.

Mrs. Clay shook her head. "No," she said, "he don't come by like he did. I did see him once and he was nice. It's just when he's drinking . . ."

Mrs. Clay has been married twice and has five children, ages 4 to 17. Her second husband is a wino, the worst kind of drunk, mean and unpredictable. Prohibited by the court from entering Mrs. Clay's home, he recently shinnied up a utility pole to the flat and beat his wife senseless.

Mrs. Clay and her five children are supported entirely by the Wayne County Department of Social Services. Mrs. Clay worked once as a nurse's aide, but for the past few years has done nothing but tend her children. She has had surgery recently and the medical bill of $1,305 is to be paid by the state under a medical assistance program set up last year.

"How about the children, Mrs. Clay," Mrs. Tesnow asked, "Are they doing all right in school?"

The 15-year-old has been skipping classes; nine-year-old Lana won a merit award; two others are passing. The four-year-old is a moody boy who's not old enough for school. There will be trouble when he is. "He's a tempery one," sighed Mrs. Clay. "He didn't like the woman at the doctor's office the other day. He stuck his fist through the window of the door. It took four stitches."

Another one of Mrs. Tesnow's "clients," Helen Jackson, has a knotted scar across her right arm. She fell through a window she said, and severed a tendon. Mrs. Tesnow, who has to fill out the form for her, says: "I think

she may have done it in a fight with her husband."

Like the Clay apartment, Mrs. Jackson's is starkly furnished. There are no pictures on the walls, none of the trinkets that clutter most living rooms, no tables, no lamps. There are two TV sets, one obviously broken. The other day when Mrs. Tesnow arrived, Mrs. Jackson was watching "As the World Turns" on the other TV set.

Mrs. Jackson is 26, and at first glance, rather pretty. But when she smiles, you can see two gaping holes where two front teeth should be. She has five children, 3 through 8 years old. Two of them have her maiden name as their last names.

Mrs. Tesnow asked the list of questions on a form called "Client's Statement of Resources—ADC." There are 40 questions covering everything from alimony to estates and trust funds. Mrs. Tesnow explained the questions: "Does your husband give you any money? Do you have any merchandise, things like Avon products that you sell?"

The answers are taken at face value. "The clients never lie," Mrs. Tesnow says wryly. But when there is reason to suspect income that's not reported—like the sudden appearance of a new car—the statements are double checked. But Mrs. Tesnow found no reason to doubt Mrs. Jackson's answers. Mrs. Tesnow departed after advising Mrs. Jackson how to get a repairman to put a new catch on the refrigerator door which had not been closed for weeks.

On another call that day, a greying lady spoke to Mrs. Tesnow as she drove up. "I sure do wish you could help us get this gate fixed," she said. She was not a welfare client for Mrs. Tesnow's destination was the house next door, but she was an ex-client and still asks for advice. She received assistance through the department's program for the aged, but relatives were located who finally took her in. State law says the husband, wife, father, mother and children of any poor person is legally responsible for that person's support. This is enforceable through the probate court.

As Mrs. Tesnow approached the house next door, two little girls joined her. Three other youngsters were inside. This is one of Mrs. Tesnow's more pleasant calls. The home is different from the others. There is a shelf of books and no TV set. The furniture is old—at least twice as old as the eldest child, 12-year-old Ilsa—but it's tasteful.

Mrs. Tesnow asked the routine questions and found that things were going as well as could be expected. The mother is drawing Social Security benefits as a widow but can't make ends meet on them. The welfare office pays the rent and medical bills. The mother and five children each have a medical assistance card. Two of the girls had glasses fitted recently and Wayne County picked up the tab. Glasses are not covered by the state medical program.

With a few exceptions, there is a depressing sameness about home visits by caseworkers. The mothers are listless and most of the children are shy, especially with men. "When there's a man around, there's usually trouble," said Mrs. Tesnow. "The children sense that. It's one of the real problems in these homes."

"Many of the people we deal with," said Margaret Sattler, director of the west side Detroit office, "are disturbed. I don't mean they're lunatics. But 'socially maladjusted' is the term some people use."

Miss Sattler has been a social worker for 30 years. She is frank, tough-minded and vaguely scholarly, like a librarian in a reform school. She is not satisfied with the welfare system, but like critics outside it, she doesn't know the solution. "There are things we can do to improve the present methods. We can make the system work better. I agree that we don't do enough rehabilitation—that sometimes we're doing nothing more than feeding hungry children—but if you don't want this system, how do you replace it?"

One answer, formulated in 1964 by Goldwater economic adviser Milton Friedman and later adopted by noted liberals like Robert F. Kennedy and Eugene McCarthy, is direct subsidy or "negative income tax"—government payments to persons whose incomes are below the "poverty level." Many conservatives like the idea because payments would amount to only a percentage of what recipients actually need (suggestions normally are in the range of 50 to 75%). The incentive to work would not be destroyed, they figure. Liberals, on the other hand, can see it as a logical extension of the progressive income tax. As a result, both ideological positions can endorse the direct-payment idea: Liberals because it would eliminate "welfare prying," conservatives because it would supposedly get rid of the welfare bureaucracy.

"I can see some advantages," said Miss Sattler, "but there is really nothing in the program that can help the poor solve their problems—one of which is how to spend the money they do have wisely. And I don't think such programs as negative tax would actually do any more to encourage initiative than what we have now."

The negative tax proposals vary. Friedman's works this way: A family reporting no income on its tax return would be paid an allowance equal to half the total of the standard tax exemptions and deductions. This would amount to $1,500 for a family of four. If any income was reported—$1,000 in the family of four, for instance—the allowance would be cut by half, or $500 in the example. This means the family could get $1,000 in "negative tax," in addition to the $1,000 earned. Total: $2,000. There would still be some advantage in working.

Under guaranteed income, a proposal offered by James Tobin of Yale University, families falling under "poverty income levels"—Tobin sets the figure at $3,130—would get a direct payment of $400 for each parent, plus $400 for each child up to four, and $150 each for the fifth and sixth. Tobin suggests lopping off 40% of any earned money. Thus a family of six with no income would be eligible for $2,400. If the family earned $2,000, $800 would be deducted, leaving the family eligible for $1,600. Total earnings and subsidy: $3,600. Under this plan, an income of about $5,000 would be the cutoff point.

"Initiative" is a key word in most discussions about welfare. For many people the word, "welfare," conjures up an image of a lazy Negro woman with several illegitimate children and at least one lover by whom she hopes to have several more children so she can get a bigger welfare check. The image usually includes the notion that the assistance checks are used to buy booze, television sets and flashy cars.

There are indeed some cases of outright fraud; some of the welfare recipients are lazy; some have bastard children; there is a high percentage of Negroes; and occasionally someone will attempt to get legal custody of their children simply to get support payments. The question is: How many fall into these categories?

The answer is: Not very many. Right now in Wayne County, there are 63,700 persons receiving welfare payments, plus a few thousand neglected, abused or delinquent children in the county's care. 12,500 of these are old age assistance cases; 8,825 are disabled; 13,400 receive medical assistance; 6,400 are on direct relief (general assistance); 638 are blind. The rest—22,000—are ADC cases (about one-third of the total). Most of these seem frightened, tired and resigned to a hopeless future. About 10% are just down on their luck and can find their way out of the mire. A federal inquiry a few years ago found that less than 5% were cheating.

One caseworker commented: "A lot depends on your definition. You could call some of our clients no-good bums if you wanted to. On some of them, I'd even agree with you. But not many. And the question always is: 'What do you do about the children?' Except where there's outright neglect or abuse there's not much you can do."

One point that's often overlooked is that non-money social aid programs and financial assistance through "negative tax" (or other forms of income maintenance) can be combined. In fact, that's the way most social workers would prefer it. They don't like being watchdogs on the public's money. One caseworker pointed out the difficulty: "To be effective as a counselor, you can't be a policeman. The clients have to level with you. They don't do that when you're poking around in their closets."

There have been significant changes in the welfare system in the past few years, most of them in response to increasing criticism. For one thing, the word, "welfare" is no longer officially used, and a multitude of different agencies have been absorbed into a single statewide system called the Michigan Department of Social Services. In Detroit, the old Department of Public Welfare was eliminated in 1966 by merging it into the Wayne County Bureau of Social Aid, which later became the Wayne County Department of Social Services.

For another thing, it used to be that a welfare recipient in Detroit—particularly an ADC mother—could be rousted out of bed any time of night by an investigator who sometimes actually went so far as to look under the bed to see if a boyfriend was hiding there. Such nighttime visits were made to enforce the "man in the house" regulation which prohibits ADC payments to a woman who lives with an able male. Enforcement of that rule is no longer so strict. Some caseworkers report only those cases in which the relationship is clearly detrimental to the children.

Mrs. Tesnow reported that of the 68 ADC cases she currently handles, 13 involved what she calls "a living-together partner." Almost all of them could be described as "stable relationships," she said. But all of them were broken up: The man had to move out in order for the mother to keep getting ADC checks. Ten of these men continue some kind of support payments although they are not bound by law to do so (though there is a threat of paternity suits if they don't).

The U.S. Supreme Court ruled last month that illegitimacy could not be used to cut off payments.

Paul Conlon, of the Wayne County Department of Social Services (and the man who put a stop to "midnight visits" by investigators when he took office five years ago) said: "A few years ago we were closing cases by the hundreds because of 'man in the house.' The reason that was used was unsuitable environment for the children. Now it is seldom done. Now you need enough evidence to declare neglect, and be able to prove it in court."

Monthly assistance allowances for food, shelter, clothing and other needs are set up on a schedule, but they may be exceeded in special cases with the approval of a district director. "I can't think of anything that we aren't allowed to pay for if it can be justified," Miss Sattler said. The west side Detroit office alone hands out about a thousand bus tickets a day—and about 800 transfers. Washing machines and refrigerators have been purchased and furnaces have been installed. Miss Sattler must approve any expenditure over $300.

Most of the money goes into monthly assistance allowances—from a maximum of $131 per month for a single person living in a sleeping room to $488 a month for a family of 11 living in a furnished house. (Families larger than 11 gets $34 for each additional person.) Other forms of assistance (laundry, special diet and miscellaneous) are also avail-

able. Four dollars a month is allowed for a telephone, $10 for a guide dog for the blind. These payments (not counting medical assistance) cost Wayne County more than $7 million a month—slightly more than $100 for each welfare case.

Director Conlon said no breakdown on administrative costs for Wayne County is available because it is now part of the statewide system. The county does not have a separate budget. He estimated total welfare costs for Wayne County at about $150 million a year. This includes the salaries of the county's 1,600 welfare employes, about 900 of whom are caseworkers.

Regulations and payments are in general being liberalized, but there are also periodic cutbacks. At present, for instance, items like refrigerators, ranges and furnaces cannot be purchased for clients because there isn't enough money in the budget. With a negative income tax or some other system, this problem would still exist; so would the problem of those who, for one reason or another, prefer government handouts to working.

The real problem is that by the time most people become welfare clients, they're beyond "rehabilitation." Public assistance can't make up for the failures already committed, many by the rest of the society. It's too little too late. As Miss Sattler puts it, "Welfare is no substitute for the American dream."

Just about everyone—including those who dole it out and those who receive it—agrees that welfare is not a very good method of dealing with the problem of the needy. But no one has yet come up with anything better.

GEORGE W. CROCKETT, JR.

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 1968

Mr. DIGGS. Mr. Speaker, I am proud to count among my constituents the Honorable George W. Crockett, Jr., who, until his election to recorder's court in Detroit in 1966, was a member of the Michigan bar. He was the most recent recipient of the National Lawyers Guild's Franklin Delano Roosevelt Award, the latest in a long list of recognitions from his profession and other community groups.

Judge Crockett's remarks were prepared for a Detroit conference of the American Civil Liberties Union held earlier this year.

The remarks follow:

DETROIT RECORDER'S COURT AND THE 1967 CIVIL DISTURBANCE

(By George W. Crockett, Jr.)

A United States Senate Committee recently suggested that Detroit's Recorder's Court was too lenient in its handling of cases growing out of Detroit's civil disturbance last summer. I assume the Committee had reference to the fact that the large bulk of the 1967 riot cases on our docket have been and are being disposed of as simple misdemeanors instead of felonies; and the sentences generally are limited to the time spent by the defendant in jail while awaiting reasonable bail or the final disposition of the case.

I disagree with the Senate Committee. Instead, I suggest that we judges (perhaps subconsciously) are belatedly endeavoring to make amends for the wholesale denial of the constitutional rights of virtually everyone who was arrested during that disturbance. And I include myself in this indictment. As the report of the President's Commission points out (Chap. 13, note 9), the bails fixed by me were the lowest in the Court; but they still were much higher than they should have been.

Nor am I convinced that there is general appreciation even now of the full extent of the injustices we committed by our refusal to recognize the right to immediate bail and our objection to fixing reasonable bail. Some of the cases which have come before me as a result of the curfew imposed following the death of Dr. King suggest that the prosecutor's office and the policemen in the street have learned nothing from last summer's experience; and this has serious implications for the coming summer.

The situation we faced last summer is authoritatively summed up in the recent Report of the President's National Advisory Commission on Civil Disorders (U.S. Govt. ed., p. 60):

"In all, more than 7,200 persons were arrested. Almost 3,000 of these were picked up on the second day of the riot, and by midnight Monday 4,000 were incarcerated in makeshift jails. Some were kept as long as 30 hours on buses. Others spent days in an underground garage without toilet facilities. An uncounted number were people who had merely been unfortunate enough to be on the wrong street at the wrong time. Included were members of the press whose attempts to show their credentials had been ignored.

"People became lost for days in the maze of different detention facilities. Until the later stages, bail was set deliberately high, often at $10,000 or more. When it became apparent that this policy was unrealistic and unworkable, the prosecutor's office began releasing on low bail or on their own recognizance hundreds of those who had been picked up. Nevertheless, this fact was not publicized for fear of antagonizing those who had demanded a high-bail policy."

The Report mentions that at least 83% of these 7,200 arrestees were black citizens. I suggest that this fact accounts in large measure for the unconstitutional procedures uniformly followed by the authorities after their arrest—the exceedingly large number of unjustifiable felony charges which have since been reduced to misdemeanors; the insistence upon routine time-consuming clerical and identification procedures as a pretext for holding people in custody; the refusal to utilize the judges and staffs of other courts so as to expedite the processing of cases and afford time for individual examination at arraignments; and, of course, the assessment in mass of exorbitantly high bail which resulted in the exhaustion of our conventional detention facilities.

THE CURFEW CASES

The bulk of the 7,000 arrestees were arrested for being on the streets after the curfew hour. A large portion of these were juveniles whose cases came before Juvenile Court. Three thousand of these arrests occurred on the second day of the riot when the initial curfew Proclamation was in effect. Each of the curfew arrests made under the initial curfew Proclamation was illegal because the Proclamation failed to provide that its violation would constitute a misdemeanor. The statute makes such a provision mandatory. Notwithstanding this omission our Court enforced the initial Proclamation as written. Later this "error" was detected and a new Proclamation was issued.

The curfew misdemeanor was punishable by fine of not more than $100 and/or a jail sentence of not more than 90 days. As such, it was the equivalent of a traffic violation for which a traffic ticket normally is given and the defendant is not detained. There was then, in my judgment, no justification whatever in *detaining* these curfew violators any longer than the time required to obtain and verify their names and correct addresses. Either they should have been (1) issued a summons (on the spot or at the Precinct Station) to appear in Magistrate's Court; or (2) simply ordered to disperse and go immediately to their homes. Those who failed to appear on the appointed court date could be prosecuted by warrant later; and those who disobeyed the order to go to their homes should then be arrested and charged with the high misdemeanor of failing to obey the arresting officer—a prison offense.

Had this procedure been followed the number of arrestees would have been greatly reduced; the processing of cases involving serious charges would have proceeded more expeditiously; our detention facilities would have been more adequate for the demand; the rights of all citizens could have been secured; and most importantly, the fears and tensions in the Negro community would not have been nearly as great nor the aftermath of bitterness so potentially threatening.

Instead, the arresting officers, the prosecutors and the judges made a bad situation worse by their indiscriminate and prolonged detention of all curfew violators before bringing them before a judge. Almost without exception these people did not come before a judge until 24–48 hours after their arrest and their detention in city buses parked in the blazing sun. In most cases they admitted their guilt or they were tried by the judge and found guilty. In either event the usual result was a suspended sentence or a sentence to the days already spent waiting to be brought before a judge. In any event, the net result is that they were punished by "cruel and inhuman treatment" even before they reached court.

To claim then that our disposition of the curfew cases was too lenient overlooks completely the injustice already visited upon these defendants as well as the fact that the magnitude of the arrests made any other final disposition impossible in these cases.

THE FELONY CASES

But the real complaint about "the leniency" of Recorder's Court seems to concern our disposition of the felony cases.

The publicity credited to the prosecutor's office and the police department at the time of the 1967 disturbance left the public impression that an unusually large number of major crimes were being committed; and there were repeated assurances that "these felons will be prosecuted to the full extent of the law."

When, as it later appeared, the evidence was not forthcoming to support these serious charges, the judges are criticized and the complaint is heard that Recorder's Court judges are too lenient.

The truth of the matter is that in the overwhelming majority of the cases the police and the prosecutor simply charged more than they could possibly prove. And I am of the view that much of this was done deliberately and for the purpose of having a prohibitive bond placed against the defendant so the defendant could be detained in prison pending his examination and trial.

The report of the President's Commission states that 24% of those arrested for felonies in the Detroit riots were never prosecuted. That is, they never became court cases. Also, of the 76% who were prosecuted, about half of these (49%) were dismissed at the preliminary examination for lack of evidence. This report further points out that 26 persons were charged with sniping but 23 of these charges were dismissed; 34 persons were arrested for arson, but 21 of these were never prosecuted; 28 persons were arrested for inciting to riot but 22 of these were not prosecuted; and of the 253 assault arrests, 184 were discharged, 11 were convicted, and 58 are still pending.

The statistics from our own Court records are most revealing. They support the fact that hundreds of unwarranted arrests were made and the arrestees were later discharged without being brought to Court.

Of the 7,200 persons arrested our records show that only 4,200 were brought to Recorder's Court. The other 3,000 were juveniles or they were discharged by the Police or the Prosecutor without court appearances.

Of the cases brought to our Court 75% of the persons were charged with a felony. So the accused is entitled to counsel, he is entitled to an arraignment on the warrant; to a preliminary examination; and to an arraignment on the information—a total of three court appearances before his trial date. And since virtually all of those charged with felonies were indigents, each of these felony cases costs Wayne County taxpayers a substantial sum in assigned counsel fees, notwithstanding they amounted, at most, to misdemeanors in which there is not a right to assigned counsel. Also an average of six months was required to process these felony charges from warrant to judgment whereas only days are required for a misdemeanor. Thus, this procedure of uniformly making felony charge has completely disrupted our Court docket and greatly increased the city and county's cost of operating Recorder's Court.

In these felony cases, as in the curfew cases, the prosecutor demanded and our Court imposed unconstitutional bail ranging from $10,000 to $200,000! And we did it routinely and without making any individual inquiry whatever to determine if such bail could be justified. The asserted justification for this unusual procedure was: "We have to keep *these people* locked up and off the streets so they won't go out and do the same thing again"! Or "The Prosecutor and the Police Department is waiting for an FBI check so we won't allow any wanted criminals or 'outside conspirators' to escape"!

The Prosecutor knew or should have known—and certainly we judges should have remembered—that reasonable bail before conviction is a matter of constitutional right under both our State and Federal Constitutions. As the U.S. Supreme Court said in *Stack v. Boyle* (1951) 342 US 1:

"This traditional right to freedom before conviction permits the unhampered preparation of a defense, and serves to prevent the infliction of punishment prior to conviction. . . . Unless this right to bail before trial is preserved, the presumption of innocence, secured only after centuries of struggle, would lose its meaning."

There are other principles set forth in *Stack* v. *Boyle* which are binding upon us in fixing bail and which we ignored. Thus the Court pointed out:

"The fixing of bail for any individual defendant must be based upon standards relevant to the purpose of assuring the presence of that defendant. . . .

* * * * *

"If bail in an amount greater than that usually fixed for serious charges of crimes is required . . . , that is a matter to which evidence should be directed in a hearing so that the constitutional rights of each petitioner may be preserved."

Again Justice Jackson's opinion points out:

"Each defendant stands before the bar of justice as an individual. . . . Each accused is entitled to any benefits due to his good record, and misdeeds or a bad record should prejudice only those who are guilty of them. . . .

"It is not the function of [the charging authority] to fix bail, and its volunteered advice is not governing. . . . Such recommendations are better left unmade, and if made should be given no weight."

The unconstitutional conduct of our Court in fixing prohibitive bail in a uniform en masse matter and without any inquiry into the defendant's family, employment or community ties cannot be condoned. And our action was further compounded by an oral order to the Sheriff to refuse to release even those who offered our high bail unless the Court could reexamine and determine if their bail should not be made higher still! However, this provision went too far for several members of our Court and they each gave specific orders to the Sheriff and to the bonding clerk to release immediately anyone who posted the bond initially fixed by them.

This "high bail policy" in our Court was followed from Sunday until Friday noon with hundreds of presumably innocent people with no previous record whatever, suddenly finding themselves separated from their families and jobs and incarcerated in our maximum security detention facilities at Jackson and Milan; and all of this without benefit of counsel, without an examination and without even the semblance of a trial.

As should have been anticipated, racial tensions mounted to something approaching the explosion point. By Friday noon the prosecutor was so disturbed that he requested authorization to countermand our Court's bail orders and to use his uncontrolled discretion in releasing prisoners of his choice. Also by Friday noon the Governor, the Mayor and the President's personal representative were sufficiently apprehensive that they demanded and received a special audience with our Court where they each asked that we expedite the release of as many arrestees as possible.

Also by Friday afternoon a sizeable delegation representing Detroit's black community demanded and received a hearing with the judges of our Court and they lodged a vigorous protest about the flagrant denials of their civil rights and liberties; the killing of some 33 Negroes by police and guardsmen; and the indiscriminate kicking in of doors and searching black people's homes.

It was not until these happenings occurred that we judges returned to our judicial senses. Within a matter of a few hours orders were entered releasing the overwhelming bulk of these defendants on personal bond.

In the five or six years immediately preceding our 1967 disturbance, much progress was made in Detroit in improving police-community relations. No Police Commissioner in the past 25 years enjoyed the respect and confidence in the Negro community that Commissioner Girardin enjoyed prior to the summer of 1967. He is still highly regarded; but not his Department. And not the Wayne County Prosecutor's Office; and not the Recorder's Court. The black citizens of Detroit find it difficult to understand the essential justice of any system that will arrest, charge and prosecute 3,230 persons with felonies and then dispose of the first 1,630 of these with 961 dismissals, 664 pleas to misdemeanors (trespass, petty larceny and curfew violations) and only two convictions on the original charge!

It is not surprising that police-Negro tension is almost as high in Detroit today as it was immediately after last summer's events. The simple truth is Detroit's black community knows that the temple of criminal justice has fallen down; they feel the beams resting upon their necks at every turn. What is particularly disturbing is the refusal of the Establishment to open its eyes to this fact.

THE "PUEBLO": HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1968

Mr. SCHERLE. Mr. Speaker, this is the 178th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

VIOLENCE IN AMERICA

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 1968

Mr. DULSKI. Mr. Speaker, when the 1,800 delegates of the Communications Workers of America gathered in Washington, D.C., last month for their 30th anniversary convention, they considered matters of concern to their responsibilities both as citizens and as union members.

I want to commend the union and, in particular, its fine president, Joseph A. Bierne, for their vigorous attention to a matter which is and should be of concern to all citizens: the matter of violence in America.

As President Bierne said:

We in CWA are not just expressing concern; more than that, we are urging all Americans to face up to the problems that confront this great nation, and to work together to do those things that must be done to protect our free society.

Mr. Speaker, I include with my remarks the text of the union resolution:

VIOLENCE IN AMERICA

A society of violence is victimizing America, threatening to replace her cherished life of freedom with life of fear. Tyranny is a visible spectre.

Those who preach change through peaceful means are being struck down by the disciples of terror. Those who suffer in our slums are having their suffering multiplied by the mindless menace of rebellion through riots.

Our institutions of learning which should be citadels of tolerance are, instead, boiling in the ferment of lawlessness.

Empty statistics tell us of the hundreds being murdered by gunfire, of the thousands being beaten and robbed and maimed in the madness that is sweeping across our land. Yet the society of violence is not limited to the overt antilaw acts.

Our starving children are the victim of this society of violence. The poor who are not privy to medical care are among those it condemns. The elderly who are mired through the lonely years in the land of the forgotten are living sacrifices to this plague.

The society of violence is not concerned with race. Extremisms feeding the society attacks black and white with equal fervor. Nor is a line drawn between the rich and the poor. It attacks the famous and the nameless with equal fierceness, and neither the young nor the old is spared. No sanctuary exists to give safety from this scourge.

Homes without heat, communities without doctors, hospitals without beds, schools without books, voluntary organizations without funds, men without work, women without security, children without food and shoes—all these contribute ammunition to the society of violence. They erase the hope, as well as the guarantee to "life, liberty and the pursuit of happiness." They tear at the fabric of our democracy, leaving it naked to the attack of violence.

The sick society of violence feeds on the extremes. From both the far left and the radical right come the preachings against our most sacred institutions—our churches, our government, our schools, our courts, our unions—and even the very laws adopted by our people to protect and enhance their own freedom.

The prophets of violence use the words of sociologists, criminologists and anthropologists to say that man is by nature an ag-

gressive animal. That he fights and destroys because that is his heritage.

And there are those who hold that the people of the United States have developed and thrive on a diet of violence and that mankind here is a singularly brutual species. We take issue with both conceptions.

But we cannot ignore the horrible fact that the society of violence is an excruciating dilemma of our land in these times. Nor can we in the trade union movement avoid our responsibility in finding the elusive answer.

Find it we must, and quickly, for the society of violence has traditionally buried freedom under tyranny, using anarchy as its vehicle. There is no reason to believe that tradition in government has changed.

Our freedom that is endangered is a freedom constructed on a foundation of law. Law that is not enforced breeds violence. Our present laws, including those that insure the protection of the individual, must be honored by the law abiding and enforced fully upon the law breaker. New technology and training methods must be instituted to cope with the insane menace confronting us.

Bitterness, anger and rage must be replaced with reasonableness; with rational actions that will eliminate the other faces of poverty as well; and actions that will restore hope for the helpless and decency to the degraded, dignity, without divisiveness.

We must as individuals and as communities of man make the fundamental change in spirit, in an atmosphere that will lead to an end to this chaos. A true concern for every man, woman and child is imperative.

Individuals and their governments, at the local, the state and the national levels, their churches and their voluntary groups, their employers and their unions need to bind together in a common effort to end the brutality of existence.

Those who shout that "only in violence can man achieve dignity" are wrong. Our task is to prove them so. We must decide, and dedicate our efforts, to the end that no American will suffer malnutrition and starvation in a land of surplus; that no child will shiver and freeze for the want of heat; that no person will suffer pain and death that can be relieved by proper medical care; that no person shall be denied an education he desires and is capable of absorbing; that charitable organizations will not have their good works stymied by the lack of funds; and that no man will be robbed of the right to dignity that comes only with employment.

Let us now determine that the prophets of violence are wrong, and that the society of violence can be obliterated by an outpouring of goodwill, and by constructive legislation at the state and federal levels of government.

Many men have spoken against the deadlines of violence. Few have been so eloquent as its victims.

Abraham Lincoln warned:

"Among free men there can be no successful appeal from the ballot to the bullet; and those who take such appeal are sure to lose their cause and pay the cost."

Dr. Martin Luther King, Jr., the prophet of non-violence, preached:

"Together we must learn to live as brothers or together we will be forced to perish as fools."

And the revered Senator Robert Francis Kennedy implored:

"Surely the world has seen enough, in the last 40 years, of violence and hatred. Surely we have seen enough of the attempt to justify present injustice by past slights, or to punish the unjust by making the world more unjust.

"We know now that the color of the executioner's robe matters little. And we know in our hearts, even through times of passion and discontent, that to add to the quantity of violence in this country is to burden our lives and mortgage our children's souls, and the best possibilities of the American future."

Let us now, then, be determined to guard the American future—guard it by smothering the society of violence with a society of love, and by constructive legislation at the state and federal levels of government.

For to ignore the rising tide of violence is to become its victim.

We of CWA fully recognize that we have responsibilities to our country over and above our responsibilities as union members.

It is urgent that we let our public officials and legislators know how deeply we are concerned about violence now, before it is too late: Therefore, be it

Resolved, That a printed copy of this resolution be sent to each Mayor, Councilman, Commissioner, Congressman, and Senator; and be it further

Resolved, That the President of the United States be sent a copy of this resolution, together with a list of the delegates to this convention and the names of the hundreds of cities, towns, and communities from coast to coast where we live and work, and where, we believe, our thoughts do truly reflect public opinion.

THE COMMUNICATIONS WORKERS OF AMERICA, AFL–CIO.

In Convention Assembled June 21, 1968.

THE "PUEBLO": HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 1968

Mr. SCHERLE. Mr. Speaker, this is the 179th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

SENATE—*Saturday, July 20, 1968*

(Legislative day of Friday, July 19, 1968)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore.

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

O God, in Thy name we pray today. Let us know Thy will. With Thee we are saved. Without Thy love we are lost. May our minds be stayed on Thee.

Though a thousand foes surround righteous thinking and acts, in Thee shall Thy people be found safe.

Guard and direct the affairs of our great Nation and the world. We commit ourselves to Thy care.

Inspire the thinking and deliberations of these worthy leaders. Thou art with us all the day long as we permit Thy presence to work within. Thou art justice, peace, life, and the healer of all nations' strife.

We trust in Thy steadfast love. Our hearts find hope in Thy salvation. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Friday, July 19, 1968, be approved.

The PRESIDENT pro tempore. 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.

The PRESIDENT pro tempore. The time between now and 10:30 a.m. is under the control of the Senator from Delaware [Mr. WILLIAMS] and the Senator from Louisiana [Mr. ELLENDER]. Who yields time?

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator from Louisiana yield me 1 minute?

Mr. ELLENDER. I yield.

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

DEPARTMENT OF STATE

The bill clerk proceeded to read sundry nominations in the Department of State.

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

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

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

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1410, 1418, 1419, 1420, and 1421.