RESOLUTION OF KNIGHTS OF LITHUANIA, COUNCIL 29

On January 16, 1968, the Knights of Lithuania, Council 29, gathered at St. Georges Hall, 180 New York Ave., Newark, N.J., for their regular monthly meeting and the following Resolution was unanimously adopted:

"Whereas February 16, 1968, will mark the 50th anniversary of Lithuania's independence, the Lithuanians all over the Free World will commemorate this special event.

"Whereas Lithuania has never rested since 1940, when Russia overran the country. She has made it plain to the entire world that she wants to be free from Soviet Russia and that she will never rest until her freedom has been restored to her. Since 1940 she has sent out appeal after appeal to the free world asking that something of a concrete nature be done to restore her rightful place among the free and independent nations of the world.

"Whereas, during 22 years of independence, Lithuania proved itself capable of governing its own affairs and making progress in the economic, cultural, and scientific fields.

"Whereas, on June 14, 1939, the Soviet Government handed an ultimatum to the Lithuanian Government demanding the formation of a pro-Soviet Government and the admission into Lithuania of an unlimited number of Soviet troops. Before the deadline of the ultimatum had expired, a force of 300,000 Red soldiers, supported by armor and airplanes invaded Lithuania.

"Whereas, Americans of Lithuanian descent on this occasion of the 50th anniversary pledge to continue all efforts towards the restoration of a free and independent status for the Baltic countries and on this day we repeat to our brothers and sisters behind the Iron Curtain—that we have not forgotten you.

"Whereas, Lithuania's search for freedom, like her celebrations, will continue. Although her geographic outlines are blurred by the mighty shadow of Soviet Russia. Lithuania takes a place of honor among the ranks of those who continue their struggles for self-determination.

"Whereas, Lithuania, however, is unable to liberate herself. We therefore appeal to you for help. We ask you to urge your government to raise the issue of restoration of Lithuanian Independence at every appropriate occasion.

"Be it resolved, That copies of this resolution be forwarded to the President of the United States of America, His Excellency Lyndon B. Johnson, to the Secretary of State, the Hon. Dean Rusk, to the U.S. Ambassador to the United Nations, the Hon. Arthur J. Goldberg, and to the Senators and Congressmen of New Jersey.

"CHARLES STROLIS,
President.
"JUDY STUKAS,
Secretary."

Aurora, Ill., Plays Vital Role in War on Poverty

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 19, 1968

Mr. PUCINSKI. Mr. Speaker, in the CONGRESSIONAL RECORD, volume 113, part 24, page 32363, during House debate on the antipoverty program, I had inadvertently made a statement that the city of Aurora, Ill., had not been invited to participate in the development of an active poverty program in that city and that the mayor of the city had been excluded from participating in the administration of the poverty program.

I also made reference to the fact that a riot had occurred in that city and that the mayor was unable to improve the poverty program to help eliminate the conditions which led to the rioting because the nominating committee of the community action board in his community refused to have any public officials on the board.

I had inadvertently referred to Aurora when, in fact, it was another Illinois city that was experiencing this difficulty.

The mayor of Aurora, Ill., advises me that he has always been a part of the poverty program in that city and the program began with a target study to find the pockets of poverty and the needs to be met.

I am further told that the Kane County Council for Economic Opportunity, which is the community action program, has a neighborhood committee which operates the service center in Aurora. I am told this neighborhood committee works directly with all the elected officials of the city and county, and that the mayor of Aurora has always been a part of the program, indirectly now through his appointed chairman of the human relations commission.

It is obvious that I did not have Aurora, Ill., in mind at the time I made my remarks and I would like the RECORD to stand corrected, particularly since I am assured by the authorities in Aurora that this fine city did not have any riots and continues to develop a most effective program to deal with poverty in Illinois.

In my general debate on the poverty program I intended to identify the city which was having problems as Elgin, Ill., and it was the mayor of Elgin, Ill., Mayor E. C. Alft, that I had made reference to in discussing the fact that elected officials were not given sufficient voice in the planning of poverty programs.

While I am very happy to make this correction in the RECORD today and quickly admit that we had inadvertently used the name of Aurora instead of Elgin, I do want to place in the RECORD at this point a letter from Mayor Alft which has come to my attention.

Mayor Alft's letter follows:

CITY OF ELGIN,
Elgin, Ill., November 21, 1967.

My attention has been called to the November 14th issue of the Congressional Record in which Rep. Roman C. Pucinski uses Aurora, Illinois, as an example of a city beset by racial turmoil in which the Mayor had no voice in the local "War on Poverty" program.

I believe Rep. Pucinski is confusing Aurora with its sister city in Kane County, Elgin. Rep. Pucinski phoned me at home on Sunday morning, July 30th, following our first civil disturbance the previous evening. We agreed that the organizational structure of the local OEO councils was essentially irresponsible, and he expressed surprise that the Mayor of Elgin was never invited to be on either the Kane County Council for Economic Opportunity or to sit on the local Elgin advisory board.

The main office of the KCCEO has been located in Elgin since its inception in 1965, and Elgin has borne the main brunt of its activities. A center was not established in Aurora until the summer of 1967. Because of Rep. Pucinski's concern, I forwarded a complete statement of the Elgin City Council's attitude toward the local anti-poverty program on August 10th, and he acknowledged its receipt in a letter dated August 15th.

The City of Elgin supports all constructive programs aimed at the elimination of poverty and has high praise for the Head Start program and the activities of the Illinois Migrant Council. We do believe a 62-member Council containing only one popularly elected official simply has no real control over the policies and activities of the staff members, some of which are highly questionable and documented in our statement of August 10th.

As long as local OEO staff members regard the City of Elgin as "the enemy" instead of a common ally, participate in a suit against the city (since dismissed) which if successful would have brought anarchy to local government in Illinois, are ignorant of basic legal and political procedures in this state, and propagate untruths about city intentions toward disaffected minorities, there can only be an increase in racial tension in this community.

We appreciate your willingness to continue OEO appropriations, and we hope that its local administration will become more responsible.

Sincerely yours,

E. C. ALFT,
Mayor.

SENATE—*Tuesday, February 20, 1968*

The Senate met at 12 o'clock meridian, and was called to order by Hon. JOSEPH M. MONTOYA, a Senator from the State of New Mexico.

Rev. Ansas Trakis, pastor, Lithuanian Evangelical Lutheran Home Church, Chicago, Ill., offered the following prayer:

Almighty God, Thou who hast set free man for freedom through the sacrifice and the resurrection of Thy Son Jesus Christ, accept our deeply felt gratitude for having given the dawning day of freedom and independence for Lithuania, 50 years ago.

We thank Thee, O Lord, that in this honorable Senate and in all the United States of America, faith can be freely expressed in words and deeds for Thy glory, for the sake of our great country and for the whole freedom loving mankind.

Thou dost remind us by Thy word that, if one member of Thy body suffers, all suffer together.

Thou, our Lord, knowest there is no greater suffering for a man or a nation than the loss of freedom and independence.

We pray, O God, that Thy mighty spirit of freedom and love may grow exuberantly in all mankind. Inspired by Thy spirit we would fight with persistent

courage to the day when Lithuania and other enslaved nations could enjoy creative freedom in their independent states.

God be with us. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 20, 1968.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JOSEPH M. MONTOYA, a Senator from the State of New Mexico, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. MONTOYA thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, February 19, 1968, be dispensed with.

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

MESSAGES FROM THE PRESIDENT

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

REPORT OF CIVIL SERVICE COMMISSION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 223)

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

The Civil Service Commission Annual Report for fiscal 1967 reflects the importance of the most vital element in democratic government—the people who administer it, particularly those who quietly dedicate their lives to public service in the Executive Branch.

The 90th Congress has demonstrated its appreciation of our career public servants. Today's Government is more responsive because of your response.

The Civil Service Commission Report shows that our emphasis has been on recruiting, developing, and fully using our civil servants to provide improved service to the public.

During fiscal year 1967—

An Executive Assignment System was instituted to insure that, at the top career levels, the right man is found for the right job at the right time.

The Federal recruiting and examining program—the foundation for good personnel management—was reorganized:

—to compete more effectively for the best available manpower and

—to provide improved service, information and job opportunities to every American.

The training and education of Government employees was modernized and expanded.

The Federal Government accelerated its drive for equal employment opportunities.

Last December the Congress responded fully to my proposals for equitable pay for Government workers. In moving to fulfill the earlier pay comparability promise, we have made Government jobs and public service careers substantially more attractive.

The record is one of significant progress.

At the same time, problems remain—some of which require legislative action.

As our society has grown more complex, so too has the administration of the public services which meet society's needs. Administrative weakness at any level of our Federal system—whether it be national, state or local—becomes a weakness at all levels. It deprives our citizens of adequate government machinery with which to meet their day-to-day and long-range needs. It cannot long be tolerated in a government of, by, and for the people.

We have become aware that state and local public agencies—too often inadequately staffed—are not always equipped to meet their expanding responsibilities to

—Rebuild our cities,
—Clean up our rivers and the air we breathe,
—Provide equal rights and equal opportunities for all our citizens,
—Plan and build better housing,
—Improve education and health services.

To do their share, state and local governments need help—primarily staffing and training assistance.

Last March 17, I submitted to the Congress two new legislative proposals to give them the help they need:

—*The Intergovernmental Manpower Act,* to assist state and local governments in meeting their critical manpower requirements. The Act would authorize the Federal Government to assist States and communities in recruiting, training, and developing a high quality corps of capable and responsive public employees. It would authorize the exchange of personnel between states and cities and the Federal Government. Through this exchange, all levels of government would understand each other's problems and work together more effectively to serve all the people.

—*The Education for Public Service Act,* to increase the number and quality of younger people preparing for careers in government. The Act would provide special fellowships for young men and women who will agree to embark on the great adventure of public service. It would assist colleges and universities in developing public service curricula to meet future governmental needs.

I urge prompt consideration and passage of this legislation to strengthen our Federal system and assure more efficient conduct of programs with shared administrative responsibilities.

Our mission—to meet the rapidly changing needs of our society—calls for our continued attention to excellence in the public service. I pledge you and the Nation mine.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *February 20, 1968.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 2901. An act to designate the Oahe Reservoir on the Missouri River in the States of North Dakota and South Dakota as Lake Oahe;

H.R. 13315. An act to amend section 127 of title 28, United States Code, to define more precisely the territory included in the two judicial districts of Virginia;

H.R. 14401. An act to grant the masters of certain U.S. vessels a lien on those vessels for their wages;

H.R. 14934. An act to reduce from five to four the ratio of career substitute employees to regular employees in the postal field service, and for other purposes;

H.R. 14935. An act to amend title 39, United States Code, to regulate the mailing of master keys for motor vehicle ignition switches, and for other purposes;

H.J. Res. 297. A joint resolution to change the name of Twin Buttes Dam and Twin Buttes Reservoir on the San Angelo project, Texas, to "Bryant Dam" and "Bryant Reservoir"; and

H.J. Res. 358. A joint resolution to change the name of San Angelo Reservoir project, Texas, to "Culbertson Deal Reservoir" project, Texas.

ENROLLED BILLS SIGNED

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

S. 2402. An act to provide for credit to the Kings River Water Association and others for excess payments for the years 1954 and 1955; and

S. 2447. An act to amend section 2 of the Migratory Bird Conservation Act.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

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

H.R. 2901. An act to designate the Oahe Reservoir on the Missouri River in the States of North Dakota and South Dakota as Lake Oahe; to the Committee on Interior and Insular Affairs.

H.R. 13315. An act to amend section 127 of title 28, United States Code, to define more precisely the territory included in the two judicial districts of Virginia; to the Committee on the Judiciary.

H.R. 14401. An act to grant the masters of certain U.S. vessels a lien on those vessels for their wages; to the Committee on Commerce.

H.R. 14934. An act to reduce from five to four the ratio of career substitute employees to regular employees in the postal field service, and for other purposes; and

H.R. 14935. An act to amend title 39, United States Code, to regulate the mailing of master keys for motor vehicle ignition switches, and for other purposes; to the Committee on Post Office and Civil Service.

H.J. Res. 297. A joint resolution to change the name of Twin Buttes Dam and Twin Buttes Reservoir on the San Angelo project, Texas, to "Bryant Dam" and "Bryant Reservoir"; and

H.J. Res. 358. A joint resolution to change the name of San Angelo Reservoir project, Texas, to "Culbertson Deal Reservoir" project, Texas; to the Committee on Interior and Insular Affairs.

COMMITTEE MEETING DURING SENATE SESSION

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

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

INTERFERENCE WITH CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time between now and 1 o'clock be divided equally between the majority and the minority leaders or whomever they may designate.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the vote on the cloture motion, there be a period for the transaction of morning business.

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

Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time not to exceed 1 minute, and to be charged equally to both sides.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Who yields time?

Mr. HART. Mr. President, I yield such time to the Senator from Minnesota [Mr. MONDALE] as he shall desire.

Mr. MONDALE. Mr. President, overt racial discrimination remains in one major sector of American life—that of housing. Congress and the courts have acted to eliminate practices separating Negroes from whites in education, voting, public accommodations and employment, but a Negro is not free to live where he chooses.

During the past few days we have set out the case for fair housing. Let me summarize it.

First, fair housing is one more step toward achieving equality in opportunity and education for the Negro.

Open occupancy will have great practical psychological significance to the Negro who has "tried harder" and yet remains trapped in the ghetto for a lifetime. He can tell his child growing up in the ghetto that he can get out if he wants—if he is willing to study and to work.

Without fair housing legislation, however, it will become increasingly difficult for Negroes to obtain a decent education and to find employment. The Negro will not be able to escape the ghetto, nor will he be able to find jobs or integrated schools within the ghetto. In the first 5 years of this decade, one-half to two-thirds of all new factories and stores in all areas of the country except the South were located outside the central cities and metropolitan areas. This trend is expected to continue.

Jobs can move to the suburbs, but housing discrimination prevents Negroes from following. Eighty percent of the nonwhite population of metropolitan areas in 1967 lived in central cities. These persons, the least able to afford the high cost of transportation from the city to the suburbs, are left without work.

De facto segregation in schools is directly traceable to the existing patterns of racially segregated housing. No responsible American maintains any longer that it is possible to provide quality education—and in ghetto area schools in the Nation's largest cities, any education at all—to minority children as long as they are restricted to living in the old and congested parts of a city. The soundest, long-range way to attack segregated schools is to attack the segregated neighborhood.

Second, the fears of the integration voiced by some white property owners are not based on sound evidence.

Caucasians traditionally have owned the property in the United States, and it is no accident that they have been able to determine that Negroes live in the oldest and least-desirable housing. Old habits have perpetuated themselves into frozen rules to the extent that the opponents of fair housing legislation, by some obscure process of reasoning, can label it "forced" housing. This bill forces no one to sell—it simply removes from an economic transaction an irrelevant test based on color.

I believe, and testimony before the Housing Subcommittee of the Banking and Currency Committee reinforced this belief, that the great majority of real estate brokers, tract developers, and owners and operators of apartment houses feel compelled by business pressure to maintain the existing patterns of race and color in housing, no matter what they may personally believe.

They fear the loss of listings, of buyers or of tenants if they are known to sell or lease to Negroes; otherwise, they would sell to the first buyer who had the money and could meet the seller's terms.

The policy of the largest of the Nation's homebuilders, as stated by William J. Levitt, is to obey the open occupancy law where there is one and to follow local custom elsewhere. Mr. Levitt maintains that—

> Integration has certainly not hurt us . . . [but] any homebuilder who chooses to operate on an open occupancy basis, where it is not customary or required by law, runs the grave risk of losing business to his competitor who chooses to discriminate.

By requiring all who engage in housing transactions not to discriminate, the fair housing bill will relieve the pressure on each. When every seller or renter must by law treat his customers equally, there will be no risk of loss for those who do.

The pressure not to sell or rent to Negroes comes not from the occupant who is leaving the house or apartment—he is not forced to do anything—rather, it comes from those who remain in the neighborhood. They fear the appearance of one Negro family means property values plummet, to be followed by a mass immigration of Negroes.

The fear that property values will fall is a myth of the most pernicious sort. What is the truth? The best known study of the effect when nonwhites move into a previously all-white neighborhood shows property values do not decrease, and often increase in 85 percent of the cases.

Closely tied to the property value horror story is another myth—that fair housing legislation means a deluge of Negroes into white neighborhoods, creating new ghettos. Experience under the District of Columbia's fair housing ordinance demonstrates that the number of Negroes in previously all-white areas of the city is regulated strictly by their ability to pay.

Once again, Mr. President, I emphasize that the basic purpose of this legislation is to permit people who have the ability to do so to buy any house offered to the public if they can afford to buy it. It would not overcome the economic problem of those who could not afford to purchase the house of their choice.

Third, the question often arises: Can the Government regulate the disposal of private property? Government has regulated property in a variety of ways since the times of earliest English property law. Even fair housing is not new, I referred to the District of Columbia's fair housing ordinance; the District is not alone. Twenty-two States and 84 cities, villages, and counties have adopted fair housing laws. These measures, and many of them were passed in 1967, indicate an important shift in public understanding and acceptance of the issue.

I am proud to say that my State of Minnesota has one of the strongest, if not the strongest, fair housing statutes in the country. It has worked effectively, practically, and there is now great difficulty in finding anyone who would oppose a fair housing law in the State of Minnesota.

If there are those who fear voting for fair housing for political reasons, I hope they will take another look at the num-

ber of local communities which have recognized the need and desirability of taking a stand on fair housing.

Unfortunately, most of the State and local fair housing laws have serious shortcomings in coverage and enforcement. The act which we are considering remedies this, but it leaves existing State and local fair housing ordinances in effect, and in appropriate cases, the Department of Housing and Urban Development may cede its jurisdiction to State or local agencies, or cooperate with them in joint operations.

A Federal fair housing measure is within the Constitution, supportable under either the equal protection clause of the 14th amendment or the commerce clause. Congress power to enforce the equal protection clause by appropriate legislation includes a law to remove obstacles in the way of persons' securing the equal benefits of Government. Such a law is one preventing racial discrimination in housing because discrimination in housing forces persons to live in segregated areas where the benefits of Government are less available.

Discrimination in housing interferes with interstate commerce in several ways: the confinement of Negroes to older homes restricts the number of new homes built, which in turn reduces the amount of building materials and residential financing moving in interstate commerce; difficulty in finding housing retards the movement of Negroes across State lines in search of employment; and discrimination in housing contributes to violence in the cities which disrupts business and interstate commerce.

Fourth, the enactment of this fair housing amendment is important to the outcome of the struggle for leadership in the Negro community.

Passage of a national fair housing law will not stop those who are committed to violence in our cities this summer—but it will rob them of Negro support. We are really—in waging this fair housing battle—fighting for the minds and hearts of the vast middle ground of responsible Negroes, who have persevered in their commitment to progress through the courts and through the legislative process. The black racists are fighting to make these Negroes believe that white America is basically indecent, that white America never has and never will give full equality to Negroes. On the outcome of this crucial struggle hangs the future of this Nation.

If the racists and extremists win, we face a real possibility of guerrilla warfare in our major cities, lasting not just a few hot summer days, but for years—a Vietnam here at home. The Pentagon's battle plan for the cities—revealed in testimony before the Senate's Armed Services Committee a few days ago—creates special riot forces, trained to quell urban disruptions and equipped with armored cars, searchlights, chemical spray guns and tear gas dispensers.

We might well ask why fair housing comes to be portrayed as the key to preventing such a holocaust. We readily admit that fair housing by itself will not move a single Negro into the suburbs—the laws of economics will determine that. But we as readily must admit that the psychological importance to the Negro of available decent housing is very great.

It is impossible to gage the degradation and humiliation suffered by a man in the presence of his wife and children—when he is told that despite his university degrees, despite his income level, despite his profession, he is just not good enough to live in a white neighborhood.

In the case of one witness who appeared before our subcommittee, despite the fact that he was an impressive and effective officer in the Navy who served and protected this country for 8 years, he nevertheless was unable to purchase housing of his choice.

This person is forced to admit, in effect, to his family that he cannot provide for them, cannot provide a decent home in a decent neighborhood—and to that extent is less than a man. A white gangster or an American Nazi would have no questions asked other than his ability to pay.

Fifth, segregated housing is the simple rejection of one human being by another without any justification but superior power; we have closed our hearts to our fellow human beings to the extent that we have closed our neighborhoods to them.

The frustration to those of us who support this open occupancy legislation is that much of the housing discrimination is caused by the bigotry of fearful ignorance, and not by the bigotry of racial hatred. In some cases, rumors and fears and horror stories are peddled in white neighborhoods by those who seek to make a profit from this ignorance and fear.

We have learned many times over that in truly integrated neighborhoods people have been able to live in peace and harmony—and both Negroes and whites are the richer for the experience.

Thus, a large part of the job that lies ahead of us—that of overcoming ignorance, and teaching the truths of integration—can be assigned to the role of law as a teacher. The same ignorance and fear was present in the debates over public accommodations in the 1964 civil rights law, the same horror stories with a few changes were circulated then. But the law has, on the whole, operated smoothly and well, and both Negroes and whites have used the law in the spirit in which it was intended.

I believe the same will be true when we pass this measure. There will not be a great influx of all the Negroes in the ghettos into the suburbs—in fact, the laws of supply and demand will take care of who moves into what house in which neighborhood. There will, however, be the knowledge by Negroes that they are free—if they have the money and the desire—to move where they will; and there will be the knowledge by whites that the rapid, block-by-block expansion of the ghetto will be slowed and replaced by truly integrated and balanced living patterns.

The National Advisory Commission on Civil Disorders soon is expected to tell the American people that they are in deep trouble. Most Americans are not aware of the seriousness of our urban problems nor of the poverty and misery in which the urban minority poor must live.

I must say, relevant to that Commission, that two Members of this body served in the preparation of that important study, the most sweeping and fundamental ever undertaken concerning the social problems of this country. One Senator also served as the coauthor of the amendment, the distinguished Senator from Massachusetts [Mr. BROOKE]. The other Senator is a sponsor of the measure, the distinguished Senator from Oklahoma [Mr. HARRIS].

ADDITIONAL COSPONSOR OF CLOTURE MOTION

Mr. President, at this time I ask unanimous consent that the name of the Senator from Oklahoma [Mr. HARRIS] be added as a signer of the cloture motion filed by the majority leader on February 16.

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

Mr. MONDALE. Mr. President, we here in the Congress know. We do not have to wait for riot reports, or more riots, to act. We know what is wrong; we know what must be done.

America's goal must be that of an integrated society, a stable society free of the conditions which spawn riots, free of riots themselves. Yet trends of drift and civil disorder make the goals of integration and stability seem ever farther. If America is to escape apartheid we must begin now, and the best way for this Congress to start on the true road to integration is by enacting fair housing legislation.

I know of no single action we could take which would contribute more to understanding, to peace and justice within our country, and to the moral decency of all Americans than the simple matter of Congress declaring that we have had the last of segregation in the sale and rental of living quarters in the United States, and that once and for all we have decided, as a nation, to live together, not separately.

Mr. HART. Mr. President, we reserve the remainder of our time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DIRKSEN. Mr. President, I yield myself 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized for 10 minutes.

Mr. DIRKSEN. Mr. President, I think it should be made clear to the Senate—at least to those Senators who are now in the Chamber—that we are not voting cloture on the open occupancy amendment.

The cloture motion has been filed and directed to the pending bill, the Hart bill, which came from the Judiciary Committee which, of course, embraces everything offered in connection with it.

It should be made abundantly clear that the cloture motion goes to the bill itself.

I think that, only for record purposes, I should point out there was a House bill which, at long last, came to the Senate Judiciary Committee where hearings were held and where the bill was substantially modified. It was reported from the Judiciary Committee by a majority of only one vote. There were significant changes as between the Senate and the House bill.

What amazes me is that after the laboratory work done in committee, so many amendments seemed to incubate in the fecund brains of Senators. Even now, there are 23 amendments pending to the bill, including the so-called open occupancy amendment.

I have made it abundantly clear that I should like to see a civil rights bill.

I am still in that frame of mind. I trust that before the session of the 90th Congress concludes, there will be a civil rights bill.

I intend to continue my endeavors to find what I believe could be a moderate, equitable, and enforceable bill which will do pretty well what the Attorney General wanted done in the first instance, when he talked about those areas of aggravated assault motivated by race, creed, color, and national origin; and that there, he wanted rather specific and original enforcement powers.

Well, of course, that is the crux of the controversy to begin with, as to whether the State shall have the opportunity first to bring an offender to the bar of justice before the long arm of the Federal Government reaches in.

We are building such an enormous Federal Establishment today, with more than 3 million persons on the payroll, and more to be added, that I do not know where it is going to stop. When we get proposals to increase grants in aid to States and municipalities, we know very well that it will be clothing the Federal Government with additional powers. They must have monetary powers. They must have people to do it. Not one dollar goes out of the Federal Treasury that does not have a tag on it.

So, where is the end to the enormous Federal growth, and when are we going to bring it in line and have a proper regard for the functions of the States in our Federal-State system?

Mr. President, a very distingiushed former Senator from my State, whose picture now hangs in the office of the majority leader—James Hamilton Lewis, and he was a distinguished Senator—said to me one night in the hotel where we lived, "My boy, I'll not live to see it, but you will live to see the day when State lines will be for the convenience of tourists and possibly for Rand McNally."

We are heading in that direction.

If the States have no powers and no functions and no authority, then those State governments become more and more remote from the people. On that day, we can say that the Federal-State system has weakened to the point it no longer functions as our Founding Fathers wanted it to do.

Now, in all this, here is a cloture motion. What, in effect, is a cloture motion? It says, "If it is approved, shut your mouth—hush your mouth—because debate is going to end except for the limitations imposed in the cloture rule."

We are saying, in effect, that we are going to gag ourselves. That is one of the most distasteful things I know of. I hope that when we do it—and God save the mark, I was a party to it once because I thought I had to, because I thought a case was to be made for the 1964 Civil Rights Act—let us no longer go around with the fancy cliche on the tips of our tongues when we refer to the Senate as "the world's greatest deliberative body."

Mr. COTTON. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I am happy to yield to the Senator from New Hampshire.

Mr. COTTON. I thank the Senator for yielding to me. I should like to say to him that in the case of the 1964 Civil Rights Act, the Senator from New Hampshire voted for cloture. I voted for cloture on the basis of certain assurances that one matter within the bill would be adjusted by amendment after cloture.

Those who made the assurances either could not or would not make that change. The result was that the Senator from New Hampshire found by voting for cloture in that instance he signed a blank check, and then was compelled to vote against the bill—a completely inconsistent position.

In this particular case, may I say to the Senator, if he will yield for just a few seconds longer, the Senator from New Hampshire felt, and has for some time, that the compromise entered into in the House, which resulted in passage of the bill by that body, was a very reasonable compromise. The Senator from New Hampshire has said he is prepared to vote for cloture and vote for the bill if the House compromise essentially was to be accepted, and has had some assurances from certain very sincere Senators, who are the soul of honor and have the best of intentions, that such would take place. But the Senator from New Hampshire, on consideration, does not think any Senator in this body can be sure of what might take place after cloture is adopted. When it is too late, when one is under the gun, a Senator is placed in the position of not being able to offer a new amendment. The Senator from New Hampshire had this experience in 1964, when he offered one and it was objected to.

I would like to ask my distinguished leader if, feeling as the Senator does, that the House compromise was reasonable, and not wishing—and I cannot help but believe that some want to go so far—to sacrifice a bill for an issue, the Senator from New Hampshire or any other Senator who wants that compromise should not wait and see to it that it is definitely accepted before cloture, and not after. Is that correct?

Mr. DIRKSEN. That is the same course, I must say, because who shall say what will happen to the bill?

Now, Mr. President, we are all men and women of good will. There have been eight meetings in my office, seeking to strike a moderate course. I have inclined in this direction and that direction. I have given and I have taken, knowing the diversity of opinion with respect to this bill. And I still think we can work it out. I have not relented in that effort, and I do not propose to relent, because, somehow, somewhere, I want to see a civil rights bill enacted in this session.

Perhaps it would be best to just clear the air and make a fresh start. And we can do so. But the thing to do is to oppose the cloture vote now, for philosophic as well as other reasons.

You know, Mr. President, it is rather interesting that cloture is not anything new with our generation. They fiddled around with the matter of the previous question way back at the time the Government was founded. This is an adroit way of getting a vote. If the previous question is ordered, the legislative body goes back to the subject matter at hand and gets an immediate vote. They had that very problem in the British Parliament nearly 350 years ago.

And so, all through the years, there has been the question of trying to shut off talk and finally get around to a vote on a bill. Perhaps it did not bother us so much until about 1841. I have forgotten what the bill was, but the Senate was tied up for a period of 60 days. Back in 1922, when the ship subsidy bill was under consideration, those in opposition fought it for 75 days on the Senate floor. And thank goodness they had an opportunity to impose their will upon the legislation, because, interestingly enough, nearly all of the measures in which filibusters were involved finally, in a different form, found their way on the statute books. And in that respect we are no different.

I want to see the thing fully and very carefully discussed. There has not been sufficient attendance on the floor to say that that has been done, even though there have been speeches to occupy the time. And so I fervently hope, Mr. President, that the Senate will not gag itself. I do not want to go home and say, "I gagged myself by my vote." What an awful confession of weakness that would be for me as a Senator to ever make as a result of my vote.

There could be good reason for a continuance of the discussion—and the country knows it. The country today is filled with fever and controversy. For 8 days I have had a chance to find out, in meeting after meeting, in one community and another. And so we had better be precious careful about what goes on the books, and be pretty sure in what final form it is before we undertake to send it to conference, and then consider what is done in that conference.

I can only say that the question before the Senate is the cloture motion on the bill, and all that goes with it, and that bill in its present form is unsatisfactory to me. If it were not, I do not know that I would have given all the time to have this group and that group and the Attorney General in my office, trying to find a common denominator for a solution of this problem.

So that is it; and unless there is a request for time, I shall be prepared to yield back the time.

Mr. ERVIN. Mr. President, will the Senator yield 2 minutes to me?

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I am going to violate Mark Twain's advice.

Mark Twain said "Truth is precious; use it sparingly."

This so-called open housing amendment is a proposal to bring about equality by robbing all Americans of their basic rights of private property. It is a proposal which is incompatible with lib-

erty. When it comes to my making a choice between liberty and equality of this kind, I stand for liberty.

This bill would not only take away from every person in the United States the right to sell or lease his residential property to a person of his own race or his own religion, but it would make the exercise of anyone's right dependent upon the unbridled will of one Cabinet officer sitting on the banks of the Potomac.

Of course, it is possible to promote equality by robbing everybody of his rights, and when nobody has any rights left, all will be equal. We will do that in this case, if we vest this autocratic power in one Cabinet officer on the banks of the Potomac, under a procedure which constitutes as rank a prostitution of the judicial process as has ever been recommended in the United States.

The Mondale amendment would make a Cabinet officer or his designee the enforcer of the law; it would give him the power to receive and also the power to make complaints of violations of the law; it would give him the power to investigate the complaints; it would give him the power to prosecute the complaints; it would give him the power to find the facts as a jury, and the power to act as judge and enter a decree. Moreover, it would make all the courts in the land powerless to interfere with any finding of fact that he makes, if that finding of fact is supported by any testimony, no matter how contrary to the overwhelming mass of the testimony the finding of fact may be.

The amendment would establish a procedure which prostitutes the judicial process, and is alien to any land which reveres the due process of law.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. ERVIN. I ask for 1 more minute.

Mr. DIRKSEN. I yield the Senator from North Carolina 1 additional minute

Mr. ERVIN. The President made a statement that the Hart bill is a bill to bring about equality. I offered a substitute that met the first requirement of any good and just law: It treated all men alike in like circumstances. Yet the administration insists on the Hart bill, which would afford protection to the people of one race and deny it to other Americans of other races. That is a peculiar way to give equal protection of the laws to the people—to give protection to some people and deny it to others.

The choice here is a choice between liberty and a law-coerced equality which robs all Americans of some of their most precious rights. I, for one, stand for liberty, and will resist to the end the efforts of those who would make Americans equal by making them the helpless subjects of a centralized Federal oligarchy operating on the banks of the Potomac.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HART. Mr. President, I yield 2 minutes to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I ask unanimous consent to amend pending amendment No. 524 as follows:

On page 5, line 6, to strike out the word "section" and insert in lieu thereof the word "Act".

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ERVIN. Would the Senator from Minnesota restate his amendment?

Mr. MONDALE. I am asking unanimous consent to amend amendment No. 524, the so-called fair housing amendment, on page 5, line 6, by striking out the word "section" and inserting in lieu thereof the word "Act".

In other words, the effect will be that the Mrs. Murphy provision will apply to the whole bill, and not to just this particular amendment.

Mr. ERVIN. I have no objection.

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

Who yields time?

Mr. JAVITS. Mr. President, will the Senator from Minnesota yield for a question?

Mr. MONDALE. I am happy to yield.

Mr. JAVITS. The effect of the amendment the Senator has just made is, is it not, to copper-rivet into the amendment the so-called Mrs. Murphy exclusion?

Mr. MONDALE. The Senator from New York is correct. I proposed this amendment with the Senator from Massachusetts [Mr. BROOKE], and there was a technical drafting error. It was intended that that provision apply to the whole act. The Senator from Vermont properly observed that by its terms it was limited to a single section, and did not achieve that function. The committee adopted the amendment, and now the Mrs. Murphy section applies to approximately 2 million units out of a national housing supply of 65 million units.

Mr. JAVITS. It is completely excluded from the bill, regardless of phasing, either 1968, 1969, or any other time? It is completely excluded, without regard to phasing?

Mr. MONDALE. The Senator from New York is correct.

Mr. JAVITS. I thank the Senator.

Mr. DIRKSEN. Mr. President, will the Senator from Michigan yield for an observation?

Mr. HART. I yield.

Mr. DIRKSEN. While the Senator is correcting his own amendment, he does not correct the Mrs. Murphy situation in the Hart bill. It is still in the Hart bill, as I read that language.

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

The ACTING PRESIDENT pro tempore. Who is yielding time?

Mr. HART. I yield 1 additional minute.

Mr. MONDALE. The Senator from Illinois should be advised that the pending fair housing provision, the only one which is before us, excludes the so-called Mrs. Murphy situation, which is the situation in which an occupant of a house leases some part of that house or duplex, or any housing unit with four family units or less, to someone else. That is excluded. That provision involves about 2 million units out of 65 million. That is all this amendment applied to.

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

Mr. MONDALE. I am glad to yield.

Mr. JAVITS. The provision is excluded from the act?

Mr. MONDALE. That is correct.

Mr. JAVITS. Which would include everything; it would include this amendment, if adopted, Senator HART'S bill, and the whole business, would it not?

Mr. MONDALE. The Senator is correct.

Mr. JAVITS. I thank the Senator.

Mr. HART. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator from Michigan has 7 minutes; the Senator from Illinois, 4.

Mr. HART. Mr. President, I yield myself 4 minutes.

I am not sure how precise my arithmetic is, but, drawing a pencil line hastily through the calendar that each of us finds on his desk, I suggest that we would not be gagging ourselves if, today, two-thirds of us decided that a majority of us would be permitted now to act on some very important propositions that do concern every citizen of this country.

We have been talking about this matter for about 24 working days. We are into the fifth week. Except for the fellow who may be driving a bus past the Capitol at this moment, everybody knows how everybody is going to vote on the two propositions. So let us vote.

Let us vote. We made it very clear 10 days ago when we tabled the Ervin amendment that the so-called Hart bill is the desirable and desired method by which to respond to the very critical and tragic problem of force and violence being directed at American citizens merely because they want to exercise a constitutional right. It is high time that we make it a Federal crime for individuals to attempt to deprive American citizens of their constitutional rights by such means. We should do it with restraint and precision. We have made that clear.

The thing to be made clear this morning, in addition, is that no longer in this country is anybody going to have to run a litmus test if he wants to buy a home. It makes no difference in this country or should make no difference how one spells his name, which side of the railroad tracks he comes from, where he goes to church, or even if he does not go to church, or what color God gave him.

We were told when we were kids that if we would work hard and save our money, eventually we would be able to improve our station in life for ourselves and our children by moving into a better neighborhood. Today, tragically a man who has followed that admonition has to go back to his home and tell his children: "I do not know how it happened. I am sorry. Some place the train got off the rails. The theory is wrong. I cannot buy the home we wanted. They made their minds up when I was 50 feet away, and I cannot buy the home."

I do not know what effect it will have on his children. However, if they turn out to be barn burners, do not blame Stokely Carmichael. This is what we seek to resolve by this vote, and I hope very much—as the President of the United States urges us to do—that we vote without delay in favor of the pending proposal.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HART. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator from Michigan has 3 minutes remaining. The Senator from Illinois has 4 minutes remaining.

Mr. HART. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides.

Mr. MORSE. Mr. President, will the Senator withhold that request for a moment?

Mr. HART. Mr. President, I withhold my request and yield 1 minute to the Senator from Oregon.

Mr. MORSE. Mr. President, I commend the Senator from Michigan and those Senators who have been supporting his position.

As far as I am concerned, the issue can be stated in a nutshell. I think we are about to make great legislative history and, in my judgment, unless a cloture motion is sustained we will rue the day that we did not vote in favor of the motion because of subsequent events. Increasing millions will then know that the Congress of the United States does not favor granting civil rights to millions of fellow Americans. Such action will, in my judgment, create very serious problems in this Republic until that wrong is righted.

I do not think we ought to be put in a position of having to pay the tremendous cost we will have to pay because of a failure to pass a civil rights bill promptly.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HART. Mr. President, I yield 1 minute to the Senator from New York.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. Mr. President, I am brought to my feet by the remarks of the distinguished Senator from Oregon. I testify to this from personal knowledge.

We are not going to placate, condone, or appease violence, and we are not going to yield to threats. At the same time, no Senator would wish to reproach himself in his own conscience with the fact that he did not do everything to give justice to all.

If we were to neglect to perform our duty under such circumstances, extreme actions performed by people who might be unbalanced would appear to be justified in their eyes merely because Congress did not act on something that it should have acted on.

The basic law on protecting civil rights workers, for instance with respect to voting rights, has been very much accepted. It has almost become an axiom, and nobody really takes great exception.

People want to have the situation involving discrimination in the case of housing dealt with. That, too, is almost axiomatic. We do have an Executive order. The real difficulty is that the Executive order has not been adequately enforced. Therefore, as the pending measure does not plow new ground, I think it will be a shocking disappointment to the millions of Americans who are watching our action if we do not vote favorably at this time. Whatever the papers may write or not write about the situation, if we are unable to act favorably at this time, our action will be injurious to the country. Cloture will enable us to act, and that is the only purpose of cloture.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. HART. Mr. President, I yield an additional 30 seconds to the Senator from New York.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized for an additional 30 seconds.

Mr. JAVITS. Mr. President, my only purpose in rising is to point out that cloture would do nothing but free our hands to act. Amendments must be acted on. Even the Hart bill must be acted on. The housing measure must be tabled, or it can be amended. Of course, all amendments which are on the desk qualify. That limits the field very materially.

I can testify to my colleagues personally, as the Senator from Oregon has said, that if we do not act favorably at this time, our actions will have the most deleterious effect imaginable. We will be showing to the world that our hands are tied and we cannot act. Then zealot extremists can say: "What is the use? They cannot even act, let alone act fully and effectively."

I hope very much that cloture will be voted.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Illinois yield me 1 minute?

Mr. DIRKSEN. Mr. President, I yield 1 minute to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I move that, pending the disposition of the cloture motion, the Sergeant at Arms be directed to clear the floor of all staff personnel except those attached to the staffs of the Secretary of the Senate, the Sergeant at Arms, the secretary for the majority, the secretary for the minority, and the two policy committees.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms is directed to clear the Chamber of all unnecessary personnel in conformity with the motion which has been agreed to.

Mr. DIRKSEN. Mr. President, I yield 1 minute to the distinguished Senator from Iowa.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. MILLER. Mr. President, the pending question is whether there shall be a limitation placed upon debate on the pending bill and all amendments thereto. It is not question, as some may think, of limiting debate upon the pending amendment. Thus, if the Senate votes "aye" by the required two-thirds vote, there will be absolutely no assurance of compromise by the proponents of not only the pending amendment, but of the bill itself. Nor has there been any significant indication by the proponents of a willingness to compromise.

There are some who will say that the bill and the pending amendment are sound measures not admitting of compromise. They are, of course, entitled to their views. No doubt some of them were the very ones who, in 1964, stated that the House-passed civil rights bill was a sound measure not admitting of any compromise. Nevertheless, history records that some 65 amendments were attached to the House-passed bill by the Senate before a majority of us deemed the measure to, indeed, be a sound and workable bill. Acceptability of these amendments provided the basis for a favorable vote on cloture in which I joined.

Those who understand the legislative process well know that compromise is the lifeblood of the legislative process, that no individual or group of individuals has a premium on what is right and what is sound, on what is constitutional and what is not constitutional, on what is timely and what is untimely. It is this recognition which makes for progress, and it is the unyielding refusal to accept such recognition which results in no progress.

There are aspects of the pending bill and pending amendment which are sound, constitutional, and timely. And, in the judgment of many of us and many of the people we represent, there are aspects which are unsound, unconstitutional, and untimely—or, at the very least, of very questionable soundness, constitutionality, and timeliness. For example, there is no definition of a "civil rights worker." A vote against cloture will, I would suggest, lay a foundation for the willingness to compromise on these points which will enable substantial progress to be made. A vote for cloture will destroy the foundation for compromise and may well result in not only an unsound piece of legislation being passed by the Senate, but an impasse in the House of Representatives and in any conference committee which eventually may have jurisdiction. Accordingly, I intend to vote against cloture.

Mr. DIRKSEN. Mr. President, how stands the time?

The ACTING PRESIDENT pro tempore. The Senator from Illinois has 3 minutes remaining. The time of the Senator from Michigan has expired.

Mr. DIRKSEN. Mr. President, I reaffirm what I said earlier today, that I have not lost my interest in civil rights. I shall continue to do whatever I can for the development of a bill that is acceptable to the Senate, a bill that we will have a reasonable chance to pilot through conference.

I think I can say that I had much to do with piloting civil rights legislation through the Senate in 1957, 1959, 1961, and 1964, when we had the major civil rights bill.

I will not relent in that effort, but I want to make sure that what we do is sound and equitable and enforceable. And this matter has not had sufficient discussion. Therefore, cloture should not be voted, because we would be gagging ourselves. And I am not about to make

that kind of a confession to the country or to my people back home.

Mr. President, I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 30 seconds.

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

Mr. MANSFIELD. Mr. President, I hope that the pending cloture motion will be ratified by two-thirds of those Senators who are present and voting.

Every American should have the opportunity to freely choose the house which he desires. Every American should have the right to be protected in his exercise of guaranteed rights. That is what the Hart proposal and the Mondale amendment would do.

I am hopeful that when the vote is taken there will be a recognition on the part of the Senate of the difficulties that confront this country, and, with that in mind, that the Senate act accordingly.

The ACTING PRESIDENT pro tempore. The hour of 1 o'clock having arrived, the Chair lays before the Senate the pending motion, which will be stated by the clerk.

The assistant legislative clerk read as follows:

MOTION FOR CLOTURE

We, the undersigned Senators, in accordance with the provisions of rule 22 of the Standing Rules of the Senate hereby move to bring to a close the debate upon the pending business, H.R. 2516, an act to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

(Signed by 31 Senators.)

CALL OF THE ROLL

The ACTING PRESIDENT pro tempore. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 6 Leg.]

Aiken	Gruening	Morse
Allott	Hansen	Morton
Anderson	Harris	Moss
Baker	Hart	Mundt
Bartlett	Hatfield	Murphy
Bayh	Hayden	Muskie
Bennett	Hickenlooper	Nelson
Bible	Hill	Pearson
Boggs	Holland	Pell
Brewster	Hollings	Percy
Brooke	Hruska	Prouty
Burdick	Inouye	Proxmire
Byrd, Va.	Jackson	Randolph
Byrd, W. Va.	Javits	Ribicoff
Carlson	Jordan, N.C.	Russell
Case	Jordan, Idaho	Scott
Church	Kennedy, Mass.	Smith
Clark	Kennedy, N.Y.	Sparkman
Cooper	Kuchel	Spong
Cotton	Lausche	Stennis
Curtis	Long, Mo.	Symington
Dirksen	Long, La.	Talmadge
Dodd	Mansfield	Thurmond
Dominick	McCarthy	Tower
Eastland	McClellan	Tydings
Ellender	McGee	Williams, N.J.
Ervin	McGovern	Williams, Del.
Fannin	McIntyre	Yarborough
Fong	Metcalf	Young, N. Dak.
Fulbright	Miller	Young, Ohio
Gore	Mondale	
Griffin	Montoya	

Mr. BYRD of West Virginia. I announce that the Senator from Nevada [Mr. CANNON], the Senator from Washington [Mr. MAGNUSON], and the Senator from Oklahoma [Mr. MONRONEY], are absent on official business.

I also announce that the Senator from Indiana [Mr. HARTKE], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Florida [Mr. SMATHERS], are necessarily absent.

The VICE PRESIDENT. A quorum is present.

Mr. HART. Mr. President, is a parliamentary inquiry in order?

The VICE PRESIDENT. It is in order if it is in reference to the vote.

Mr. HART. Mr. President, on this vote, do I correctly understand that the votes of two-thirds of the Senators present and voting are required in order that the cloture motion prevail?

The VICE PRESIDENT. That is correct.

Mr. HART. Two-thirds present and voting must vote in the affirmative?

The VICE PRESIDENT. That is correct.

Mr. HART. Mr. President, a further parliamentary inquiry.

The VICE PRESIDENT. The Senator from Michigan will state it.

Mr. HART. Would the Chair state the effect on the bill and the pending amendments if two-thirds of the Senators vote affirmatively on the cloture motion?

The VICE PRESIDENT. The cloture motion is directed to the bill, and that includes——

Mr. RUSSELL. Mr. President, rule XXII is so clear and so succinct, may I suggest that rule XXII be read?

The VICE PRESIDENT. The Chair will be pleased to do so.

The Chair would make note of the fact that the cloture motion is directed to the bill and all amendments that are in order and relevant thereto.

The clerk will read all of rule XXII.

The assistant legislative clerk read as follows:

PRECEDENCE OF MOTIONS

1. When a question is pending, no motion shall be received but—

To adjourn.

To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.

To take a recess.

To proceed to the consideration of executive business.

To lay on the table.

To postpone indefinitely.

Mr. RUSSELL. Mr. President, the matter now being read is not germane.

The VICE PRESIDENT. The Chair understood that the Senator desired that rule XXII be read.

Mr. RUSSELL. I overlooked saying only the portion that is germane to the motion.

The VICE PRESIDENT. The clerk will read that portion of rule XXII that pertains to the motion.

The assistant legislative clerk read as follows:

2. Notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

And if that question shall be decided in the affirmative by two-thirds of the Senators present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

3. The provisions of the last paragraph of rule VIII (prohibiting debate on motions made before 2 o'clock) shall not apply to any motion to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate.

Mr. HART. I thank the Chair.

The VICE PRESIDENT. In further pursuance of rule XXII, the Chair now puts the question, which is as follows: Is it the sense of the Senate that debate on H.R. 2516, interference with civil rights, shall be brought to a close?

The yeas and nays are required by the rule; and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). On this vote, I have a live pair with the distinguished Senator from Florida [Mr. SMATHERS], who, if present, would vote "nay"; and also with the distinguished Senator from Washington [Mr. MAGNUSON], who, if present, along with me would vote "yea." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia (after having voted in the negative). I have a live pair with the distinguished Senator from Rhode Island [Mr. PASTORE], whose position upon this subject is well known but who is unavoidably absent. I also have a live pair with the distinguished Senator from Indiana [Mr. HARTKE]. If Mr. PASTORE and Mr. HARTKE were present, each would vote "yea"; if I were permitted to vote, I would vote "nay." I withdraw my vote.

I announce that the Senator from Nevada [Mr. CANNON], the Senator from Washington [Mr. MAGNUSON], and the Senator from Oklahoma [Mr. MONRONEY], are absent on official business.

I also announce that the Senator from Indiana [Mr. HARTKE], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Florida [Mr. SMATHERS], are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. MONRONEY] would vote "yea."

I further announce that, if present and voting, the Senator from Nevada [Mr. CANNON] would vote "nay."

The yeas and nays resulted—yeas 55, nays 37, as follows:

[No. 7 Leg.]

YEAS—55

Aiken	Hart	Moss
Allott	Hatfield	Muskie
Anderson	Inouye	Nelson
Bayh	Jackson	Pearson
Boggs	Javits	Pell
Brewster	Kennedy, Mass.	Percy
Brooke	Kennedy, N.Y.	Prouty
Burdick	Kuchel	Proxmire
Case	Lausche	Randolph
Church	Long, Mo.	Ribicoff
Clark	McCarthy	Scott
Cooper	McGee	Smith
Dodd	McGovern	Symington
Dominick	McIntyre	Tydings
Fong	Metcalf	Williams, N.J.
Gore	Mondale	Yarborough
Griffin	Montoya	Young, Ohio
Gruening	Morse	
Harris	Morton	

NAYS—37

Baker	Fulbright	Mundt
Bartlett	Hansen	Murphy
Bennett	Hayden	Russell
Bible	Hickenlooper	Sparkman
Byrd, Va.	Hill	Spong
Carlson	Holland	Stennis
Cotton	Hollings	Talmadge
Curtis	Hruska	Thurmond
Dirksen	Jordan, N.C.	Tower
Eastland	Jordan, Idaho	Williams, Del.
Ellender	Long, La.	Young, N. Dak.
Ervin	McClellan	
Fannin	Miller	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Byrd of West Virginia, against.
Mansfield, for.

NOT VOTING—6

Cannon	Magnuson	Pastore
Hartke	Monroney	Smathers

The VICE PRESIDENT. On this vote there are 55 yeas and 37 nays. Two-thirds of the Senators present and voting not having voted in the affirmative, the motion is lost.

Mr. MANSFIELD. Mr. President, while the motion for cloture failed, a clear majority of the Senate indicated that it was in favor of the Mondale proposal to give to the people of America a free choice in housing. Therefore, I am about to propound a unanimous-consent request. I ask unanimous consent, on the basis of the expression of the will of the majority of this body, that there be a vote on the pending amendment, the Mondale amendment, at 3:30 this afternoon.

Mr. ERVIN. Mr. President, I object.

The VICE PRESIDENT. The Senator from North Carolina objects.

ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I assume that now, under the previous order, we shall have a period for the transaction of routine morning business. I ask unanimous consent that statements be limited to 3 minutes.

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

ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore announced that on today, February 20, 1968, the Vice President signed the enrolled bill (S. 1124) to amend the Organic Act of the National Bureau of Standards to authorize a fire research and safety program, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON PROGRESS OF ARMY RESERVE OFFICERS' TRAINING CORPS FLIGHT INSTRUCTION PROGRAM

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on the progress of the Army Reserve Officers' Training Corps flight instruction program for the year ended December 31, 1967 (with an accompanying report); to the Committee on Armed Services.

INDEX TO LEGISLATION ENACTED BY THE LEGISLATURE OF THE GOVERNMENT OF THE RYUKYU ISLANDS

A letter from the Deputy Under Secretary of the Army (International Affairs), transmitting, pursuant to law, an index of the legislation enacted by the Legislature of the Government of the Ryukyu Islands from its establishment in 1952 through the 1966 term (with an accompanying paper); to the Committee on Armed Services.

REPORT OF DISPOSAL IN FOREIGN COUNTRIES OF PROPERTY EXCESS TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Acting Secretary, Department of Health, Education, and Welfare, reporting, pursuant to law, on the disposal in foreign countries of property excess to this Department, for the calendar year 1967; to the Committee on Government Operations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of selected construction projects, Atomic Energy Commission, dated February 19, 1968 (with an accompanying report); to the Committee on Government Operations.

PROPOSED CONCESSION CONTRACT IN HOT SPRINGS NATIONAL PARK, ARK.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract in the Hot Springs National Park, Ark. (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a joint resolution of the Legislature of the State of Idaho, which was referred to the Committee on Commerce, as follows:

IDAHO HOUSE JOINT MEMORIAL 2

To the Honorable Senate and House of Representatives of the United States in Congress assembled:

We, your Memorialists, the Legislature of the state of Idaho, in the Second Extraordinary Session of the Thirty-ninth Session thereof, respectfully represent that:

Whereas, there are now petitions before the Interstate Commerce Commission by railroads serving Idaho to discontinue the Northern Pacific "Mainstreeter" passenger train operating between Fargo, North Dakota and Seattle, Washington, through northern Idaho, the Union Pacific "Portland Rose" passenger train between Kansas City, Missouri and Portland, Oregon, through southern Idaho and the Union Pacific "Butte Special" passenger train between Salt Lake City, Utah and Butte, Montana, through eastern Idaho; and

Whereas, the passenger trains referred to are either the only passenger trains through the communities or the only passenger trains that serve certain communities on the routes; and

Whereas, the railway post office cars and mail storage cars have been removed from the passenger trains with a very evident deterioration in the mail service; and

Whereas, this discontinuance of mail contracts has resulted in an evident loss of revenue which has made necessary a serious cutback in passenger service on the above mentioned trains; and

Whereas, the Railway Express Agency has found it necessary to seek means of transportation other than passenger trains, resulting in a serious disruption of service; and

Whereas, mail service and public transportation service in general is becoming noticeably deteriorated; and

Whereas, the citizens of the state of Idaho and the Pacific Northwest are entitled to reliable, efficient, convenient and economical passenger, mail and express service;

Now, therefore, be it resolved, by the House of Representatives of the Second Extraordinary Session of the Thirty-ninth Legislature of the state of Idaho, the Senate concurring therein, that we most respectfully urge the Congress of the United States to proceed at the earliest possible date to conduct proper investigation of the need for rail passenger service, the need for coordination with other modes of transportation, and particularly, the return of an efficient mail and express service.

Be it further resolved, that the Secretary of State of the state of Idaho be, and he hereby is, authorized and directed to forward certified copies of this Memorial to the President and Vice-President of the United States, Speaker of the House of Representatives of the Congress, the Senators and Representatives representing this state in the Congress of the United States, the Chairman and the Commissioners of the Interstate Commerce Commission, and the Secretary of the Department of Transportation of the United States.

REPORT OF A COMMITTEE—MINORITY AND INDIVIDUAL VIEWS—REMOVAL OF GOLD RESERVE REQUIREMENTS (S. REPT. NO. 1007)

Mr. SPARKMAN. Mr. President, from the Committee on Banking and Currency, I report favorably, with amendments, S. 2857, entitled "Removal of Gold Reserve Requirements," and ask unanimous consent that the report be printed together with minority and individual views.

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

BILLS INTRODUCED

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

By Mr. KUCHEL:

S. 2992. A bill for the relief of Tammy Ying Lyon; to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 2993. A bill for the relief of Franco Fazio; to the Committee on the Judiciary.

By Mr. HARRIS (for himself and Mr. MONRONEY):

S. 2994. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Creek Nation of Indians in In-

dian Claims Commission docket No. 21, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. YOUNG of North Dakota:

S. 2995. A bill to promote the advancement of science and education of scientists through a national program of institutional grants to the colleges and universities of the United States; to the Committee on Labor and Public Welfare.

By Mr. HATFIELD:

S. 2996. A bill to authorize and direct the Secretary of Agriculture to classify as a wilderness area the National Forest lands adjacent to the Eagle Cap Wilderness Area, known as the Minam River Canyon and adjoining area, in Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BURDICK:

S. 2997. A bill to authorize the waiver of certain fees in bankruptcy proceedings; to the Committee on the Judiciary.

S. 2998. A bill to promote the advancement of science and the education of scientists through a national program of institutional grants to the colleges and universities of the United States; to the Committee on Labor and Public Welfare.

By Mr. EASTLAND:

S. 2999. A bill to authorize the Comptroller General of the United States to administratively settle tort claims arising in foreign countries; to the Committee on the Judiciary.

S. 3000. A bill to direct the Secretary of the Interior to issue a supplemental patent to certain land in the State of Mississippi to Mrs. Christine H. Windham; to the Committee on Interior and Insular Affairs.

By Mr. SPARKMAN (by request):

S. 3001. A bill to provide security measures for banks and other financial institutions; to the Committee on Banking and Currency.

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

By Mr. SPARKMAN (for himself and Mr. PROXMIRE) (by request):

S. 3002. A bill to amend the Federal Credit Union Act; to the Committee on Banking and Currency.

By Mr. BREWSTER:

S. 3003. A bill for the relief of Luther D. Stull;

S. 3004. A bill for the relief of Dr. Delfin S. Santos, and his wife, Mena A. Santos; and

S. 3005. A bill for the relief of Dr. Arturo C. Uy, his wife, Rosario Beringuel Uy, and their son, Arturo C. Uy, Jr.; to the Committee on the Judiciary.

By Mr. JACKSON (by request):

S. 3006. A bill granting the consent of Congress to the Western Interstate Nuclear Compact and related purposes; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 3007. A bill to supplement the Motor Vehicle Safety Responsibility Act of the District of Columbia in order to provide for the indemnification of persons sustaining certain losses as a result of the operation of motor vehicles by financially irresponsible persons, and for other purposes; to the Committee on the District of Columbia.

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

By Mr. WILLIAMS of New Jersey:

S. 3008. A bill to amend the Federal Employees' Compensation Act so as to permit injured employees entitled to receive medical services under such act to utilize the services of chiropractors; to the Committee on Labor and Public Welfare.

By Mr. KENNEDY of Massachusetts:

S. 3009. A bill authorizing the issuance of 2,000 special immigrant visas; to the Committee on the Judiciary.

By Mr. EASTLAND (for himself and Mr. MCCLELLAN):

S. 3010. A bill to amend title 18, United States Code, to provide criminal penalties for the manufacture, advertisement for introduction, or introduction into interstate commerce of motor vehicle master keys, and for other purposes; to the Committee on the Judiciary.

By Mr. BARTLETT:

S. 3011. A bill for the relief of Tsang Kam Muk, Chau Yat Sang, Yam Lai Tsang, Cheung Hok Ming, Li Shui Yung, and AU Yeung Hon Ming; to the Committee on the Judiciary.

S. 2994—INTRODUCTION OF BILL TO PROVIDE FOR THE DISPOSITION OF FUNDS APPROPRIATED TO PAY A JUDGMENT IN FAVOR OF THE CREEK NATION OF INDIANS

Mr. HARRIS. Mr. President, I introduce for myself and my senior colleague [Mr. MONRONEY] a bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Creek Nation of Indians in Indian Claims Commission docket No. 21, and for other purposes.

In support of this legislation I ask unanimous consent to have printed in the RECORD a letter from W. E. "Dode" McIntosh, principal chief of the Creek Nation of Oklahoma. In further explanation of the bill I ask that a letter from the Department of the Interior to the President, dated September 11, 1967, and a report on the social and economic conditions of the Creek Indians of Oklahoma be printed in the RECORD.

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

The bill (S. 2994) to provide for the disposition of funds appropriated to pay a judgment in favor of the Creek Nation of Indians in Indian Claims Commission docket No. 21, and for other purposes introduced by Mr. HARRIS, (for himself and Mr. MONRONEY), was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

The letters and report presented by Mr. HARRIS are as follows:

CREEK NATION OF INDIAN TERRITORY,
Tulsa, Okla.

DEAR SENATOR HARRIS: The proposed Creek payment to all the living Creeks to share and share alike in the monies in re the Bill requested, introduced, by the Secretary of the Interior is OK with me if no changes by them from the copy you sent me a short while back.

The total amount is, about $3,600,000.00+.

Will certainly appreciate your valued help in moving it through the Senate.

Always best to you.

Sincerely,

W. E. MCINTOSH,
Creek Chief.

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

Hon. HUBERT HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill, "To provide for the disposition of funds appropriated to pay a judgment in favor of the Creek Nation of Indians in Indian Claims Commission docket No. 21, and for other purposes."

We recommend that the bill be referred to the appropriate committee for consideration and we recommend that it be enacted.

On September 10, 1962, the Indian Claims Commission issued a final judgment awarding $3,913,000 on the claim in docket No. 21 to the Creek Nation of Oklahoma (hereinafter referred to as the Oklahoma Creeks), plaintiff, and the Creek Nation east of the Mississippi River (hereinafter referred to as the Eastern Creeks), plaintiff by intervention. The Indian Claims Commission stated that the judgment was "on behalf of and for the benefit of the members and descendants of the Creek Nation as it was constituted on August 9, 1814."

The award represents payment for 8,986,653 acres of land in Alabama and Georgia ceded under the Treaty of August 9, 1814 (7 Stat. 120). Funds in the amount of $3,913,000 to cover the award were appropriated by the Second Supplemental Appropriation Act, 1965, and deposited in the United States Treasury to the credit of the Creek Nation of Indians as constituted August 9, 1814. The funds, less attorney fees which have been paid, have drawn interest at 4 percent per annum. As of May 26, 1967, a total of $3,000,000 was withdrawn from the principal and interest accounts for short-term bank time deposits so that a higher rate of interest could be earned. During the investment period the funds retain their trust status. The balance remaining in the United States Treasury in the principal account as of June 5, 1967, was $715,054.51. The money withdrawn from the Treasury is deposited with:

Name of institution	*Amount*
Farmers & Merchants Bank & Trust Co. of Tulsa, Tulsa, Okla.	$1,800,000
The Liberty State Bank, Tahlequah, Okla.	300,000
The Delaware County Bank, Jay, Okla.	100,000
First State Bank, Idabel, Okla.	200,000
The First National Bank, Tahlequah, Okla.	500,000
The First National Bank of McAlester, McAlester, Okla.	100,000
Total	3,000,000

The history leading to the cession of the Creek land under the Treaty of August 9, 1814, which is the basis for this judgment, was presented to the Committee on Interior and Insular Affairs of the House of Representatives on April 3, 1967, in this Department's report on H.R. 2423, H.R. 4460, H.R. 4464, and H.R. 5499, bills "For the relief of the living descendants of the Creek Nation of 1814."

In 1832 the United States desired that the Creeks should remove to the country west of the Mississippi River and join members of the tribe who had previously settled there. By the Treaty of March 24, 1932, the Creeks ceded all their remaining lands lying east of the Mississippi to the United States. The terms of that treaty did not compel the individual members to migrate west of the Mississippi River but stated "they shall be free to go or stay, as they please." The 1832 Treaty also provided for the patenting of lands east of the Mississippi in fee simple to those Creeks wishing to remain. Most of the Creeks chose to move to their new land in Indian Territory, the greater part emigrating between 1836 and 1838. No accurate figure on the number of Creeks who emigrated West and the number remaining in the East is available although Indian agents estimate that some 22,000 had moved West by 1852.

The Creeks who moved West to Indian Territory, now the State of Oklahoma, formed a tribal organization and conducted business as a nation until Oklahoma became

a State in 1907. A limited tribal organization with a Principal Chief as its executive head has continued and is functioning today. A roll listing the names of the persons who were members of the Creek Nation as of March 4, 1907, was compiled, closed, and made final as of that date pursuant to an Act of Congress. The roll contains 18,761 names. There is no current list of individuals who are descendants of the persons on the roll. However, the Bureau of Indian Affairs estimates that descendants by blood of the Oklahoma Creeks will be between 35,000 to 40,000.

Following the close of the Civil War, Creek Freedmen (former slaves and their descendants) were granted rights of citizenship in the Creek Nation in August 1866. Of the 18,761 names on the 1907 roll, 6,809 are Creek Freedmen. Since the rights of Creek Freedmen in the Creek Nation were acquired subsequent to 1814, their ancestors were not a part of the Creek Nation as it was constituted at the time the Nation ceded land under the Treaty of August 9, 1814, and were not wronged by the land taking. Therefore, no provision is made in the proposed bill for the Creek Freedmen or their descendants to share in the distribution of the judgment fund.

The Creeks who remained east of the Mississippi River became citizens of the United States. Many of the descendants make their homes in southern Alabama, principally in Baldwin, Escambia, and Monroe Counties. Some live in Escambia County, Florida, and others reside near Meridian, Mississippi. The Eastern Creeks maintained no tribal organization and are not known to be a cohesive group, except for their interest in Creek claims. It is not known how many descendants there are today of the Eastern Creeks. Representatives of the group estimate that today there are upwards of 10,000 persons who can trace their ancestry to Creeks who remained east of the Mississippi River. We have had information that some individuals have taken it upon themselves to prepare lists of descendants of the Creeks who remained east of the Mississippi. However, no enrollment criteria have been prescribed by the United States Government and no official sanction has been given by this Department to the preparation of the rolls.

The proposed bill enclosed provides for the preparation of a current roll of lineal descendants of members of the Creek Nation as it existed in 1814, and further provides that the funds shall be divided per capita among those persons whose names appear on this roll. Little difficulty is anticipated for those persons who can trace their Creek ancestry to the 1907 final roll of Oklahoma Creeks by blood. For those Creeks whose ancestors remained east of the Mississippi River, it has proven impossible to arrive at any one source document containing all of their names. No complete census of the Creek Indians was taken until the 1832 Treaty. This census was taken preliminary to the removal of the majority of the Creeks West and may be difficult to use in many cases because of the use of Indian names, the similarity of many of the Indian names, and the sheer lapse of time.

Copies of the Department's draft legislation have been made available to the two groups of Creeks for their review and comments.

On September 11, 1966, the Eastern Creeks met in a mass meeting, at which time they adopted a resolution recommending that section 1 of the proposal be amended to include as basic documents to trace Creek ancestry "State or county records in the Archives of the several states or counties therein or in the courthouses thereof or such other records admissible as evidence in the courts of the several states", as well as records of the Federal Government.

The several States were not dealing with the individual Creek Indians at any time before or after 1814, at least until the deeds conveying the allotments which were received under the 1832 Treaty were recorded in the counties, and it is believed that the State records could not be used conclusively to prove membership in the Creek Nation as of 1814. The Eastern Creeks' proposal would force the Secretary to consider as prima facie almost any record submitted. It would also require the services of an expert on the Law of Evidence to determine if certain records were admissible as evidence in the courts of the several States.

We believe only those records of the Federal Government which are known to be official and authentic should be named as basic documents in the judgment disposition Act. The phrase "or other records acceptable to the Secretary" in the proposed bill would enable the Eastern Creeks to submit any record which they believe might prove eligibility, but the Secretary would have the authority to determine its acceptability. It is doubtful the Secretary would have this discretion if the amendment proposed by the Eastern Creeks were enacted into law.

The Principal Chief of the Oklahoma Creeks took exception to the deduction of litigation expenses, referred to under section 2 of the proposed bill. He is of the opinion that the Eastern Creeks alone should pay the expenses of litigation since they were incurred in their behalf.

The Oklahoma Creeks filed the original claim in docket No. 21 in 1948. In January 1951 the Eastern Creeks petitioned to intervene. They contended that the original injury was to the Creek Nation as it was constituted in 1814 and that the unorganized descendants of that Nation who remained east of the Mississippi River had an interest in the claim equal to those who moved West and continued as a cohesive group.

The motion was denied by the Indian Claims Commission. However, in May 1952, the Court of Claims reversed the Commission's decision, holding that intervention was proper because any recovery should inure to the benefit of all descendants of members of the Creek Nation of 1814. While the intervention issue was before the Court, the Commission entered an interlocutory order in favor of the Oklahoma Creeks, awarding the sum of $1,679,940, less offsets, for 8,849,940 acres of ceded land. Following the Court's decision on the intervention issue, the Commission opened the case to consider supplemental findings of fact as to the value of the ceded land. The final award issued on September 10, 1962, stated that the Indians were entitled to recover the sum of $4,003,000, less the sum of $90,000 representing the stipulated amount of offsets, leaving a net balance to be recovered of $3,913,000. This award became final when the United State Supreme Court on October 16, 1964, denied a request for a review of the case.

An application for litigation expenses claimed by the attorney for the Eastern Creeks is presently pending before the Indian Claims Commission. We do not know how much the Commission will allow. A considerable amount of the expenses claimed by the attorney for the Eastern Creeks is for the services of three expert witnesses whose efforts contributed greatly to increasing the value given to the land, which resulted in the larger final award of $3,913,000.

We have evidence that the Eastern Creeks paid several thousand dollars of attorney expenses. Expenses of the attorney for the Oklahoma Creeks were paid by the Creek Tribe as the case progressed, and no further amount is being claimed.

We believe the expenses of both groups were properly incurred. We know of no reason for not deducting the proper litigation expenses of both groups before making the per capita distribution.

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

Sincerely yours,

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

REPORT ON SOCIAL AND ECONOMIC CONDITIONS OF THE CREEK INDIANS OF OKLAHOMA

GENERAL TRIBAL AND RESERVATION BACKGROUND

The majority of the Creek Indians in Oklahoma today are living interspersed with the general population, mainly in seven counties and parts of counties in eastern Oklahoma which comprised the Creek Nation from 1866 to Oklahoma statehood in 1907. There is no Creek Indian Reservation. The reservation boundaries were extinguished at the time of statehood. The original land area of the Creek Nation set aside by a Treaty of February 14, 1833 (7 Stat. 417), totaled over three million acres in the central part of Indian Territory. A considerable portion was allotted under the Act of June 28, 1898, later confirmed by agreements ratified by an Act of March 1, 1901 (31 Stat. 861), as amended June 30, 1902 (32 Stat. 500). Land allotments totaling 2,997,114 acres were made to 18,761 Creek Indians and 65,622 acres were sold.

The largest Creek settlements today, in which fullblood Indians comprise the majority, are in McIntosh County in the vicinities of Eufaula, Checotah, and immediately west of these communities in Hughes County in the vicinities of Wetleetka and Okemah, and in all of Okmulgee County. These are rural communities. The people in many of them, especially in the hill country are poor. They make their living by daily labor and from farming and livestock raising. Many Creek Indians, mostly of mixedblood, are living in the larger cities and towns of this region; Tulsa, Sapulpa, Henryetta, Holdenville, Broken Arrow, and Coweta. Some of the city residents are engaged in the professions, others in the oil industry, and still others in various businesses.

By successive acts of Congress, the governmental functions of the Creek Tribe as a Nation, along with that of the other tribes of the Five Civilized Tribes, were gradually abolished to pave the way for statehood. Beginning in 1893, the United States Government, through the Dawes Commission, entered into agreements with the Indians to extinguish tribal title to their lands and to provide for allotments in severalty. Restricted deeds were issued to individual tribal members. Surplus lands were bought by the United States for opening to white settlement. Tribal rolls were closed as of March 4, 1907, and no Creek Indian born since that date has been enrolled or has received an allotment of land. The Act of April 26, 1906 (34 Stat. 137), provided for the final disposition of the affairs of the Five Civilized Tribes. However, the act also provided for the continuation of the tribal government in a limited form until tribal affairs are settled.

Congress enacted legislation in 1908 (Act of May 27, 1908, (35 Stat. L., 312)), which removed trust restrictions from the lands of all enrolled persons of less than one-half degree Indian blood. By the Act of August 4, 1947 (61 Stat. 732), trust restrictions on allotments terminated upon the death of the original allottee. Heirs of restricted deceased Indians are determined in the county courts and heirs may dispose of their property by county court approvals. There is no complication due to an extended heirship problem. We do not know how many original Creek allottees still have their lands in trust status. The youngest allotted Indian today would be about 60 years old.

The Okmulgee Agency of the Bureau of Indian Affairs administers programs to the Creek Indians residing in Creek, Okfuskee, Okmulgee, Tulsa, Muskogee, and McIntosh Counties; those in Wagoner County are under the Tahlequah Agency, and those in

Hughes County under the Wewoka Agency. All these agencies are under the administrative direction of the Muskogee Area Office of the Bureau of Indian Affairs, with headquarters in Muskogee, Oklahoma.

LAND CLASSIFICATION AND ADMINISTRATION

As of July 1966, 197,812 acres of lands were in trust status, including 5,700 acres tribally owned. Approximately 171,000 acres were used by non-Indians, mostly as pasture and range lands; 16,922 acres were Indian-used. There is no irrigated land area; some 15,192 acres are classed as dry-farm land; another 1,690 acres are used for homesite, mineral and industrial development. There were 3.20 acres of Federal land under Bureau of Indian Affairs administration.

Under the provisions of the Indian Reorganization Act of 1934 (48 Stat. 984), and the Oklahoma Indian Welfare Act of 1936 (49 Stat. 1967), three tracts of lands were purchased for the Creek Indians: In McIntosh County, 2,552.05 acres known as the Hanna project were acquired, with title in the name of the United States in trust for the Creek Tribe. In Hughes County, 878.25 acres known as the Wetumka project were acquired for the Alabama-Quassarte Band with title in the name of the United States for the band. In Okfuskee County, 1,914.96 acres known as the Okemah project were acquired for the Thlopthlocco Tribal Town with title in the name of the United States in trust for the band.

The Bureau has been maintaining a system of roads within the area of the former Creek Nation to serve the people and the Indian lands. As of August 30, 1966, this system totaled 38.3 miles. The Bureau has been expending approximately $9,000 per year on road maintenance.

During the past 5-year period $684,200 were expended to improve the Bureau's system by construction. A total of 49.1 miles were constructed of which 22.4 miles were then transferred to the local county government. The Bureau retains the 38.3 mile system at present. By continuing to improve and transfer roads we provide the Creek people with a much more adequate transportation facility than local government is able to do because of the nontaxable status of the land.

TRIBAL MANAGEMENT AND FINANCING

Although Congress in effect terminated the authority of the existing Creek government under the 1906 Act, section 6 of the act conferred upon the President authority to appoint a person as principal chief to perform ministerial functions relating to the remaining tribal property. While the statutory authority of the principal chief is limited to acts relating to the signing of documents concerning tribal property, the principal chief is recognized as the spokesman for the Creek Tribe as a whole. Under authority delegated by the President, the principal chief is now appointed by the Secretary of the Interior. The term of office of the present chief expires on October 7, 1967.

The Creek Tribe is also served by the Creek Tribal Council, which holds regular meetings. Council members represent the old Creek tribal towns. The 1966–67 council consists of 58 members, including the principal chief.

There are three officially organized subgroups within the Creek Tribe, which were considered recognized bands of Indians for the purpose of organizing under the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967): The Thlopthlocco Tribal Town, with approximately 200 members, has a constitution approved by the Secretary on November 17, 1938, and ratified by the band on December 27, 1938. The Creek Indians of the Alabama-Quassarte Tribal Town, with 125 members, has a constitution approved by the Secretary on November 17, 1938, and ratified by the band on January 10, 1939. The Kialegee Tribal Town, with approximately 50 members, has a constitution which was approved by the Secretary on April 14, 1941, and ratified by the band on June 12, 1941. These groups also have Federal corporate charters and have formed credit associations.

Each of the constitutions provides for organization along the lines of old Creek tribal town. The officers of the tribal town together with a designated number of council members constitute the governing body. Committee meetings are held at regular intervals.

There are several factional groups within the Creek Tribe; however, these groups are so small that they have exerted little influence in tribal elections or in the administration of tribal affairs.

Council members demonstrate considerable managerial ability in the conduct of their business. These same leaders are also successful in managing their own family affairs and actively participate in community life. Tribal leaders and members consider themselves a part of the community in which they live and look to the community for their individual opportunities and responsibilities.

The tribe does not engage in any business enterprise. Income to the tribe in fiscal year 1966 amounted to approximately $11,000 of which nearly $7,000 was interest earned from tribal funds on deposit in the United States Treasury. In the same fiscal year the tribal budget amounted to $20,750.

As of May 3, 1967, balances of Creek tribal funds on deposit in the United States Treasury were as follows:

14X7035 Judgment, Court of Claims, Creek Indian Nation	$328.52
14X7535 Interest, above fund	146.84
14X7151 Proceeds of lands, etc., Five Civilized Tribes (Creeks)	30,758.86
14X7651 Interest, above fund	2,744.61
14X7128 Creek Nation of Indians, judgment fund	105,167.65
14X7628 Interest, above fund	3,211.92
Total	142,358.40

Traditionally, Indian trust funds have been kept in the United States Treasury drawing interest at four percent per annum. Recent increases on interest rates or yields in the general money market have led to the purchase of short-term bank time deposits and Treasury notes, bonds, and bills with Indian trust monies. The funds retain trust status during the investment period. Under Federal law (25 U.S.C. sec. 162a), the trust funds may be invested in securities or in bank certificates of deposit secured by collateral, which are unconditionally guaranteed as to both principal and interest by the United States. Through these investments bigger and faster returns of Indian capital have been realized. In qualifying a bank to receive Indian trust funds on deposit, the Treasury Department is required (1) to designate the bank as a depository of Indian trust funds, and (2) to assure that the bank pledges acceptable collateral in the amount of the deposit.

The principal chief of the Creek Tribe of Oklahoma requested that the Creek trust funds be invested by the Bureau. The Bureau has negotiated standard investment agreements for short-term bank time deposits with several Oklahoma banking institutions. In addition, the Bureau has obtained resolutions from the board of directors approving the signature of bank officers signing certificates of deposit and any other documents involved.

On December 30, 1966, $1,000,000 from the Creek trust funds listed below were invested in the Farmers and Merchants Bank and Trust Company of Tulsa for a one-year period.

14X7438 Indian Claims Commission award in docket No. 276	$933,673.16
14X7128 Creek Nation of Indians judgment fund	55,733.78
14X7628 Interest and Accruals on interest on above account	10,593.06

The fund will earn interest at 5½ percent per annum, compounded quarterly, and at maturity will provide over $16,000 more than the tribe would have received at the four percent Treasury rate.

Funds which were on deposit in the United States Treasury covering the judgment awarded in Indian Claims Commission docket No. 21 for which legislation is being sought have also been withdrawn for investment purposes. As of May 26, 1967, a total of $3,000,000 has been placed in time certificates of deposit with six banking institutions in Oklahoma. A list of these institutions and information on the terms of deposit is enclosed with this report. These funds were withdrawn from the Treasury account 14X7109, Awards of Indian Claims Commission, Creek Nation of Indians as constituted August 9, 1814, and the interest account 14X7609. The additional interest at maturity through investment will provide $19,546.52 more for distribution to all the beneficiaries of the docket No. 21 award.

CLAIMS

The legislative proposal for the disposition of the $3,913,000 Creek award in docket No. 21 calls for a current roll of lineal descendants of the Creek Nation as it existed in 1814, and further provides that the funds shall be divided per capita among those persons whose names appear on the roll. The Area Director estimates that descendants of Oklahoma Creeks by blood on the 1907 final rolls would be from 35,000 to 40,000. The Creek Nation east of the Mississippi consisting of unorganized lineal descendants of the Creek Nation of 1814 who remained in the East or returned East to their homeland are also entitled to the benefits of this award. In 1966, representatives of this group indicated that descendancy of upwards of 10,000 people can probably be traced to Creek ancestors. As of May 26, 1967, a total of $3,000,000 of the trust funds have been withdrawn from the United States Treasury and have been invested in short-term bank time deposits (see Tribal Management and Financing).

On August 17, 1966, the Indian Claims Commission granted an award of $1,037,414.62 to the Creek Nation of Oklahoma in docket No. 276. The award represents additional payment for Oklahoma lands ceded under an 1856 Treaty. Funds were appropriated and deposited in the United States Treasury. On December 29, 1966, the funds were withdrawn for investment purposes, which are described under Tribal Management and Financing. The final disposition of this award will be the subject of a separate legislative proposal now under consideration by the Bureau.

There are still pending before the Indian Claims Commission eight other dockets in various stages of litigation. They are: Dockets Nos. 166, 167, 169, 272, 273, 274, 275, and 277.

The Loyal Creek Indians, who today represent only 3.6 percent of the Creek tribal membership, remained loyal to the United States during the Civil War, and were awarded $600,000 in 1951 in Indian Claims Commission docket No. 1. By an Act of August 1, 1955 (69 Stat. 431), funds were distributed to persons or their heirs or legatees, whose names appeared on the payroll prepared pursuant to the appropriation act of March 3, 1903.

There is now pending in Congress H.R. 2531, a two-fold proposal which includes the disposition of the balance remaining in the Loyal Creek judgment fund. The balance remaining in the Loyal Creek judgment fund amounts to $74,894.33, and represents the shares of persons entitled to receive payment whom the Bureau has been unable to locate. H.R. 2531 proposes the transfer of the residue fund on the books of the Treasury of the United States to the credit of the Creek Nation of Indians of Oklahoma.

POPULATION AND MEMBERSHIP DATA

Membership rolls of the Creek Tribe were closed and made final as of March 4, 1907. A total of 18,671 persons were enrolled, including 3,396 persons of less than one-half degree of Creek blood and 6,809 Freedmen. It is estimated that about two-thirds of the enrollees are now deceased.

In 1964, there were 13,254 persons of Creek Indian descent enumerated in the reservation service area. These included 1907 enrollees and descendants of 1907 enrollees. An estimated breakdown by age of these Indians is as follows:

Age:	*Number*
1–17	4,500
18–35	2,500
36–45	2,254
45–57	2,000
58 and over	2,000

INCOME AND EMPLOYMENT OPPORTUNITIES

The major income sources of individual Creek Indians in 1966 were earnings from wages and salaries and income from mineral and agricultural leases. There were 3,063 males and 2,093 females employed in wage work. Data on the number who were self-employed or employed by the Federal Government are not available.

Seventy-nine percent (79%) of the 2,924 families reporting received an annual income of $3,000 or less:

	Families
Under $1,000	731
$1,000–$3,000	1,579
$3,000–$6,000	439
Over $6,000	175

Information on the average per capita individual income was not available. The Bureau's semiannual report on the Creek labor force on employment and unemployment (March 1967) shows approximately 15 percent of the labor force permanently unemployed and 38 percent underemployed:

Labor force (14 years and over)	6,312
Employed, total	5,315
Permanent (more than 12 months)	(2,912)
Temporary (including persons away on seasonal work)	(2,403)
Unemployed	997
Number actively seeking work	500
Percent unemployed	15

Employment opportunities in the Creek area are good. The same employment opportunities are open to the Indians as to non-Indians if the Indians meet the educational requirements and are willing to move to larger cities. Tribal members generally look with favor toward wage employment, but many are reluctant to accept employment too far from their home communities.

Seven manufacturing facilities with an estimated 1,223 jobs are planned throughout 29 counties in eastern Oklahoma. On the job training contracts have already been negotiated with three of the firms, and it is expected that employment opportunities will be available to 492 Indians.

SOCIAL SERVICES

Public assistance (Old Age Assistance, Aid to the Blind, Aid to Families with Dependent Children, and Aid to the Permanently and Totally Disabled) is provided to Indians through county welfare departments on the same basis as to other citizens. The Bureau provides general assistance for needy Indians who do not meet the special requirements for the public assistance programs. The Bureau also provides assistance to needy Indians who apply for public assistance pending the State's approval of their application. The State handles the surplus food commodity programs, which are available to Indians on the same basis as to non-Indians.

The Bureau's average monthly caseload during fiscal years 1964–65 was 101. During late summer many cases are opened for one month to provide school clothing to children. Only a negligible amount of assistance is granted to the unemployed; the amount does not rise sharply in winter, for employment is fairly stable throughout the year.

EDUCATION

An estimated three percent of the Creek Indians do not speak English and approximately 50 to 80 percent have limited use of English. The average median grade level achieved by the parents of Creek children is the sixth grade. Ordinarily, children from educationally underprivileged homes have very limited English vocabularies and generally lack ability in written and oral English.

Approximately 90 percent of all Indian children in eastern Oklahoma attend public schools. Free textbooks and hot lunches provided in the public schools for indigent children and ADC have lessened the pressure for Federal boarding school enrollment because of financial need.

During the 1964–65 school year, 1,610 Creek children within the Creek area were enrolled in 67 public schools which received Johnson-O'Malley assistance funds. The average daily attendance was 1,463. There were 164 eighth grade graduates and 88 high school graduates.

Almost all the pupils enrolled in rural schools are in the elementary grades. Their attendance is significantly better than that of non-Indian pupils. School attendance problem develops in securing enrollment of all eligible students in the ninth grade and their remaining through the twelfth grade.

During 1964, there were 421 Creek children enrolled in boarding schools, including 396 children enrolled in five Bureau boarding schools in eastern Oklahoma administered by the Muskogee Area Office:

School	Number of Creeks enrolled	Total enrollment, 1965–66	Grades	Remarks
Sequoyah	124	395	9–12	Operates classroom facilities.
Seneca	76	220	1– 8	Operates classroom facilities.
Eufaula	35	65	1–12	Students attend Eufaula Public School.
Jones	151	279	1–12	Students attend Hartshorne Public School.
Carter	10	120	1–12	Students attend Ardmore Public School.

Some Creek families send their minor children to Oaks Mission in Oaks, near Tahlequah, which is church endowed. A few attend Murrow and Bacone in Muskogee, which are church schools.

A larger percentage of Indian graduates than of comparable non-Indian graduates have continued their education in trade schools or colleges which is due in part to financial assistance from the Bureau of Indian Affairs and the availability of state colleges in the area. During 1964, the Bureau assisted 83 Creek Indians with higher educational aid.

As of November 1966, 114 Creek Indians were enrolled in vocational courses, including 96 at Haskell Institute in Lawrence, Kansas, and 12 at Chilocco Indian School, Oklahoma; four were attending the Santa Fe Institute of American Indian Arts, Santa Fe, New Mexico, and one the Albuquerque School of Practical Nursing in Albuquerque, New Mexico. One Creek student participated in a program sponsored by the Oklahoma State School of Technology, Okmulgee.

Under the Bureau's adult vocational training program, as of November 1966, 250 Creek Indians completed vocational training courses and 63 persons were in training; another 500 persons were waiting for openings and additional Bureau funds to the area for training.

In cooperation with the State Department of Education, the Bureau established several adult education units for the Creek Indians. There is much enthusiasm on the part of the Indians in this program. Their achievement levels range from beginning literacy through elementary and some high school. The age range is about 30 to 50 years.

Library facilities are available to Indians on the same basis as for the general public. Bureau schools and peripheral dormitories now share in Title II of Public Law 89–10 funds for library resources.

HOUSING

On June 18, 1965, the Oklahoma State Legislature passed the Oklahoma Housing Authorities Act. The act permits a housing authority for each Indian tribe, band, or nation in the State, and makes all communities, counties, and cities eligible to participate in the United States Housing Act of 1937. Although the program will reach a great number of Creek Indians, there still will be a considerable number of people in need who will not be eligible, as the act restricts participation to families with an annual gross income of $3,000 or less. Some families will be unable to participate in the mutual-help housing program due to some physical handicap or because of absence of a man to do the work required.

The Housing Assistance Administration has approved programs for 20 housing units for low-income families near Eufaula and 27 mutual-help housing units, with 12 units in the Yeager community, Hughes County, and 15 units in Burton and Hanna Townships. The tribe is negotiating for the purchase of approximately 15 acres of land for housing sites adjacent to Okmulgee.

HEALTH

There are three hospitals in the area and two health centers which are fully used by the Indians. These facilities are not adequate to meet the health problems of the Indians. Diabetes and hypertension are the major health problems of the Creek Indians.

Hospital care and outpatient treatment for those Indians who reside in Creek, Okfuskee, Okmulgee, and Tulsa Counties are provided by the United States Public Health Service Indian hospital located in Claremore, Oklahoma. Additional outpatient care may be obtained at the USPHS Indian health center at Okemah, where a physician is available under the contract medical care program. Indians in McIntosh County and Wagoner County are provided hospital and outpatient services by the USPHS Indian hospital located in Tahlequah. In Hughes County, outpatient medical care is furnished by the USPHS center located in Shawnee. Hospital care is furnished by the USPHS Indian hospital in Talihina.

The vast majority of urban Indians live in rented quarters, which are generally in a poor state of repair, but have minimal sanitation facility standards required by municipal law. Most of the rural homes are without facilities. The people who reside in rural areas are generally not as concerned about modern health and sanitation facilities as they should be. However, the USPHS is making progress in these areas with the projects currently under construction. Water supplies and sanitation facilities have been provided through these projects for approximately 80 rural Indian families in two Creek communities in McIntosh and Okmulgee Counties to date, and at present a third com-

munity project is being developed in western McIntosh County.

NON-BIA AND USPHS RELATIONSHIPS

All normal services provided non-Indian citizens by the counties and the State are available to the Creek Indians. Law and order and public education have been provided by the State and its governmental subdivisions since Oklahoma statehood in 1907. The Oklahoma State Employment Service in eastern Oklahoma gives excellent service to the Indians. The Indians, however, do not utilize the outside programs to the fullest extent. Many of them, particularly those in the rural areas, seek Bureau assistance and referral to the proper State or county office.

Two areas in which State services are not available are the care and education of children from broken homes and interim welfare services before persons become eligible for State welfare. When Indians reach advanced years, many of them are unable to use their land productively and wish to qualify for public assistance. In order to obtain such assistance, they must comply with the laws and regulations of the Department of Public Welfare which requires an account of their property.

Frequently, it is necessary to remove trust restrictions from the lands of the allotted Indians and permit the sale of it for the benefit of the old person. The present system is considered reasonably satisfactory to the Indians.

Community action programs and Head Start programs under the Office of Economic Opportunity are being carried on in some of the larger cities. Other governmental agencies also provide services to these Indians. Credit is provided by the Federal Housing Administration, the Farmers Home Administration, etc. Oil and gas production control and problems related thereto are reported to the U.S. Geological Survey. The U.S. Conservation Service assists in conservation practices. Fish stock for private and public water reservoirs are provided by the U.S. Fish and Wildlife Service and the Corps of Engineers.

ACCULTURATION INFLUENCES

The cultural status of the Creek Indians ranges from persons who are highly educated and possess culture comparable to the most advanced non-Indians of the area to those who are wholly uneducated and living at the lowest level of existence. The factors which have contributed most to the advancement of members of the Creek Tribe will be found in their relatively ready acceptance of educational opportunities, tendency to work their lands, formation of good work habits, seeking out industrial opportunities, and their general willingness to conform to practices about them. The Bureau established vocational schools, gave assistance in job placement, and maintained a type of adult education for leadership in economic matters. While the Creek Indians are an apt people, they most likely could not have made the progress they have without Federal assistance. Participation by the Creek Indians in Federal, State, and county elections is believed to be about equal to that of non-Indians.

Socially, some of the Creek Indians tend to segregate themselves. This is true primarily among the fullblood members and those with incomes less than $3,000. There are serious social problems among the Creek Indians, particularly in less progressive areas. This is evidenced by the fact that 350 Creek children are presently enrolled, for social reasons, in boarding schools.

READINESS OF INDIANS TO MANAGE THEIR OWN AFFAIRS

The remaining problems among the Creek Indians may be found to stem from the hard core of unresolved individual and family problems. These include self-isolation, crushing poverty due to impossible economic location, health and sanitation hazards, and tendency in some communities for the leaders to look back to an earlier time.

There is urgent need for jobs that will furnish permanent employment. Bureau assistance is needed to stimulate interest and to involve the Indian population of this area in the activities of the greater non-Indian community. We believe there is a continued need for assistance by the Federal Government in meeting the educational, health, sanitation, welfare, etc., needs of those Indian people who for one reason or another are living in substandard conditions. If left without our help, decline rather than progress would surely follow.

OBSERVANCE OF NATIONAL FFA WEEK

Mr. YOUNG of North Dakota. Mr. President, I would like to take this opportunity to call attention to the fact that vocational agriculture students in high schools across the Nation are observing National FFA Week.

This is the 24th annual observance of National Future Farmers of America Week and I would like to pay tribute to accomplishments of the Future Farmers of America program.

Today 450,000 young men in 9,000 FFA chapters throughout the United States are engaged in the study of agriculture. In North Dakota we have 65 chapters and I have always been proud of the fact that I am an honorary member of one of these—the David Lloyd chapter at La Moure, N. Dak.

The basic purpose of the FFA is to instruct young men in the science of agriculture. The training that has been given these young fellows over the years has contributed greatly to the great progress American agriculture has made.

Probably more important than this, however, is the work that is being done to develop leadership and character. I have always been impressed with the caliber of young men in this program and the ability they display in working with other people and groups. We can count as a great national asset the leaders developed through this program. Young fellows who have received this training have established tremendous records of leadership and accomplishment.

The Future Farmers of America program has always placed great emphasis on the importance of the development of good citizenship. Young men participating in the program learn the importance of active participation in community, State, and National affairs.

Mr. President, I join people all across the Nation in saluting the Future Farmers of America. I look forward to the continuing growth and progress of this fine organization.

S. 3001—INTRODUCTION OF BILL TO PROVIDE SECURITY MEASURES FOR BANKS AND OTHER FINANCIAL INSTITUTIONS

Mr. SPARKMAN. Mr. President, I introduce, by request, a bill to provide security measures for banks and other financial institutions.

This bill was proposed by the Justice Department.

I ask unanimous consent that the bill, together with the letter of transmittal from Attorney General Clark, be printed in the RECORD.

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

The bill (S. 3001) to provide security measures for banks and other financial institutions, introduced by Mr. SPARKMAN, by request, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bank Protection Act of 1968".

SEC. 2. As used in this Act the term "Federal supervisory agency" means—

(1) The Comptroller of the Currency with respect to national banks and district banks,

(2) The Board of Governors of the Federal Reserve System with respect to Federal Reserve banks and State banks which are members of the Federal Reserve System.

(3) The Federal Deposit Insurance Corporation with respect to State banks which are not members of the Federal Reserve System but the deposits of which are insured by the Federal Deposit Insurance Corporation, and

(4) The Federal Home Loan Bank Board with respect to Federal savings and loan associations, and institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

SEC. 3. (a) Within six months from the date of this Act, each Federal supervisory agency shall promulgate rules establishing minimum standards with which each bank or savings and loan association must comply with respect to the installation, maintenance, and operation of security devices and procedures to discourage robberies, burglaries, and larcenies and to assist in the identification and apprehension of persons who commit such acts.

(b) The rules shall establish the time limits within which banks and savings and loan associations shall comply with the standards and shall require the submission of periodic reports with respect to the installation, maintenance, and operation of security devices and procedures.

SEC. 4. A bank or savings and loan association which violates a rule promulgated pursuant to this Act shall be subject to a civil penalty which shall not exceed $100 for each day of the violation.

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

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., February 7, 1968.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: The President in his message to the Congress on crime control said: "We must bring modern crime detection and protective equipment into our banks." The enclosed legislative proposal is directed to this end.

The dramatic, continued increase in the number of bank robberies, burglaries and larcenies requires immediate action. In 1955 there were 526 such offenses committed against financial institutions protected by federal law. In 1966 the figure rose to 1,871—an increase of about 250%. New figures recently reported by the FBI indicate an increase beyond this previous all time high to

2,551 in 1967. The dollar losses are in the millions. The injuries and deaths which occur during the robberies exact a toll which is not measurable in dollars.

In its report on "Crimes Against Banking Institutions" submitted to the House of Representatives on February 20, 1964, the Committee on Government Operations recognized the need for the installation of more and better security devices and procedures. It found "incredible" the fact that a large percentage of financial institutions had no alarm system whatsoever.

The Director of the Federal Bureau of Investigation has for several years mounted an educational campaign to assist in stemming the constant increase in offenses against banks and other financial institutions. However, the statistics which continue to be made daily reinforce his opinion that more must be done.

Investigation has disclosed that security devices and procedures adequate for the particular needs of institutions of varying size, location and other characteristics are relatively inexpensive. There is no doubt that the professional bank robber is less likely to attempt to burglarize or rob a bank which has an alarm system, a camera system, or other recognized security devices in operation.

Only recently, here in the District of Columbia, as a result of a silent alarm system a bank robber was met at the door as he left the institution. On September 5, in Hyattsville, Maryland, a number of suspects were developed as a result of photographs taken in the course of a bank robbery. Just two days later a concealed camera was activated during a robbery in the District of Columbia providing excellent photographs of the offender. These are just a few of many illustrations which the Department can supply the Congress in its consideration of the effectiveness of security devices and procedures.

The proposed legislation will direct the federal agencies which have responsibilities concerning banks and savings and loan institutions to promulgate rules requiring the installation, maintenance and operation of security devices and procedures to discourage robberies and burglaries and assist in the identification and apprehension of persons who commit such crimes.

In our judgment the enactment of this legislation is essential and I urge the Congress to consider it promptly.

The Bureau of the Budget has advised that this proposal is in accord with the Program of the President.

Sincerely,

RAMSEY CLARK,
Attorney General.

S. 3007—INTRODUCTION OF BILL RELATING TO PROTECTION AGAINST UNINSURED MOTORISTS IN THE DISTRICT OF COLUMBIA

Mr. TYDINGS. Mr. President, I introduce, for appropriate reference, a bill to establish a District of Columbia motor vehicle unsatisfied judgment fund to compensate victims of automobile accidents caused by insolvent and uninsured motorists. This fund would be available only to those victims who do not have insurance and have no ready means of obtaining it. The uninsured motorist who causes the harm must repay the fund for the damage that he caused or lose his license and registration.

The fund is needed because only 72 percent of District car owners have purchased automobile liability insurance. This gap of over one-fourth the District drivers remaining uninsured persists in spite of the Safety and Responsibility Act. The present law has failed to adequately protect the pedestrian in Washington from being harmed by an irresponsible driver. This bill places the burden of compensating innocent victims where it belongs: on uninsured motorists who cause the risk of accidents without liability protection and who support the fund by paying an annual fee. No insured motorists, or insurance company, or general taxpayer will pay any money into the fund.

The fund's solvency is protected by rigidly guarding payments to victims. Only medical expenses and lost income are compensated. The category of persons who can tap the fund is limited to those who have protected themselves from causing damage by purchasing liability insurance and to those who have no access to protecting against this contingency.

The fund operates in such a manner as to encourage car owners to purchase automobile insurance. First, all automobile liability policies in Washington are required to include an uninsured motorist clause; this protects the driver and his family from uninsured motorists. All insurance purchasers are thus protected and will not need the fund. For all District of Columbia motorists who do not purchase insurance, a fee of $40, is imposed merely for the privilege of driving in the District of Columbia because the uninsured creates a potential danger. Payment of this fee does not give the motorist any insurance coverage, however. Therefore, many motorists faced with the choice of a $40 fee with no protection or buying insurance with full protection will do the latter.

The fund's payment of damages in no way eases the burden of the negligent driver who must still pay the damages and provide proof of financial responsibility for the police as required by the Responsibility and Safety Act. Thus the operation of the uninsured motorist fund will both alleviate the uninsured motorist problem and prevent an expansion of its own existence.

THE PROBLEM

The present laws of the District do not protect the pedestrian from the irresponsible motorist who drives recklessly and does not provide protection against any damage that might result from this conduct. In 1966 only 72 percent of District of Columbia vehicles were insured; in 1965 the figure was 71 percent. In 1966 there were 61,742 uninsured. Obviously the penalties of the Safety and Responsibility Act are not a great enough deterrent to cause more than three out of four motorists to act responsibly and buy insurance. Thus one of every four District of Columbia drivers creates a potential danger to all other District of Columbia residents and District of Columbia visitors. This danger is very real. In 1966 16,443 accidents were caused by uninsured vehicles. Of those 6,806 persons had their licenses suspended because they were found at fault and could not produce adequate security to cover the damage they had caused.

What happens under present law to the innocent victim who was hit by one of those 6,806 drivers? The average victim is not insured: he cannot be because he does not own a car and therefore cannot purchase automobile liability insurance with the appropriate coverage. The victim cannot turn to the insurance of the driver, for there is no insurance. He can sue the driver. But what good is a suit against a driver who could not produce security for the accident damages under the Safety and Responsibility Act?

The harsh fact is that those irresponsible drivers who neglect to purchase insurance almost invariably have few if any assets. Today for a hundred or so dollars an old car can be purchased and turned to a weapon that can cause thousands of dollars of harm.

The present safety and responsibility law is inadequate in two ways:

First, its provisions requiring security and future proof of financial responsibility, which come into effect only after an accident, do little to help the victim. Thus each uninsured motorist is perfectly free to run down one pedestrian, cripple one person, or maim one child. Second, the knowledge of future penalty, that is both required future insurance and suspension of a license and registration under the Safety and Responsibility Act have failed to convince over one-fourth of our drivers that they should buy insurance. No increase of penalty in the present law will remedy their fundamental shortcomings.

The legislation I introduce today seeks to eliminate the problem of uncompensated automobile accident victims and its causes. To do this a three-pronged attack is launched against the irresponsible motorist.

1. REQUIRED UNINSURED MOTORIST CLAUSE

Every automobile liability policy that is sold within the District is required to have an uninsured motorist clause. This protects the insurance purchaser against any injuries that occur to him and his family caused by uninsured motorists. The cost of this coverage is minimal; the price is now $8, and when many are sold it will drop to about $4 or $5. In this manner, many of the accident victims will be covered, thereby decreasing the size of the problem. This does not relieve the uninsured motorist of any burden; he still must pay the damages and still must lose his license and registration if he fails to produce adequate security after the accident.

The required uninsured motorist clause serves another vital function: it protects the solvency of the fund. Only those persons who have no source of compensation from an accident can draw from the fund. Thus all those motorists who have an uninsured motorist clause, which will be all District of Columbia insured motorists, will not need or use the fund. Their insurance company seeks reimbursement from the driver who caused the accident.

It should be noted that under this bill, no District of Columbia motorist can recover from the fund. Either a District of Columbia resident chooses to purchase insurance, in which case he receives an uninsured motorist clause and is already covered, or the resident chooses to buy no insurance and is excluded automati-

cally from the fund because he causes a risk to others.

It must be remembered that there is no compulsory insurance under this scheme. Any person who believes he has adequate financial resources or drives so carefully as not to require protection can do so without being forced to buy insurance or to stop driving.

2. UNINSURED MOTORIST FEE

The uninsured motorist creates a potential risk to all the drivers and pedestrians inside Washington. It is, therefore, entirely appropriate that these motorists should take the responsibility for mitigating the harshest results of that risk. Thus those that drive without buying insurance are required under this bill to pay a $40 fee into the uninsured motorist fund. This money is used to compensate victims of the uninsured motorists. All the expenses of administering the fund come from this fee. No taxpayer, no insurance company, and no insured motorist pays anything anytime to support the fund. The law itself forbids the use of General Treasury money for the fund.

This fee is in no way "public" insurance. It offers no protection to the payee. The fee is merely a price an uninsured District of Columbia resident must pay in order to drive in Washington, while creating a risk toward others. Since this fee is substantial it will encourage many drivers to purchase insurance. For perhaps twice the cost of the fee the driver will get full protection against liability and uninsured motorists. This yearly reminder is a much more potent incentive to purchase insurance than the remote prospect of losing driving privileges in the event of an accident which the present Safety and Responsibility Act provides.

3. UNINSURED MOTORIST FUND

The fund pays compensation to victims injured by uninsured motorists only after the negligence of the driver and innocence of the injured has been established in court and after damages have been proven. In fact, the whole trial process is engaged so that no huge bureaucratic claims board and investigation team need be used. The victim must prove his innocence and loss. After receiving a favorable verdict, the victim must demonstrate to the court that he cannot recover his judgment from the defendant. Then, and only then, does the fund compensate the victim.

To assure the solvency of the fund and because the fund seeks only to alleviate the worst effects of the uninsured motorist problem, the fund will not compensate for the entire judgment. Recovery is limited to medical expenses and lost income as found by special verdicts in the court. There is no payment for pain and suffering or for property damage.

Once the payment is made to the victim, the fund receives the subrogated claim against the uninsured motorist. The motorist loses his license and registration until he pays or agrees to an installment plan and meets the requirements for proof of future financial responsibility as provided in the Safety and Responsibility Act.

HOW THE FUND OPERATES

The fund is supplied money from the annual uninsured motorist fee. This fee is adjusted to insure solvency of the fund by projecting the claims for the coming year. All motorists who do not furnish proof of insurance to the Commissioner at the time they obtain an automobile registration must pay this fee. If at anytime after registration a motorist should end his insurance coverage for any reason, then the motorist is required to pay the fee. Insurance companies must notify the Commissioners whenever insurance lapses, so that the District of Columbia government can withdraw a registration if no fee is forthcoming. These enforcement provisions are identical to those now employed under the Safety and Responsibility Act to maintain the proof of financial responsibility.

Whenever a victim of an automobile accident desires to make a claim against the fund, that person must notify the Commissioner of such intention within 180 days after the accident. The victim must file with such notice proof showing that he qualifies to recover funds under the act, estimate the probable losses that would be compensable, and notify the Commissioner of any court action that is commenced for the recovery of losses from the uninsured motorist. This information is collected in conjunction with the data required by the Safety and Responsibility Act. Thus there is little new information or work involved.

The Commissioner is given authority to join in any defense of these original suits if the uninsured motorist fails to have counsel or to appear. This will protect the fund by limiting recoverers. However, since the defendant will be burdened with any judgment and will not be able to drive until it has been repaid, it is to his interest to defend vigorously. The Commissioner also has authority to appeal a verdict, if the defendant fails to do so.

In the case of hit-and-run accidents and default judgments there is no adversary proceeding in order to insure the recovery is proven. To provide for such a contingency, this bill allows the victim to sue the Commissioners directly, creating an adversary. Thus in all cases the fund's interests are protected.

After the verdict a hearing is held during which the victim must prove that all reasonable efforts have been made to obtain the judgment and that the defendant does not possess the resources to pay such judgment. Further the victim must show that he does not seek this judgment on behalf of an insurance company, that he is not in the same family as an insured motorist whose insurance would cover him, and that he does not have any collateral source of reimbursement of the judgment. When all this is done to the satisfaction of the court, the judge directs the fund to compensate the victim for medical expenses and lost income.

Immediately the claim for this amount is subrogated to the fund. The uninsured motorist is suspended from driving until he has repaid the fund and obeyed the provisions of the Safety and Responsibility Act.

In order to avoid needless litigation in cases where fault and damages are quite obvious, provisions are included in the act to allow for settlements out of the fund. The settlements work in this manner:

Section 408(a): After a filing of a complaint in court for an action suing the uninsured motorist, the plaintiff and defendant may enter into a written agreement for the amount to be paid. The Commissioner must be satisfied that there is adequate proof of the damages, that the plaintiff is qualified to draw from the fund, and that the defendant cannot pay the settlement. If the defendant signs a confession of judgment and agrees to pay the sum to the fund in installments, then the fund will compensate the victim. If the installment payments halt, all the Commissioner must do is take the confession of judgment to the clerk of the court to have it entered. Immediately the defaulting payee has his driving privileges revoked.

Section 408(c): If the settlement is for an amount below $2,500 there is no need to file a complaint, although all the other steps for settlement must be taken.

These provisions seek to reduce the need for unnecessary waste of time and resources with litigation when there is no question at issue. The settlement provisions are discretionary, no party—plaintiff, defendant, or Commissioner—is required to agree to any settlement.

Finally the act provides for certain penalties to give the Commissioner adequate enforcement authority. Any filing of a false statement with the Commissioner is punishable with a fine of $1,000 and a year's imprisonment. Operation of an uninsured motor vehicle without payment of the required fee causes immediate suspension of license and registration, makes the driver liable to $500 fine and 90 days in jail, and activates the proof of future financial security section of the Safety and Responsibility Act. A transfer of registration to willfully defeat the purpose of the act is also prohibited.

ELIGIBLE VICTIMS

It is necessary to limit those who can draw from the fund in order to maintain its solvency. However, the limitation upon the recovery available—designed below—make this problem less acute. The purpose of this act is to protect those whom the uninsured motorist endangers, those who have no readily available means to protect themselves.

Section 102(e) defines those who cannot draw from the fund as: first, an owner of an automobile who does not have coverage as required by the Safety and Responsibility Act; and second, any one covered by liability insurance.

Clause (1) of subsection (f) excludes all uninsured motorists. Anyone who creates a danger to others on the road should not be allowed to use the fund. Since an uninsured motorist can never recover from the fund, the payment of $40 fee cannot be construed as purchase of insurance. The requirement of an uninsured motorist clause to be added to insurance sold inside the District brings

all insured drivers—their families, guests, and guest drivers—inside clause (2) of subsection (e).

Thus the only persons who can recover from the fund who reside in the District are noncar owners who cannot be covered by automobile insurance. This includes pedestrians and passengers in the uninsured car. The passengers in the insured car are already covered.

It should be noted, however, that although the coverage of the required uninsured motorist clause exempts the family of insured motorists from recovery because they will be compensated, the family of the uninsured motorist can recover from the fund. It would seem especially harsh that the irresponsibility of the parent by failure to purchase liability insurance should be visited upon a child or wife.

In order to recover, of course, the victim must be able to sue the uninsured motorist. In the District common law prevents a spouse from suing a spouse—*Tobin* v. *Hoffman*, 96 A. 2d 597—or child from suing a parent for tortious conduct so that there could never be a recovery from the fund when the uninsured motorist injured his own wife or child. The possibility of collusion to recover for self-caused accidents does not exist.

Due to strong suggestions last year that it would be unfair to exclude from protection those visitors to the District who travel to see their Nation's Capital and their elected representatives from the fund, visitors have been included. It follows logically that the uninsured motorists create for this group of people as much risk as for District of Columbia residents and should be required to protect them accordingly. As subsection (e) is written, it allows recovery of nonresident car owners only if they have insurance coverage, as required by the District of Columbia Safety and Responsibility Act—presently $10,000, $20,000, $5,000 coverage. This is what we require for District of Columbia residents, and it would be unfair to compensate those who do not protect our citizens from the risk they create. Non-car owning pedestrians and passengers can also recover. Uninsured motorists and those who have insurance against uninsured motorists cannot.

As a matter of fact the number of nonresidents who could recover from the fund is extremely low. First, few nonresidents are hurt by uninsured motorists. Second, the overwhelming majority of nonresidents injured in the District of Columbia would not be eligible to recover because they would be car owners who were uninsured or had uninsured motorist coverage—as required to be offered in 38 States—or were covered by the provisions of an uninsured motorist clause as a guest or member of a family.

SOLVENCY OF THE FUND

The solvency of the uninsured motorist fund is guaranteed by the severe restrictions upon those who can draw from it and upon the amount that can be drawn. As can be seen from the above discussion, no District of Columbia car owners and few nonresident car owners can draw from the fund. This fact alone will avoid difficulties other uninsured motorist funds have had. Not every victim of an accident caused by an uninsured motorist will collect from the fund. Even after demonstrating to the Commissioner that one was a potential claimant—having no insurance and a noncar owner—who could draw from the fund, the victim must further prove that he was not contributorily negligent; that the uninsured motorist was negligent; that he suffered damage here; and that this damage was not reimbursable through a valid judgment.

Claims are limited to a $10,000 maximum for any one person, $20,000 for any one accident.

The present motor vehicle statistics indicate that these requirements will narrow the number of claimants significantly. The number of accidents that involve nonproperty damage is very small. Of the 34,187 accidents reported in District of Columbia in 1966, 17,410 involved property damage only; 5,165 of the other accidents involved property and personal injury. Thus about only one in every four accidents involves damage compensible by the fund. Of these accidents, involving property and personal injury, 16,443 were caused by uninsured motorists. But because the damage in most cases was slight, only 6,086 had their licenses suspended because they could not produce the security to cover the damage they caused—property and personal—required by the Safety and Responsibility Act. This latter figure includes resident and nonresident uninsured motorists. Thus the fact that most accidents cause property damage and most uninsured motorist can pay the lower costs of this damage means that the fund will concentrate upon only a low number of claims. It is these claims, however, that are vital. It is not the ripped fender or smashed fence that this fund is aimed; rather it is the wage earning father in the hospital for 10 weeks, or the crippled mother unable to care for her family. The fund automatically screens out the less important and less disasterous claims.

An actual 60-day survey done in 1966 by the Motor Vehicle Department, was taken to ascertain the yearly cost of the fund. In this 60-day period, only 26 percent of the cars in accidents were uninsured. Of those 26 percent only two-thirds were at fault. Only one-third of the claims involved any personal injury claim. The average claim, using the $10,000 maximum of the fund, was only $1,300 for personal injury. During the 60 days, of the 180 persons injured by uninsured motorists at fault, only 72 victims—or less than half—were not themselves covered by insurance. This is assuming that all nonresidents were not insured—since 38 States require an uninsured motorist clause this is highly unlikely—and that the pedestrian fatalities during the period—four—were also uninsured.

Upon the basis of the above survey, the Motor Vehicle Department of the District government predicted a yearly total of $561,600 of claims from personal injury caused by uninsured motorists at fault where the victim was not insured. This figure includes the total of all claims from the personal injuries; the fund, however, only compensates for medical expenses and lost income. Pain and suffering, included in the above figure will not be paid for. It is difficult to estimate the proportion of personal injury claims that are for pain and suffering. Two-thirds of the judgment is probably most accurate. For the sake of a very conservative estimate, we shall assume pain and suffering is only one-third of these claims. Thus the fund will have to reimburse $374,400 per year at the very most. Assuming that the fund is administered by the same office as the Safety and Responsibility Act to avoid needless duplication of work, the Motor Vehicle Department has projected their needs to administer the fund as enacted by S. 3007. An estimate of the administrative cost including the salary of counsel was $180,000. Income from the $40 fee is projected at $800,000. The balance:

Income at $40 fee	$800,000
Claims	374,000
Administrative cost	180,000
Total cost	554,400
Balance (surplus)	245,600

As presently planned with its careful safeguards and including compensation for the District of Columbia and visiting victims of uninsured motorists the uninsured motorists fund is absolutely solvent. There are no estimates based upon any available data that can project a deficit in the fund. The limits upon the access to the fund were revised for this reason and because of the fund's basic aim: to compensate the victims of uninsured motorist irresponsibility when they incur serious and tragic harm. The argument that a change of the accessibility requirements might bankrupt the fund is irrelevant to this bill. It was proposed in this form to avoid that exact problem. It is hoped that those concerned solely with the fund's solvency will join in defeating any attempted amendments to weaken the fund.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3007) to supplement the Motor Vehicle Safety Responsibility Act of the District of Columbia in order to provide for the indemnification of persons sustaining certain losses as a result of the operation of motor vehicles by financially irresponsible persons, and for other purposes, introduced by Mr. TYDINGS, was received, read twice by its title, and referred to the Committee on the District of Columbia.

ADDITIONAL COSPONSORS OF BILLS

Mr. BYRD of West Virginia. Mr. President, at the request of the senior Senator from Massachusetts [Mr. KENNEDY], I ask unanimous consent that, at its next printing, the name of the junior Senator from New York [Mr. KENNEDY] be added as a cosponsor of the bill (S. 2524) to amend the Immigration and Nationality Act, and for other purposes.

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

Mr. HRUSKA. Mr. President, I ask unanimous consent that at the next

printing of S. 1853 and S. 1854, which seek to amend the Federal Firearms Act of 1938 and the National Firearms Act of 1934, the following Senators be added as cosponsors: The Senator from Iowa [Mr. MILLER], the Senator from Wyoming [Mr. HANSEN], and the Senator from North Dakota [Mr. BURDICK].

I also ask unanimous consent that there appear at the conclusion of these remarks that portion of the testimony of the Senator from Montana [Mr. METCALF] before the Subcommittee of the Judiciary Committee consisting of the statement which he submitted and read there to the subcommittee on behalf of the senior Senator from Montana [Mr. MANSFIELD] and himself.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and without objection, the statement will be printed in the RECORD.

The statement is as follows:

STATEMENT OF SENATOR LEE METCALF, OF MONTANA, ON GUN CONTROL LEGISLATION BEFORE THE SENATE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY, JULY 11, 1967

Mr. Chairman: I appreciate this opportunity once again to express my views on proposals relating to the interstate commerce in sporting firearms. I submitted a statement to this committee in 1965 when it was considering the subject at that time. On August 18th of last year, I inserted a statement in the Congressional Record concerning proposals under consideration at that time. I would like to add that statement to my testimony today. Senator Mansfield has gone over this statement and asked that it also be considered his.

My views on the misuse of firearms are based on my own understanding of the problem and the hundreds of suggestions I have received from Montanans for whom I speak. I am sure my experience in this matter is similar to that of other members of Congress who returned to their respective states after adjournment. I found Montanans vitally concerned with the kind of firearms legislation that may ultimately be enacted. As would be expected, their concern ranged over a broad front, extending from the individual right to possess and use firearms for legal purposes of all kinds, including defense of family, home, and property, to the continuance of the very substantial hunting and recreational service industry that the sporting use of firearms supports in Montana. There is concern, too, about the continuation of state wildlife management programs supported entirely by the license fees paid by hunters and by the federal excise taxes they pay on sporting arms and ammunition. In Montana, as in other states, hunters pay the bills for necessary wildlife management and restoration programs as well as maintain the food, transportation, equipment, and allied businesses that service their needs. Furthermore, Montanans want firearms restrictions to apply directly to criminals and the criminally inclined, rather than to the vastly greater number of law-abiding citizens.

I fully share the concerns of Montanans in this regard, Mr. Chairman. As they do, I support corrective amendments to the Federal Firearms Act and to the National Firearms Act that hold promise, with vigorous enforcement, of reducing the criminal misuse of sporting firearms and the so-called destructive devices. I question whether the existing Federal Firearms Act has been enforced with sufficient vigor, and I believe that many of the abuses the committee now hears about would not have taken place had this been done. Clearly, the Federal Government has been lax in discharging the responsibilities it assumed under that Act. Many of the complaints we hear can be attributed to this laxity. Nevertheless, it is clear, as experience has shown, that some additional amendments would help the states in preventing the interstate acquisition of firearms by persons in violation of state laws or regulations. It is this traffic, the record shows, that contributes largely to the criminal misuse of firearms. It is through this route that many criminals, alcoholics, addicts and juveniles circumvent state or local restrictions against their acquisition and possession of firearms.

The goal of any legislation that is considered should be to provide the utmost federal assistance to state and local government in curbing traffic in concealable weapons that is contrary to state and local law. These are the firearms that figure most prominently in crime. Because of their concealability and lack of bulk, handguns are the firearms favored by criminals and the criminally inclined. They are the firearms most used in premeditated crime. I believe that the flow of pistols and revolvers to certain individuals can be slowed by the enactment of appropriate legislation and by its subsequent vigorous enforcement. All interested persons should realize, however, that it would be unrealistic and inaccurate to assume that any legislation ever would end the misuse of firearms or, for that matter, of automobiles, narcotics, alcohol or kitchen knives.

Certainly, it is reasonable to expect that any state or local unit of government, experiencing difficulty with the misuse of firearms, should have enacted or should enact laws pertaining to the possession of firearms to meet its own specific purposes. What these units of government need now, because local laws are being circumvented by the out-of-state purchase of firearms, is a relatively uncomplicated and straightforward act to close this loophole.

Senator Mansfield and I believe that this would be done by the enactment of legislation along the lines of that (S. 1853) introduced by the senior Senator from Nebraska (Mr. Hruska). We believe that this proposal closes the loopholes that have been causing the most trouble, makes certain other needed corrections in the Federal Firearms Act, properly establishes restrictions on interstate traffic in the problem handguns, while at the same time assuring the least inconvenience to the millions of citizens who own and use firearms for lawful purposes. The committee will find, I am sure, that legislation of this kind, does have the support of all of the major sporting and shooting organizations as well as of individual sportsmen across the country.

Contrary to some of the statements that have appeared in the press, I find that sportsmen do believe that improvements can be made in the Federal Firearms Act. They do believe that some improvements are necessary and that the amendments that would be made by S. 1853 are workable, realistic and hold promise of effectiveness. They hold the promise of helping the state and local governments to enforce laws and regulations that respond to conditions as they exist in various sections of the country. They do not seek to invoke a broad national ban on firearms. Rather, the recommended amendments recognize that conditions vary widely through the country and that a ban or prohibition that may be desirable in one state or local area may not be in the best interest of another.

Before concluding, Mr. Chairman, I want to comment on another legislative matter that has the strong endorsement of sporting groups throughout the country. This is the control of destructive devices, automatic weapons and others that can only be used for war materiel. From letters I have received and from copies of resolutions that have passed over my desk, there can be no misunderstanding about the desire of all Americans to bring crew-served weapons and other of the destructive devices under prompt control.

Unfortunately, some persons prefer to persist in thinking that sportsmen object to such control. Nothing could be further from the truth. Sportsmen want destructive devices controlled, but they want the control to be accomplished by an amendment to the National Firearms Act, the so-called Machine Gun Act, rather than through the Federal Firearms Act, which applies solely to sporting firearms. There is a clear distinction between machine guns and weapons of that kind and sporting firearms. Machine guns, hand grenades, and the heavy ordnance of war have a use and a purpose separate and apart from sporting firearms. That is why we have a Federal and a National Firearms Act.

Personally, I doubt if we ever will see the day when sportsmen will agree to lumping sporting firearms and destructive devices into the same basic law. I am confident that a destructive device amendment to the National Firearms Act could have been enacted by now had it not been for the ill-advised persistence of some persons to link such weaponry with sporting firearms. Under an agreement discussed 24 May on the Senate floor, S. 1854, a bill to amend the National Firearms Act, has been referred to this committee. This is the first time that the committe has had an opportunity to consider the two facets of this problem together in this manner. Again, Senator Mansfield and I urge that this proposal receive prompt consideration and that destructive devices be included under the National Firearms Act.

I have sought in these brief remarks to show that there is positive support for certain corrective firearms legislation in Montana and throughout the Nation, Mr. Chairman. This support is based on the belief that Federal legislation should assist, rather than usurp, state and local authority to deal with the firearms problem as it may exist. There is no justification, in my opinion, in attempting to blanket the entire country with restrictive legislation when the criminal misuse of firearms is largely a local or regional problem.

Maximum, but realistic, effort should be made to restrict the interstate traffic in concealable weapons, the kind of firearms that are used most prevalently in the commission of armed crime. Much of the difficulty that has been encountered, especially in the centers of population where armed crime is most prevalent, would be overcome by more vigorous law enforcement and by greater attention in the courts. The failure to provide such enforcement and the laxity of some courts have contributed to the current problem.

Corrective legislation along the lines that I have discussed, plus better enforcement all the way from the streets to the courts, will do much to solve the problem with which all law-abiding persons are concerned.

Mr. Chairman, I ask unanimous consent that my statement of last August 18th, and a resolution, adopted by the Disabled American Veterans, Department of Montana, at the convention in May of this year, be included at this point in the record.

RESOLUTION

TO PRINT THE HISTORY OF THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND submitted the following resolution (S. Res. 258); which was referred to the Committee on Rules and Administration:

S. RES. 258

Resolved, That there be printed with illustrations as a Senate document a compilation of materials entitled "History of the Committee on the Judiciary Together With

Chairmen and Members Assigned Thereto, 1816–1967", and that there be printed ten thousand additional copies of such document for the use of the Committee on the Judiciary.

SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1968—AMENDMENT

AMENDMENT NO. 530

Mr. FULBRIGHT. Mr. President, I submit an amendment to H.R. 15399, the urgent supplemental appropriation bill for fiscal year 1968, and ask that the amendment be printed and referred for consideration to the Senate Committee on Appropriations. This amendment would increase, by $91 million, fiscal year 1968 appropriations for school maintenance and operation in federally affected areas and major disaster areas, as authorized under Public Law 81–874, as amended.

The ACTING PRESIDENT pro tempore. The amendment will be received and appropriately referred.

The amendment (No. 530) was referred to the Committee on Appropriations.

Mr. FULBRIGHT. Mr. President, this Federal assistance program, familiarly known as Public Law 874, was enacted in 1950 and since that time has provided needed assistance to local school districts burdened by the obligation to provide educational services to the children of families employed by the Federal Government in local communities all over the Nation. Federal payments are made at rates determined by formulas in the legislation, and eligible school districts have a continuing expectation to receive these annual payments.

Unfortunately, this program was not excluded from mandatory budget reductions enacted on December 18, 1967, in Public Law 90–218. As a result, school districts all over the country find themselves without needed and anticipated revenues, and most of these districts have no way to replace funds which they had expected to receive from the Department of Health, Education, and Welfare.

Under the payment formula in Public Law 81–874, schools districts in Arkansas have an entitlement in fiscal year 1968 of $2,435,933. Present appropriations for the program would permit an allocation to Arkansas of only $1,953,560—a deficit of $482,373. On a nationwide basis the aggregate deficit among all of the States is $90,965,000. Mr. President, I ask unanimous consent that there be inserted at this point in my remarks a summary of allocation and estimated need under Public Law 81–874 for fiscal year 1968.

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

SUMMARY OF ALLOCATION AND ESTIMATED NEED, PUBLIC LAW 874 AS AMENDED, FISCAL YEAR 1968

State or territory	1968 appropriation	1968 entitlement	Difference
Total	$395,390,000	$486,355,000	$90,965,000
Alabama	8,955,406	10,888,075	1,932,669
Alaska	9,762,046	12,172,490	2,410,444
Arizona	6,285,722	7,837,792	1,552,070
Arkansas	1,953,560	2,435,933	482,373
California	60,978,019	76,034,711	15,056,692
Colorado	10,290,723	12,831,708	2,540,985
Connecticut	2,616,498	3,262,564	646,066
Delaware	2,350,131	2,671,001	320,870
District of Columbia	4,618,402	5,758,437	1,140,035
Florida	12,953,787	16,030,492	3,076,705
Georgia	12,330,086	14,496,199	2,166,113
Hawaii	6,857,193	8,550,371	1,693,178
Idaho	2,418,106	3,015,185	597,079
Illinois	9,983,678	12,448,848	2,465,170
Indiana	3,039,259	3,789,713	750,454
Iowa	1,787,388	2,228,730	441,342
Kansas	6,196,140	7,726,091	1,529,951
Kentucky	6,040,371	6,413,502	373,131
Louisiana	3,001,338	3,713,288	711,950
Maine	2,661,479	3,318,651	657,172
Maryland	18,746,284	23,377,258	4,630,974
Massachusetts	10,412,223	12,812,595	2,400,372
Michigan	4,981,623	6,211,685	1,230,062
Minnesota	1,706,172	2,127,460	421,288
Mississippi	2,478,037	3,089,914	611,877
Missouri	5,221,005	6,510,176	1,289,171
Montana	3,228,800	4,026,055	797,255
Nebraska	3,802,700	4,741,663	938,963
Nevada	2,719,033	3,390,417	671,384
New Hampshire	1,859,828	2,319,057	459,229
New Jersey	7,904,435	9,856,198	1,951,763
New Mexico	7,912,906	9,866,761	1,953,855
New York	21,055,954	26,039,763	4,983,809
North Carolina	9,344,737	10,516,563	1,171,826
North Dakota	2,359,730	2,942,395	582,665
Ohio	9,660,120	12,045,397	2,385,277
Oklahoma	8,932,441	11,138,039	2,205,598
Oregon	1,945,923	2,419,913	473,990
Pennsylvania	7,313,773	9,018,024	1,704,251
Rhode Island	2,638,017	3,289,396	651,379
South Carolina	6,682,898	8,041,698	1,358,800
South Dakota	3,446,992	4,296,706	849,714
Tennessee	4,915,534	6,129,278	1,213,744
Texas	20,904,631	26,066,402	5,161,771
Utah	4,505,686	5,618,230	1,112,544
Vermont	122,508	152,758	30,250
Virginia	24,455,489	29,794,811	5,339,322
Washington	10,549,718	13,154,654	2,604,936
West Virginia	465,327	580,226	114,899
Wisconsin	1,669,789	2,082,093	412,304
Wyoming	1,304,017	1,626,005	321,988
Guam	1,307,307	1,630,107	322,800
Puerto Rico	5,429,002	5,465,710	36,708
Virgin Islands	104,419	130,202	25,783
Wake Island	223,610	223,610	

Mr. FULBRIGHT. Mr. President, I invite the attention of my colleagues to the deficits listed for each of the several States. Those most severely affected from the standpoint of total dollars are California, Virginia, Texas, New York, Maryland, and Florida. It is probable, however, that, from the standpoint of the relationship to the total educational expense of a particular State, other States which would lose less money would nevertheless be more severely handicapped in maintaining their educational services.

Mr. President, I am obtaining from the Arkansas Department of Education more detailed information about the Arkansas school districts presently affected, and I will supply this information for the RECORD at a later date. At this time, however, I ask unanimous consent to insert in the RECORD the texts of letters which I have received from school officials in Greenwood, Ashdown, and Cabot, Ark.

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

SEBASTIAN COUNTY BOARD OF EDUCATION,
Greenwood, Ark., February 12, 1968.

Hon. J. W. FULBRIGHT,
U.S. Senator from Arkansas,
Senate Office Building,
Washington, D.C.

DEAR MR. FULBRIGHT: Thank you for notifying me of tentative entitlement and initial payment under Title I of Public Law 874 for Fiscal year 1968 for Lavaca and Mansfield school districts.

I have received a copy of Bulletin No. 25 from James F. Hortin, Acting Director, School Assistance in Federally Affected Areas, Department of Health, Education, and Welfare which states that the entitlement for the fiscal year 1968 will probably have to be prorated to around 80 percent. This is brought about because estimated entitlement under the Act exceeds the current appropriation by some $90 to $100 million.

In setting up my budgets for the 1967–68 fiscal year I counted on receiving the 25% of Fiscal year 1967 entitlement that was still due at the close of our 1966–67 fiscal year on June 30, 1967 plus 75% of Fiscal Year 1968 entitlement. This is the procedure we have followed for years and I have come to look on it as a stable program. Unless we get a 100% payment of our 1968 entitlement and 75% of it before the end of our fiscal year on June 30, 1968, two or three of my districts are going to be in real trouble.

I shall appreciate your efforts in seeing that this program is fully financed.

Very truly yours,

O. E. ROBERTS.

ASHDOWN PUBLIC SCHOOLS,
Ashdown, Ark., February 6, 1968.

Senator J. W. FULBRIGHT,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR: I am greatly disturbed to find Public Law 874 will likely not pay the amount our school district budgeted and expected to receive from this source.

Senator, this is one of the most defensible federal school programs I know anything about. Therefore, I am at a loss to know what will happen to our budget this year, if the government fails to come through with the amount of money we were led to believe we would get.

You will find enclosed a copy of a bulletin recently sent to our schools. We do hope that you will do everything in your power to restore the percentage payoff of seventy five (75) per cent of the estimated entitlement.

Senator, your much needed help at this time will be greatly appreciated by me and your many friends here.

Yours very truly,

C. D. FRANKS,
Superintendent.

CABOT PUBLIC SCHOOLS,
Cabot, Ark., February 7, 1968.

Hon. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

SIR: I am writing to secure your support in maintaining the Federal Aid to impacted schools such as Cabot. I am referring to Public Law 81–874 funds.

Since Cabot is located close to Little Rock and Jacksonville Air Base and is increasing in enrollment each year, any loss of these funds will be a blow to our school budget.

We are one of the schools in Arkansas suffering from the states minimum foundation program having been frozen at the 1966 level and the procedure for administering the remaining funds at $500.00 per teacher.

I am enclosing a copy of a letter I received last week from the State Department of Education which explains our problem in part.

I plan to be in Washington for the Teacher Corp Conference on February 22–24 and would be happy to talk with you further if you think it is necessary.

Sincerely,

DON ELLIOTT,
Superintendent.

Mr. FULBRIGHT. I believe that this program of Federal assistance is an obligation of the Federal Government which should be met, and local school districts entitled to this assistance have had every reason to believe that their entitlements would be met by Federal payments. I hope that the Appropriations Committee will accept this amendment and that these additional funds will be appropriated. Mr. President, I ask unanimous consent that there be printed in the RECORD a description of this program prepared by the Department of Health, Education, and Welfare.

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

SCHOOL MAINTENANCE AND OPERATION IN FEDERALLY AFFECTED AREAS AND MAJOR DISASTER AREAS

Purpose: 1. To provide financial assistance for the maintenance and operation of schools of local education agencies which experience financial burdens when:

a. Sources of local revenue are reduced as the result of acquisition of real property by the United States.

b. Local education agencies provide education for children residing on Federal property or whose parents are employed on Federal property.

c. Federal activities carried on directly or through a contractor result in sudden and substantial increases in school attendance.

2. To arrange for the free education of children who live on Federal property when no State or local funds may be expended for that purpose or no local agency can provide these children with suitable free public education.

3. To provide financial assistance for current school expenditures in major disaster areas.

The original version of what became title I of Public Law 81–874 was enacted in 1950 with a terminal date of June 30, 1954. This legislation authorizing financial assistance for school maintenance and operation in federally affected areas, has been amended as well as extended through the years. Initially, it was applicable to the major political subdivisions of the Nation with the exception of the District of Columbia, American Samoa, Wake Island, and Guam. Public Law 83–248 provided for extending it to Wake Island, section 10 of Public Law 84–896 made it applicable to Guam, Public Law 88–665 added the District of Columbia, and Public Law 89–10, American Samoa.

Public Law 85–620 made the program permanent insofar as it relates to children who live on Federal property with a parent employed on Federal property. The Civil Rights Act of 1960 expanded provisions in the amended 1950 legislation relating to the education of children of members of the Armed Forces. An amendment by the Elementary and Secondary Education Act of 1965 provided for extension of the temporary provisions through June 30, 1968.

That same Public Law 89–10 added a major new dimension to the authorization in the amended 1950 legislation and, in the process, divided the law into three titles. Title I is concerned with assistance for school maintenance and operation in federally affected areas, title II authorizes the new program of assistance, and title III defines terms under the legislation as a whole. (For information on the program under title II, see "Educationally Deprived Children: Meeting Special Educational Needs," page 33).

In general, amendments to the law have tended to liberalize its provisions. Public Law 89–313 added another new dimension by providing for assistance for current expenditures in the event of major disaster in the Nation (including American Samoa) or in the Trust Territory of the Pacific Islands which the Nation administers for the United Nations. Another amendment by the same law reduces eligibility requirements for large city school districts to the level required of other school districts. Public Law 89–750 further liberalized eligibility requirements, and broadened the definition of Federal property.

Financing:

Fiscal year	Authorization	Appropriation	Net entitlements [1]	Federal expenditure
1951	(2)	[3] $29,080,788	$29,686,018	$13,771,739
1955	(2)	75,000,000	75,276,843	85,250,689
1963	(2)	282,322,000	264,373,333	264,337,330
1964	(2)	320,670,000	292,836,215	283,707,927
1965	(2)	332,000,000	[5] 319,845,875	311,481,068
1966 [4]	(2)	388,000,000	[5] 371,828,221	[5] 354,006,625
1967 [4]	(2)	416,200,000	[5] 433,400,000	[5] 373,428,301

[1] Sec. 5(c) of Public Law 81–874 as amended provides for prorating among eligible districts in proportion to their entitlements when funds appropriated for a fiscal year are insufficient to cover entitlements under the specified formulas. Net entitlements for fiscal year 1951 represent prorating at 96 percent while those for fiscal year 1955 represent prorating at 99.5 percent.

[2] Entitlement formulas are specified in the enabling legislation.

[3] Includes $380,788 made available from other Federal agencies.

[4] No estimates are included for the disaster area assistance program authorized on Nov. 1, 1965, by Public Law 89–313.

[5] Estimate.

Basis for Allocation: Federal payments are made at rates determined by formulas in the legislation. The rate for children living on Federal property with a parent employed on Federal property, including such children whose parents are on active duty in the uniformed services is called the local contribution rate. It is the highest of the following: (a) the expenditure per child from local revenue sources in the second preceding year in comparable school districts, or beginning with fiscal year 1968 a group of comparable districts, in the State, (b) 50 percent of the national average per pupil cost in such second preceding year, but not exceeding the State average per pupil cost, or (c) 50 percent of the State average per pupil cost in such second preceding year. The rate for children who live on Federal property or live with a parent employed on Federal property, or have a parent on active duty in the uniformed services, is 50 percent of the highest local contribution rate.

To qualify for assistance for children living on Federal property or with a parent employed on Federal property, a district's average daily attendance for covered pupils must be 400 or must represent at least 3 percent of the total average daily attendance, whichever is lesser, and there must be at least 10 pupils. The average daily attendance of children in each category is combined to meet the 400 or 3 percent and 10 children rule. Entitlement also is computed for the number of children in each category at the rate specified for each category.

For the two fiscal years after one in which the local education agency meets the 3 percent, it may receive payments related to children covered by the legislation if at least 10 are involved even though they do not constitute at least 3 percent of the district's total average daily attendance. For the first such year, payment is made at the appropriate local contribution rate applicable for the actual number of such children in attendance. For the second year, entitlement is one-half of the product of the number of such children in attendance multiplied by the appropriate rate.

Other Federal payments which the Commissioner determines the school district received in a fiscal year are deducted to the extent they are made with respect to property on which children counted for entitlement live, or the parents work, and if the sum of the amounts is $1,000 or more. The value of transportation, custodial, and other maintenance services furnished the school by the Federal Government during the year is deductible.

Special payments are authorized for districts experiencing a sudden and substantial increase in average daily attendance because of Federal activities carried on directly or through a contractor. A payment intended to permit the district to provide a level of expenditure per pupil equivalent to that in generally comparable districts in the same State may be made if (a) the increase is at least 5 percent over the number of nonfederally connected children in average daily attendance in the preceding year, (b) the increase places a substantial and continuing financial burden on the district, and (c) the district is making a reasonable tax effort, is "diligently" seeking to avail itself of State and other financial assistance, and still is unable to fund the increased education costs.

With some exceptions, a certification to the Department of the Treasury is made as soon as possible after receipt of a district's application to permit an initial partial payment to the district as early as possible in the school year. At the end of the school year, the district submits its final report showing actual data relating to pupils and costs and final payment then is made. Before an account is closed, a field staff member visits the district, reviews the documentation in support of the claim, and reports to the Office of Education which makes any appropriate adjustment required for conformity with the law.

For districts which have lost a substantial portion of the real property tax base because of Federal acquisition of property since 1938, the amount of payment is computed by estimating taxes the district would have received if the acquisition had not occurred.

When the President has declared an area to be a major disaster area, the U.S. Commissioner of Education may make financial assistance available in such amounts as may be deemed in the public interest provided (a) a reasonable tax effort is being made in the district, (b) "due diligence" is being exerted to obtain State and other financial assistance, and (c) funds available to the district are not sufficient to meet the cost of providing free public education. The Commissioner may expend existing funds subject

to reimbursement after appropriations are made for needs in the particular disaster situation.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, February 20, 1968, he presented to the President of the United States the following enrolled bills:

S. 1124. An act to amend the Organic Act of the National Bureau of Standards to authorize a fire research and safety program, and for other purposes;

S. 2402. An act to provide for credit to the Kings River Water Association and others for excess payments for the years 1954 and 1955; and

S. 2447. An act to amend section 2 of the Migratory Bird Conservation Act.

NOTICE OF HEARINGS ON S. 2766, A BILL AUTHORIZING THE SECRETARY OF STATE TO RESTRICT TRAVEL TO CERTAIN COUNTRIES

Mr. LAUSCHE. Mr. President, as chairman of the Ad Hoc Subcommittee on Passport Legislation of the Committee on Foreign Relations, I wish to announce that there will be a public hearing on S. 2766, a bill "authorizing the Secretary of State to restrict the travel of citizens and nationals of the United States where unrestricted travel would seriously impair the conduct of foreign affairs." The hearing will begin at 9 a.m. on Friday, February 23, in room 4221, New Senate Office Building.

The other members of the Ad Hoc Subcommittee are Senators GORE, PELL, CARLSON, and COOPER.

The Honorable Nicholas deB. Katzenbach, Under Secretary of State, will testify for the administration. Any persons wishing to present their views on S. 2766 should get in touch with Mr. Arthur M. Kuhl, the chief clerk of the Committee on Foreign Relations.

IN PRAISE OF AN AMERICAN SERVICEMAN KILLED IN VIETNAM

Mr. DODD. Mr. President, yesterday I attended the funeral of Donald Perkins, Jr., a marine lieutenant, who had been killed in Vietnam.

I want to say a few words on the floor of the Senate about Donald Perkins, in part because of the very deep affection I had for him, in part because, in paying tribute to this one American soldier who gave his life in Vietnam, I wish to pay tribute to all of them.

Young Don Perkins was the son of my very good friend, Mr. Donald Perkins of Winnetka, Ill.

He was the dearest friend of my son Chris, and he was a frequent visitor at our house. He won all of our hearts with his infectious warmth. Indeed, we almost came to regard him as one of the family, so that Mrs. Dodd and I mourn him as we would the loss of our own son.

Somehow, I find it still hard to believe that Don Perkins, a boy who exuded so much vitality and warmth, has had his life cut short at so young an age.

It is part of the larger tragedy of the times we live in that so many of our youth are called upon to face the supreme challenge in responding to the recurring threats against our national security.

In Donald's case, he accepted this challenge gladly, for he was not a boy to shirk his responsibility or to let others bear the burden.

He fought bravely, and he fought in a good cause. Don Perkins fought in Vietnam to protect the right of every nation, large or small, to determine its own future free from the threat of Communist aggression. He fought for the future freedom of mankind.

To me, young Don Perkins, in his courage, idealism, and willingness to sacrifice, somehow symbolized the best that is in American youth today.

And if he could speak to us today, I am sure that we would hear no lament for himself. He would, rather, speak in the words of the final stanza of John McCrae's immortal poem, "In Flanders Fields."

Take up our quarrel with the foe:
To you from failing hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders Fields.

He would appeal to us to continue the struggle to which we have committed ourselves, and to which so many young Americans have already given "the last full measure of devotion."

He would urge us to shun the clamor of the timid and the appeasers.

And he would call on us all to stand steadfast and unflinching, no matter what the cost and what the sacrifice, in this historic struggle between the forces of freedom and the forces of slavery.

For this was the kind of young man Don Perkins was.

In bidding him a personal farewell I can think of no words more appropriate than the words of young Horatio on the death of his friend, Hamlet:

Farewell, sweet Prince,
And flights of angels sing thee to thy rest.

THE 50TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

Mr. DODD. Mr. President, on the 50th anniversary of Lithuanian independence, I wish to make some brief remarks, as I have done each year since I have been here.

The ACTING PRESIDENT pro tempore. The Senator's 3 minutes have expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator be permitted to proceed for 5 additional minutes.

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

Mr. DODD. Mr. President, 4 days ago today, on February 16 the Lithuanian community in this country and throughout the free world observed the 50th anniversary of the reestablishment of an independent Lithuanian state.

In captive Lithuania, this anniversary was also observed. But there it was observed in secret and in small groups, by Lithuanian patriots who came together in defiance of the official Soviet prohibition of the observance, and in defiance of the dreaded secret police.

Only a few months separate this anniversary of freedom from the 50th anniversary of the Bolshevik revolution. The two anniversaries stand in the starkest contrast.

February 16 is an anniversary dedicated not merely to the freedom of Lithuania, but to the freedom of all small nations and to the freedom of the individual.

The 50th anniversary of the Bolshevik revolution conversely, was a monstrously hypocritical observance which sought to make the establishment of a totalitarian tyranny and the subjugation of other peoples a cause for rejoicing.

On this fateful day, the tragic fate of Lithuania, Latvia, and Estonia constitutes a challenge both to our conscience and to our political judgment. It cries out, against the misbegotten logic of those who today urge us to close the book on the past, to ignore the record of current history as well as the record of recent history, to turn the other cheek whenever the Soviets affront us or engage in new aggression and to seek to build bridges to the Communist world under the rigidly unilateral conditions which they have thus far imposed.

I would point out too that we observe Lithuanian Independence Day this year at a time when our country is engaged in a costly and bloody war to defend the right of self-determination of the people of South Vietnam against Communist aggression. The enemy we face in Vietnam is trained and supplied and encouraged by the selfsame oppressors of the Lithuanian people.

I propose to briefly retell the story of how the Soviet Union won its inglorious victory over Lithuania because it illustrates the nature of communism—the nature of the enemy we still confront—better than any story I know. It teaches us how much trust can be placed in treaties with the Kremlin, in its pledges of coexistence, in its off-and-on pretenses of friendship. It teaches us how inhuman international bolshevism is and how utterly without morality or restraint.

When the Lithuanian people, at the close of World War II, established their own government and proclaimed their independence, the Bolsheviks invaded the newly established state. There were many bitter battles but finally the Lithuanian people emerged triumphant. On July 19, 1920, the Soviet Government signed a treaty of peace. It declared in this treaty—mark these words well—that it "voluntarily and forever renounces all sovereign rights possessed by Russia over in Lithuanian people and their territory."

For 20 years Lithuania knew peace and independence. During this period, there was a great renaissance of national literature and culture.

But then came the Hitler-Stalin pact and the partition of Poland between Germany and the Soviet Union. Almost immediately, the Kremlin demanded permission to place 20,000 troops in Lithuania for the duration of the war. These troops, it was emphasized, would be removed at the end of the war. Prime Minister Stalin himself stated—and again mark these words well—"We respect the

independence of the Lithuanian state. We are disposed to defend its territorial integrity."

History records no blacker or more perfidious lie by the head of a great state.

On October 10, 1939, only 2 weeks after the original demand was served on Lithuania, the Soviet Union concentrated its armed forces on the Lithuanian frontier. The government of this brave little nation had no alternative but to sign the pact of mutual assistance which the Kremlin placed before it. But at the point of signing, they discovered that the clause stipulating that Soviet bases would be maintained in Lithuania only for the duration of the war had been stricken from the agreement, on the personal instruction of Stalin.

This was only the beginning of the perfidy. Eight months later, on July 14, 1940, the Soviet Government demanded that the Lithuanian Minister of the Interior and Director of Security be brought to trial, that a government friendly to the Soviet Union be installed and that the Red army be granted free entry in force into the territory of Lithuania. There was not even time to reply to this ultimatum. The very next day, on June 15, the Red army occupied Lithuania and the government was compelled to flee abroad.

The Communists had made their plans carefully, as they always do, and they moved rapidly. They had a quisling regime ready to install. They had their lists of names of Lithuanian patriots who were slated for arrest and execution. They had their plan of action.

On July 7, 3 weeks after the occupation, the quisling regime ordered the liquidation of all non-Communist parties and the arrest of their leaders. On July 14 and 15, the people were compelled to vote in national elections with only the Communist Party represented. The Lithuanian people resisted heroically, desperately. But they were fighting against hopeless odds. On July 17, the regime announced that 95.1 percent of the people had voted and that 99.19 percent of these had cast their ballot for the Communist Party.

Two days later, on July 21, the so-called People Diet convened for its first session. In less than 1 hour, without any debate, it voted unanimously to ask the Supreme Soviet of the U.S.S.R. to admit Lithuania into the Soviet state as one of its federated Soviet Socialist Republics.

What an object lesson this should be to all those who insist that we must be trustful, who wish to believe that the world's difficulties can be resolved by signing another treaty of nonaggression and coexistence with the Kremlin.

Mr. President, in its last session Congress passed a resolution calling for the restoration of freedom to the Baltic States. To refresh our memories on this occasion, I ask unanimous consent that the text of that resolution be printed in the RECORD, together with the text of an appeal sent to all free world governments by the Supreme Committee for the Liberation of Lithuania on the occasion of the 50th anniversary of the restoration of the Lithuanian State.

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

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

LITHUANIANS SEND APPEAL TO FREE WORLD GOVERNMENTS

(Memorandum on the occasion of the fiftieth anniversary of the restoration of the Lithuanian State)

On the occasion of the Fiftieth Anniversary of the re-establishment of the independence of Lithuania, the Chief of the Lithuanian Diplomatic Service and the Supreme Committee for Liberation of Lithuania have sent a detailed Memorandum to Free World Governments. The Memorandum draws the Attention of these Governments to the following:

"In 1940, after the Soviet Union commenced the military occupation of Lithuania, the Lithuanian Diplomatic Service was authorized by the then existing Lithuanian Government to continue to represent the sovereign Lithuanian State and to defend its interests abroad. The Lithuanian diplomatic and consular rerepresentatives, accredited to foreign goverments, continue to function and to assume the defense of the rights and interests of Lithuania and her citizens. Only the exercise of the sovereign rights of Lithuania is temporarily suspended in Lithuania by the the fact of military occupation.

"The Supreme Committee for Liberation of Lithuania was created in Lithuania in 1943 as a result of the underground political activities of the various Lithuanian political parties, which felt the need for a supreme political organ to direct and coordinate all efforts for liberation of Lithuania. The Supreme Committee for Liberation of Lithuania continues to coordinate the efforts of all the Lithuanians in the free world dedicated to the restoration of Lithuanian independence. The Supreme Committee will continue to lead the struggle for Lithuania's independence until this goal is achieved."

After a summary of Lithuania's history up to 1940, the Memorandum continues:

"At the start of the Second World War Lithuania fell victim to the conspiracy of the Soviet Union and Nazi Germany, which exploited the uncertain international situation and imbalance of power on the European continent, by concluding secret agreements on August 23rd and September 28th, 1939 (the Ribbentrop-Molotov Pact), which divided the Baltic Area into Soviet and Nazi spheres of influence. On the basis of this collusion the Soviet Union occupied the territory of the Republic of Lithuania on June 15, 1940. After the military occupation of the country, the special emissary of Moscow, Deputy Commissar for Foreign Affairs, Dekanozov, and the Soviet Minister Extraordinary and Plenipotentiary to Lithuania, Pozdniakov, with the aid of the Red Army, implemented Moscow's preconceived plan by imposing a pro-Soviet so-called Government and 'People's Diet' which supposedly was authorized to speak on behalf of Lithuanian Nation.

"This action by the Soviet Union was in direct violation of the Peace Treaty of July 12, 1920, which clearly recognized the sovereignty and independence of Lithuania and whereby Moscow renounced all claims of the former Russian Empire to Lithuania and her territory. Furthermore, the Soviet Union violated the Treaty of Non-Aggression of September 28, 1926 which reaffirmed this original peace treaty and the provisions of the Treaty for Mutual Assistance of October 10, 1939, whereby the Soviet Union promised to respect Lithuania's independence and not interfere in her internal affairs. The solemn promises of international agreements notwithstanding, the Soviet Union took advantage of the international situation to exercise its imperialistic designs and on June 14, 1940, after a number of premeditated provocations, presented the Lithuanian Government with an ultimatum which, in addition to a number of false accusations against the Lithuanian State, demanded that a government be immediately formed in Lithuania to the satisfaction of the Soviet Union and that free entry into the territory of Lithuania be immediately assured for an unlimited number of units of the Red Army. The following day, on June 15, 1940, large units of the Red Army poured into Lithuania and occupied its entire territory.

"The legal government having been dissolved, the top government posts were occupied by Communists and pro-Communists appointees selected by Moscow. 'Elections' were called for July 14, 1940, all political parties except the Communist Party were outlawed and voting by open ballots for the single list of Moscow-approved candidates was made compulsory. The outcome of the election was never in doubt. Meeting on July 21, 1940, under a heavy guard of Red Army and NKVD troops, the puppet parliament of Lithuania petitioned for the inclusion of its country into the Soviet Union. Disregarding the provision of the legal constitution of the state, requiring popular referendum on this petition, the Supreme Soviet of the Soviet Union pronounced the 'admission of Lithuania on August 3, 1940.'"

The Memorandum then goes on to recount Lithuania's losses during the foreign occupations:

"In the course of the Second World War the Soviet occupation of Lithuania was replaced by that of Nazi Germany in 1941. The Nazi occupation which lasted until the fall of 1944 took 300,000 lives. Ninety percent of Lithuania's Jewry was exterminated by the Nazis. In 1944 the Soviet military occupation was returned bringing in its wake the totalitarian system which had first been set up in 1940. The Soviet occupation has lasted to this day with its continuing police terror, Russification, and exploitation of the populace and natural resources of the country.

"As a result of Soviet extermination and deportation practices, the total Lithuanian population declined from 3.2 million in 1939 to 2.7 million in 1959. Under normal conditions, taking into consideration the normal annual population growth of 1.25%, the population of Lithuania in 1959 should have been 4 million. In other words, the Soviets through their genocidal practices were responsible for the loss of 940,000 inhabitants of Lithuania."

The Memorandum states:

"By the summer of 1944 well organized armed resistance groups merged into an anti-Soviet Lithuanian guerrilla movement. Armed Lithuanian partisan resistance . . . lasted between 1944 and 1952. . . .

"The activities of the Lithuanian freedom fighters were successful to such a degree that for several years after the Second World War Soviet colonialism in Lithuania was thwarted.

"The cessation of armed guerrilla warfare in 1952 did not spell the end of the Lithuanian resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus."

"Diplomatic action dealing with the Soviet Union in an attempt to normalize East-West relations through the liquidation of the unresolved problems of the Second World War," the Memorandum emphasizes, "must consider the question of Lithuania as an integral part of such deliberations. The Soviet occupation of Lithuania is a legacy of this war along with the question of Germany and Berlin and those of the other captive nations of East-Central Europe. The West should make clear to the Kremlin that the ending of Soviet occupation of Lithuania is an essential element for easing of East-West tension and a prerequisite for the establishment of a just and durable peace in Europe. Before and during the Second World War, Lithuania was a neighbor of Germany. Her frontiers with Germany were fixed in a special treaty signed by the governments of both states on January 29, 1928, in Berlin. The territory of Lithuania is contiguous to that of East Prussia, and especially to its northern part, now arbitrarily renamed by the occupying Soviet power as "Kaliningrad Region." Lithuania, therefore, cannot be by-passed while a peace treaty is concluded with Germany.

The Memorandum concludes with the following appeal: "We appeal to the United Nations Organization to investigate the aggression of the Soviet Union and to liquidate the results of this aggression by causing the withdrawal from Lithuania of the armed forces, police and administration of the Soviet Union in order to terminate Soviet colonialism.

"We appeal to the Governments of the Free world and their Delegations to the United Nations to support the aspirations of the Lithuanian Nation to regain her independence by raising the violations against Lithuanian sovereignty, perpetrated by the Soviet Union, in the institutions of the United Nations and during the proceedings of various international conferences.

"And we appeal to the parliaments of the free world to use every opportunity to urge their Governments to support the endeavors of the Lithuanian people to restore the independence of Lithuania."

Mr. DODD. Mr. President, I am proud that our Government has to this day refused to recognize the illegal annexation of the Baltic States by the Kremlin. Thus far, however, our policy has been essentially a negative one. I would like to propose that we convert it into a positive policy.

The new Chancellor of Germany recently announced his readiness to invalidate Hitler's Munich agreements with regard to Czechoslovakia. I believe that Moscow should now be urged by our own Government to wipe out all the vestiges of this infamous period in history by repudiating the Ribbentrop-Molotov pacts of 1939 and restoring the sovereign rights of Lithuania, Latvia, and Estonia.

If our spokesmen could find the vision and the courage and the firmness to persuade the Soviet Union to do away with the vestiges of the Hitler-Stalin conspiracy, this action would do more than a thousand consular conventions to build bridges between East and West and to establish the basis for a genuine peace.

Mutual friendship with one's neighbors is the only true source of security. If the Soviet Union could be induced to undo the wrong she has done to her neighbors and to remove the causes of fear and distrust in Europe, this would open the way to a genuine and reciprocal process of building bridges and the Soviet Union itself would benefit enormously from this process in terms of increased friendship and increased security and increased trade and prosperity.

Let us all hope and pray and work to this end.

INTERFERENCE WITH CIVIL RIGHTS

Mr. MONDALE. Mr. President, I believe that the vote that has just been completed on the cloture motion establishes beyond any doubt that, sooner or later—and probably sooner—a sweeping fair housing law will be passed by the U.S. Senate.

I say that because, beyond any doubt, this vote establishes that a clear majority of this body favors the strongest possible fair housing measure.

The pending fair housing amendment is the product of years of debate, and of many varying kinds of experiences at the State and local level. Where fair housing laws and ordinances exist, it has now resulted in a strong, unshakable majority of the Senate in favor of this concept.

The fact is that this measure covered all but 2 million units out of an estimated 65 million housing units in this country. We should place particular emphasis on the fact that the last cloture vote, in 1966, on a fair housing bill, resulted in a total of 52 to 41 in favor of cloture; but that 1966 fair housing bill covered only 40 percent of the Nation's 65 million housing units. This measure covers virtually all of the housing units. The cloture motion, in that instance, passed by only an 11-vote margin. The cloture motion voted upon a few minutes ago had the support of a margin of 18 Senators.

It is significant to note that at least three of the announced proponents, and probably four, could not be here, understandably and for various reasons, on this occasion. Thus, a bill providing nearly 97-percent coverage would have passed by an overwhelming majority—a margin of more than 18 votes, with at least three and possibly four votes necessarily missing.

This, in my opinion, represents a basic, deeply moving change in attitude by the American people and their Senators, and, if I may say so, a broad tribute to a bipartisan approach by decent Americans to see that this course of racism in the sale and rental of housing be banished once and for all from this country.

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

Mr. MONDALE. I yield.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may use 3 minutes, or whatever time I have remaining, at this time.

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

Mr. JAVITS. Mr. President, I call to the Senate's attention the fact that 18 Republicans voted with the majority on the Democratic side for cloture, and that this represents a material increase—almost double the strength we have ever had before in respect to housing. In 1966, the maximum Republican vote was 12; on the second vote that year, it was 10. We had two announced pairs.

On this vote, half of all the Republican Senators voted for cloture on what the Senator from Minnesota [Mr. MONDALE] has properly described as certainly a very full coverage non-discrimination-in-housing bill.

Mr. President, it has often been argued against those of us who have sought to do something to modify rule XXII—which we claim is an amendment to the Constitution without being so qualified; and I think it is, without any question—that if a majority of the Senate really has its teeth in it, and wants something done, it will get it done.

Mr. President, a majority of the Senate does want it done, without any question. We calculate, as Senator MONDALE has said, at least 58 and probably 60 votes for this full measure. If we are frustrated now, Mr. President, the country had better take note, in such times of grave emergency, that a majority, after full, fair, and free debate, can be frustrated from doing what is elementary justice for the country. This could be a very, very dangerous thing at this time; and those who have not supported us, I think, had better think about that matter very, very seriously.

I am satisfied that we can contrive a housing measure which will get the necessary support, including cloture, by virtue of the showing we have made on this vote, which I consider to be a real victory, considering the nature of the coverage of the non-discrimination-in-housing amendment. I am prepared, with my colleagues, to move forward vigorously to effect the desired result.

As we said before, the cloture vote has been taken. We are not stiff necked. We are confident that we can find means of accommodating our proposal to satisfy those of reasonable view so that we may seek to effect some changes in the housing package to bring us within the required goal. However, more than anything else, let me emphasize that it has always been said, and it is again attested to, that if a majority of the Senate is really determined upon something, it can effect it, and we shall continue to try to do that now.

Mr. MONDALE. Mr. President, I think

it ought to be made clear that the sponsors of this measure presented fair housing in its fullest possible coverage with one modest amendment that exempted but 2 million homes in the country.

We did so because we wanted to determine what the real and fundamental will of the Senate was. Now we know beyond any doubt that there is a strong majority in favor of this proposal, a margin of over 18 votes. And if all of the announced supporters had been present, we would have come very close to 60 votes on the strongest possible measure.

I think it is fair to say that we are now prepared to discuss possible modifications and believe we must pass some bill to implement the will of the Senate and of the people.

We have in the past 2 weeks proved the case for fair housing. And it remains to be challenged on the floor of the Senate.

I am most heartened by what I consider to be a victory today, although we have not had all the support we would have liked.

It now remains for us to discuss what form of bill will pass. I therefore urge all who supported us on the cloture motion today to assist us in a continuing fight for a modified version so that we might build on this impressive vote had today in terms of rendezvousing with our consciences and voting for the adoption of this measure in this session.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BROOKE. Mr. President, yesterday in this Chamber I said that we were on the eve of one of the most important votes that would be had in our body.

The vote has been taken. I take this opportunity to commend my colleagues in the Senate for the very strong support which was given to the cloture motion.

The amendment which was offered by my distinguished colleague, the Senator from Minnesota, and myself is an attempt to give to all Americans the opportunity to live in housing of their choice. It is a very important issue. Our Nation has been at war, both abroad and at home, and the most important thing before the Senate is to maintain domestic tranquillity.

I firmly believe that had we been able to get cloture today and agree to the amendment which has been well described by my distinguished colleague, the Senator from Minnesota, that it would have been a big step toward progress in racial relations and equal opportunity in our country. However, the Senate has seen fit on the first vote not to invoke cloture.

I hope that the Senator from Minnesota and I are able to modify our amendment, for we are not merely interested in an issue and in achieving some psychological victory, but we are also interested in obtaining legislation that will help our country. And we are agreeable to working further with our amendment with a view to presenting a modification thereon which will be acceptable to a sufficient number of our colleagues in the Senate so that we may invoke cloture.

Mr. President, we are gratified with the high percentage of votes obtained from both the Republican and Democratic sides. Eighteen Republicans voted in favor of cloture this time, and that is twice as many Republicans as have voted in favor of the same issue before. And we must remember that the present measure is a stronger provision than has ever been presented before.

That is certainly evidence that there is bipartisan support for this Federal legislation which has been presented to the Senate.

Mr. President, I commend my colleague, the Senator from Minnesota, and all other Members on the Democratic side as well as on the Republican side who saw fit to vote in favor of the cloture motion.

We hope that we will all be given another opportunity to vote.

Mr. MONDALE. Mr. President, it was my pleasure some years ago to observe and know the distinguished Senator from Massachusetts as a fellow member of the National Association of Attorneys General, and in which association we each represented the legal offices of our respective States.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MONDALE. Mr. President, I ask unanimous consent that I be permitted to continue for 3 additional minutes

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

Mr. MONDALE. Mr. President, the Senator from Massachusetts and I had an opportunity to work together on similar matters in that association. And it has been one of the most fulfilling experiences to renew our friendship in the Senate and to have the opportunity to share in the leadership and foresight of the Senator from Massachusetts and to work with him once again on some of these measures that are basic and fundamental to the conscience of our country.

I have no doubt that we will succeed. One of the fundamental reasons for my belief is that the Senator from Massachusetts is providing great leadership and tireless devotion to this and to many other issues involving conscience which come before the Senate.

I am flattered by what the Senator said, but I think he is most modest. I believe that one of the unique reasons for the vote we have had and the strength that has been shown is the great contribution that has been made by the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I thank the Senator from Minnesota for his very kind and generous words. He knows of the high esteem in which I hold him both in our past association as attorneys general and in our present association as Members of the Senate.

Although it would be immodest for me to agree with the Senator on everything he said, I certainly agree with the Senator in that portion of his remarks in which he said that he has great optimism for victory on the important measure we are sponsoring on the floor of the U.S. Senate.

RECOGNITION OF SENATOR MANSFIELD TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the morning business tomorrow, I may be recognized.

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

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is my intention, along with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], at that time to make a motion to table the pending Mondale amendment. I shall give my reasons tomorrow when I am recognized as to why I think it is the best course of action at this particular time.

It is then my intention, after the tabling motion has been disposed of, to file another cloture motion.

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent that, notwithstanding the 1 day but 1-day-and-1-hour rule, the vote on the second cloture motion take place not on Friday next, but on Monday next. I make that request because of the prior notice that was given to each Member of the Senate, stating that there would be no business on Washington's Birthday.

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

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Mr. President, it is my understanding that a number of Senators on that day will be in Bermuda attending a parliamentary conference. I do not know who they are, but I ask the Senator if that will not make a difference.

Mr. MANSFIELD. Any day we choose will cause an inconvenience to the prior schedules of some Senators.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request of the Senator from Montana? The Chair hears none, and it is so ordered.

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

Mr. MANSFIELD. I yield.

Mr. MONDALE. Mr. President, I personally express my appreciation to the distinguished majority leader for his graciousness and concern for the rights of those who sponsor the fair housing proposal.

I sincerely hope that the Senate will not concur in the motion to table which the Senator from Montana will make tomorrow.

I believe that the vote which was just concluded shows remarkable strength for the fair housing proposal, a strong majority in favor of the strongest possible measure; and we are hopeful, in the next day or two, through a modified version, to develop the additional strength we need to invoke cloture and to adopt the worker protection proposal and a significant fair housing proposal.

Thus, I appeal to my colleagues to join with me and with Senator HART and others in defeating the motion when it comes before the Senate tomorrow. I do so reluctantly, because no Member of the Senate is more committed to the objective of fair housing and civil rights than the Senator from Montana. The difference between us is one of a practical appraisal of the possibilities of adoption of this measure. I believe the possibilities are strong, and I hope that situation will continue, through the sup-

port of the Senate, to carry on this battle.

Mr. MANSFIELD. Mr. President, in order to clarify the unanimous-consent request, is it understood that on Monday next, 1 hour after the Senate convenes, after a quorum call, the Senate will vote on the petition for cloture?

The PRESIDING OFFICER (Mr. CHURCH in the chair). Without objection, that is the understanding.

SUBVERSIVE ACTIVITIES CONTROL BOARD

Mr. WILLIAMS of Delaware. Mr. President, the President in submitting his 1969 budget referred to it as a "tight budget." Today I wish to discuss a specific example wherein this "tight budget" could be reduced by at least $200,000.

The Subversive Activities Control Board, with its 17 employees, has had absolutely no work to perform for the past 2 years, during which time its five executive officers each were drawing $26,000 a year. In the 1969 budget they are asking for an increase in appropriation of $130,000, from $295,000 in 1968 to $425,000 for 1969, for the stated purpose of hiring five more employees.

On numerous occasions I tried to suspend the salaries of these men on the basis that the American taxpayers could not afford $295,000 in salaries for five high-paid executives and their 12 assistants who frankly admitted they had no official duties. Each time I was defeated in this effort, and it was not until the latter part of 1967 that Congress finally enacted a law assigning some duties to this Board.

Now that work has been assigned to this previously inactive Board, they are asking for $130,000 additional appropriations, the purpose of which is to hire five more employees, apparently to perform the duties which have now been assigned to the Board under the above referred to legislation. Evidently, this will enable the other employees to keep on loafing.

A breakdown of the new employees requested and their salary scales is as follows:

They are asking for one additional employee grade GS–16, at a salary between $20,982 and $26,574; one additional GS–13, with a salary range of between $13,507 and $17,557; one GS–7, with a salary range of between $6,734 and $8,759; one extra GS–6, with a salary range of between $6,137 and $7,982; and one GS–5, with a salary range of between $5,565 and $7,239.

Mr. President, for 2 years these five Board members with their $26,000 salaries—now $28,000—drew their paychecks and performed absolutely no functions whatever. The same is true of their 12 assistants, two of whom have been drawing approximately $20,000 per year.

Now, after 2 years of doing nothing, when a few duties are assigned to this Board, they immediately ask for additional personnel to carry out the functions.

I most respectfully suggest that Congress in approving this part of the President's 1969 budget not only consider the complete rejection of the $130,000 for the five additional employees but also consider reducing last year's appropriation of $295,000 and thus eliminate some of the present excess personnel. This agency is obviously overstaffed with "chiefs" when what they really need are "working Indians."

AN APRIL FOOLS' JUNKET

Mr. WILLIAMS of Delaware. Mr. President, the motto of President Johnson's Great Society must be "Do as I say and not as I do."

On January 1, 1968, the President in a belated display of concern over our loss of gold, called upon the American people to revise their 1968 travel plans in order to conserve dollars. At the same time he asked Congress to impose a drastic tax upon all foreign travel.

The President even went so far as to imply that it would be unpatriotic for Americans not to cooperate with the administration by changing their travel plans.

Apparently, in issuing this call for sacrifice, he was referring to the taxpayers in general and did not mean for it to apply to members of his official family.

Secretary Freeman is now sending out invitations to Members of Congress, congressional staff members, Governors, farm leaders, and wives to join him on a junket to the Far East. This junket is scheduled to leave Washington in the Presidential jet April 3 and return April 14. The excuse for this vacation to the Far East is that this will be a trade mission, but as the Chicago Tribune editor asked, "How many genuine foreign trade experts will there be among this plane load of Congressmen, Governors, and farm leaders, not to mention their wives?"

Mr. President, such a grandiose junket, sponsored by a member of the President's own Cabinet, in the face of his January first plea to all Americans, merely shows the contempt that this administration has for the American taxpayers.

I most respectfully suggest that this political junket be cancelled. If a trade mission is required, let it be confined strictly to those officials who will be conducting negotiations.

If not cancelled or revised, I suggest that Secretary Freeman schedule his departing date for April 1—April Fools' Day would be more appropriate.

I ask unanimous consent that the recent editorial that appeared in the Chicago Tribune, criticizing this junket, be printed at this point in the RECORD.

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

JUNKETING POLITICIANS

Secretary of Agriculture Freeman has invited a number of congressmen, governors, and farm leaders to bring their wives and accompany him in a Presidential jet plane on a "trade promotion and fact finding" tour of the far east. The invitation was issued hardly more than two weeks after President Johnson appealed to American citizens not to travel outside the western hemisphere in order to help reduce the serious balance of payments deficit.

The Presidential jet, which can accommodate about 100 passengers, will leave Washington April 3 and return April 14. The travelers are to participate in the opening of a United States food and agriculture exhibit in Tokyo and make one-day stops in South Korea, Taiwan, Hong Kong, and the Philippines. A 24-hour "rest stop" in Honolulu is scheduled on the return flight.

The invitations mention nothing about the guests paying their own expenses; so apparently the government is footing the entire bill. Regardless of that, in view of the President's appeal it is apropos to ask if the trip is necessary. How many genuine foreign trade experts will there be among this plane load of congressmen, governors, and farm leaders, not to mention their wives? How much serious effort can be devoted to trade promotion and fact finding in the short time alloted for each stop?

It makes more sense to view this as a junket designed to butter up certain politicians and farm leaders in preparation for the legislative and political battles ahead in an election year. Viewed in that light, it reflects the arrogance and cynicism of an administration which doesn't hesitate to send a planeload of V. I. P.s on a pleasure trip half way around the world, while telling the taxpayers who have to pay for it to stay home and see America first.

PRESIDENT'S ADVISORY PANEL ON INSURANCE IN RIOT-AFFECTED AREAS

Mr. SPARKMAN. Mr. President, I have just received a notice of some comments by Mr. T. Lawrence Jones, president of the American Insurance Association, about the recommendation of the President's Advisory Panel on Insurance in Riot-Affected Areas.

I was pleased to note that Mr. Jones pointed out that only through Government-industry cooperation could the insurance needs of inner city property owners be properly met. This is the kind of approach, Mr. President, that the chairman of the Select Committee on Small Business, the Senator from Florida [Mr. SMATHERS], and the Subcommittee on Small Business, under the leadership of the Senator from New Hampshire [Mr. MCINTYRE], have recommended.

Indeed, the subcommittee has already approved a bill along these lines to help assure the availability of adequate insurance against crime losses for small businesses located in the central cities.

I look forward to receiving the legisla tive proposals designed to implement the recommendations of the President's Insurance Panel. They, along with the subcommittee's work, will provide a sound basis upon which we may help to build an effective and workable program involving in appropriate ways the talent and resources of both Government and industry.

I ask unanimous consent that the statement entitled "Insurance Spokesman Commends Report of President's Insurance Study Panel," be printed at this point in the RECORD.

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

INSURANCE SPOKESMAN COMMENDS REPORT OF PRESIDENT'S INSURANCE STUDY PANEL

NEW YORK, January 29.—T. Lawrence Jones, president of the American Insurance Association, today commended the President's

Advisory Panel on Insurance in Riot-Affected Areas "for making a thoughtful, thorough study, and for outlining an effective start toward maintaining an insurance market in the inner city."

"The Association is ready to provide every assistance in building on this foundation, and hereby offers all of its facilities toward the creation of a finished product from this valuable blueprint," Mr. Jones said.

Mr. Jones commented on the report issued by the presidential panel, which was created after last summer's rioting. The recommended approach would involve a federal reinsurance program to back up the efforts of the various states and the insurance industry to help meet urban area needs by making insurance readily available.

"We believe that an effective backup program can be accomplished through the proposed National Insurance Development Corporation, which the panel recommended in its report," Mr. Jones stated.

"Only through such cooperation can the insurance mechanism be made to operate effectively to meet the needs of property owners in inner city areas."

The American Insurance Association, Mr. Jones said, "believes that federal government participation in backup for riot coverage may require even more urgent action than the report indicates." The Association "believes that quick action in this vital area is essential and the committee report points the way," he added.

"While the Association may not agree fully with all the proposals outlined in the report," Mr. Jones said, "we note with satisfaction that all the sectors of society—the private insurance business, the state governments and the federal government—are being mobilized to deal with a serious social problem, involving the welfare of all. This is an approach long advocated by the Association."

The Association is "especially gratified," Mr. Jones said, that the heart of the panel's proposed program is based on an expanded Urban Areas Plan, which he called an "industry-developed device, arrived at to assist in providing insurance through voluntary industry action for those who need and want it."

Commenting on the proposed National Insurance Development Corporation, Mr. Jones said that in calling for such an agency, "the report lists in detail the precedents that exist for federal backup when a situation goes beyond the scope of the normal insurance mechanism."

"Thus, the report cites the field of foreign credit insurance, where an insurance business-federal partnership has permitted the healthy growth of overseas investment," Mr. Jones stated.

"Similarly, the report points to the nuclear energy field, where another partnership of government and the insurance business marshaled quickly, and in large amounts, the insurance protection which allowed today's civilian atomic energy plants to be built.

"The War Damage Corporation is cited as another example of how a risk beyond the scope of the insurance business alone is best handled by government and business working together. Other examples are presented, and the point that the riot risk requires similar treatment is well taken."

Mr. Jones added: "We commend the panel and its staff for their diligence and thoroughness. The problem is a serious one, and the panel and its staff demonstrated by their dedicated effort, prompt action and devotion to their task that they fully understood the seriousness of the problem and the importance of their work."

Concluded Mr. Jones: "Once again, government and the insurance industry, working in concert, are facing up to a problem. Once again, the solution will be found."

The Association is a trade organization with a membership of 170 property-liability insurance companies.

CHANGE OF REFERENCE

Mr. EASTLAND. Mr. President, pending before the Committee on the Judiciary are S. 470, a bill to grant the consent and approval of Congress to the Illinois-Indiana Air Pollution Control Compact; Senate Joint Resolution 95, to consent to and enter into the Mid-Atlantic States Air Pollution Control Compact, creating the Mid-Atlantic States Air Pollution Control Commission as an intergovernmental, Federal-State agency; and S. 2350, to grant the consent and approval of Congress to the West Virginia-Ohio Air Pollution Control Compact.

The Committee on Public Works has expressed an interest in these bills since it has the basic jurisdiction of air pollution. That committee already has reported the Air Quality Act of 1967.

Under the Legislative Reorganization Act, the Judiciary Committee has jurisdiction to consider compacts generally, and particularly in pursuance to the requirement of the Constitution of the United States as contained in article I, clause 10.

In view of the interest of the Committee on Public Works, the Committee on the Judiciary has authorized that request be made that it be discharged from consideration of S. 470, Senate Joint Resolution 95, and S. 2350 at this time, with the understanding that within 60 days exclusive of any days in which the Senate is not in session the Committee on Public Works shall rerefer the bills, S. 470, Senate Joint Resolution 95, and S. 2350, to be again referred to the Committee on the Judiciary for the purpose of carrying out its jurisdiction in compliance with the provisions of article I, clause 10, of the Constitution of the United States.

Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of S. 470, Senate Joint Resolution 95, and S. 2350 at this time and that they be referred to the Committee on Public Works for a period of 60 days exclusive of any days in which the Senate is not in session and shall again be referred to the Committee on the Judiciary for the purposes previously mentioned.

The PRESIDING OFFICER. Is there objection?

Mr. RANDOLPH. Mr. President, reserving the right to object, I wish to express sincere appreciation to the distinguished chairman of the Committee on the Judiciary for the request he has just made in reference to consideration by the Committee on Public Works of the three air pollution compacts to which he has made reference.

Mr. President, the Committee on Public Works as well as the Committee on the Judiciary wishes to give attention to these compacts. It is my belief that when individual States can join together in compacts to exercise effective control of environmental pollution, this is to be preferred to the establishment of broad Federal regulatory authority. This incentive for the States to come together and work out their problems in many areas, including air pollution, is a salutary one. I know the work that has gone into the creation of the compact between West Virginia and Ohio.

As the chairman of the Committee on Public Works I am very grateful to have this cooperation, which is given in full degree, by the distinguished chairman of the Committee on the Judiciary, giving to our Committee on Public Works the opportunity to work with the Committee on the Judiciary in these important matters of air pollution as affected by compacts between the States.

The Subcommittee on Air and Water Pollution will conduct hearings on these compacts during the last week of February and the first week of March, at which time we shall examine the compacts in relation to their consistency with the Air Quality Act of 1967.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Mississippi? The Chair hears no objection, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

ORDER FOR ADJOURNMENT UNTIL NOON ON WEDNESDAY AND FROM WEDNESDAY UNTIL NOON ON THURSDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of business today the Senate stand in adjournment until 12 noon tomorrow.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of business tomorrow the Senate stand in adjournment until 12 noon on Thursday next.

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

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

REPORT OF THE SPECIAL TASK FORCE ON TRAVEL

Mr. JAVITS. Mr. President, I invite the attention of the Senate to a very important report made by the industry-Government special task force on travel, headed by Ambassador McKinney which, in my judgment, makes some outstanding recommendations which should be dealt with before we enact any tax on travel, or otherwise inhibit it, except on grounds as stated by the President of a choice of Americans in the cooperative and patriotic tradition of our country; namely, to refrain from unnecessary travel.

Within 3 months after it was set up,

the task force, consisting of leaders in the travel industry and the Federal Government, put together a very significant package, one which is likely to result in major improvements in the ability of this country to attract large numbers of new visitors from abroad, and in significant immediate and long-term improvements in our travel deficit.

I call particular attention to the task force's recommendation that a national tourist office be established to coordinate and direct the entire U.S. travel effort. I am very pleased with this particular recommendation as I, along with 11 Senators from both parties, have sponsored legislation for over 2 years to do exactly that. Those of us who fought long and hard for an effective U.S. travel effort—frequently without administration support—can take satisfaction that, at last, this matter is receiving the high priority recognition it deserves.

I note that the task force believes that drafting of legislation establishing a National Travel Office can be completed in 90 to 120 days, during which an appropriate budget can also be drawn up.

I urge that every effort be made to live up to this schedule; that congressional leaders, including those who have a deep interest in this matter be consulted in the drafting of this legislation; and that hearings on this legislation as well as on the bill I introduced on February 1, with Senators BIBLE, BROOKE, CANNON, CLARK, HANSEN, HARTKE, LONG of Missouri, MCGEE, PERCY, SCOTT, and WILLIAMS of New Jersey, be held immediately thereafter.

As one who has worked long and hard to get national recognition of the great desirability of a major national tourism effort, I wish to assure the task force that I will do all I can to press for favorable Senate action on a bill that would establish a national tourist office.

I am very pleased that the task force views the functions of the National Travel Office very broadly, covering all areas that sponsors of our bill believe to be essential—effective research, increased cooperation between State and local travel promotion organizations, concern with domestic travel programs, and coordination of the tourism-related activities of the Federal Government.

The idea that a National Travel Office, headed by a presidential appointee should have a board of directors with both public and private representation, and utilize both public and private funds and manpower, is an extremely good idea and should result in the type of imaginative and comprehensive effort that this country has been lacking to date.

The task force recommends that until legislation is drawn up and approved, the budget of the U.S. Travel Service be increased in this fiscal year—fiscal year 1968—to the authorized $4.7 million level, an increase of $1.7 million above what has been approved by Congress. I urge the administration to fight for this request—at least as hard as for travel restrictions—otherwise what I and others can do in Congress will surely fail. For fiscal year 1969, the task force recommends a budget authorization of $30 million for the USTS, to be appropriated as needed, with the funds to be transferred from the USTS to the National Travel Office once that is established.

The task force has done an excellent job and performed a great public service and I hope they will continue to do their job until Congress recognizes that this is the approach that is in the American tradition and in line with the principles we have been fighting for for the past 30 years. The House Ways and Means Committee should very carefully examine the task force's report, call the task force chairman and members before the committee and take its proposals into serious consideration in the committee's deliberations on the restrictions on travel asked for by the President. There is no question that travel restrictions—particularly the tax on travel expenditures—will lead to widespread evasion and to ill feeling in the countries which depend on income from American travel to buy our exports. I seriously doubt the wisdom and effectiveness of the President's proposals to restrict travel abroad and I urge my colleagues to look into this matter with the greatest care before we proceed on the road to folly.

Mr. President, I speak now only for the purpose of urging that the idea of stimulating tourism into the United States be first tried in order to deal with our balance-of-payments problem rather than immediately to jump into the highly dubious operation of imposing a travel tax or other method which tends only to discriminate in favor of the more well-to-do travelers against those of modest means.

I ask unanimous consent that excerpts from the task force report, the text of my bill, S. 2907, along with my introductory remarks and a column by Marquis Childs on the impact of a travel tax overseas be printed in the RECORD at the conclusion of my remarks.

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

EXCERPTS FROM REPORT OF INDUSTRY-GOVERNMENT SPECIAL TASK FORCE ON TRAVEL

SUMMARY

Here we summarize the more important actions and recommendations which have emerged from the work of the Industry-Government Special Task Force on Travel.

1. Actions to reduce the cost of travel by foreign visitors to the United States:

25% discount on round trip fares to the United States on tickets purchased in Europe.[1]

50% reductions in regular domestic airline fares, effective April 28, making these fares the lowest available anywhere in the world.[1]

25% discounts in railroad fares.[1]

10% discounts on charter coach rates on trips involving 400 miles per day, effective May 1.[1]

10% discounts in rates by the three largest United States car rental companies, effective immediately.

Reduced steamship fares to the United States.[1]

Up to 40% reductions in regular rates in seven major hotel-motel chains, effective immediately.

[1] Subject to approval by the appropriate regulatory body.

2. Actions to stimulate foreign travel to the United States:

U.S. flag transatlantic and domestic air carriers will spend $16.5 million outside the Western Hemisphere in 1968 to promote travel to the United States, a $5.5 million increase over 1967.

Foreign-flag air and sea carriers will take immediate steps to accelerate the development of European travel to the United States.

U.S. air carriers will bring more than 2,000 travel agents, tour operators, and travel editors to the United States for familiarization tours in 1968.

Other U.S. industries and news and entertainment media will significantly increase promotional efforts abroad to attract foreign visitors to the United States, effective immediately.

3. Recommendations which would—

Waive visas for tourists and businessmen.

Simplify and consolidate entry procedures; make possible one-stop inspection; enable the pre-clearance of visitors.

Issue special foreign visitor hospitality cards, evidencing eligibility for discounts and price reductions on a wide range of travel-related expenditures.

Coordinate price reductions providing package tours for group and individual travel; design tours for special activity travel.

Intensify travel advertising and promotion abroad through coordinated efforts of government and the private sector.

Vastly improve banking, insurance and credit facilities for foreign visitors.

Facilitate travel of non-English-speaking visitors by utilizing multilingual students in the United States; expanded reception centers; multilingual telephone service; and foreign language guidebooks.

Mount a nation-wide campaign to intensify hospitality towards visitors within the United States.

Work through governors, mayors, and other community leaders to promote foreign travel and improve services.

Improve the image of the United States as an attractive tourist destination area.

Intensify and broaden market research and tourist motivational studies in prime travel markets abroad.

4. Expanded role of the U.S. Government:

A new dynamic national travel policy.

A strong national tourist office to coordinate the U.S. foreign tourism effort by 1969, starting with an annual budget in the range of $30 million.

A national convention bureau.

A $1.7-million budget increase for the U.S. Travel Service for the remainder of fiscal year 1968.

CHAPTER 7—NATIONAL TOURIST OFFICE

The recommendations in this report should have an immediate favorable impact on the U.S. balance of payments. It is imperative, however, that these benefits be sustained and expanded over the long run. To accomplish this, an organization must be created to coordinate and direct the entire U.S. travel effort. It must have the backing of industry and government. It must be so strongly funded and constructed that it would have wide public and congressional support and then given the power to do the job.

The structure and power of this organization will determine, in the long run, how successful the United States will be in competing in the international travel market. To succeed, it cannot be merely as good as the travel development organizations of other countries. It must be better and more effective. At the same time, it has to be tailored to meet the needs of the United States and reflect U.S. traditions and attitudes. In this regard, the task force does not discount the past efforts of the U.S. Travel Service, working in close cooperation with the travel industry, to increase the number of visitors from abroad. The U.S. Travel Service has

accomplished a great deal with its limited resources.

There has been a wide range of recommendations made to the Task Force on the form the organization should take:

(1) A private industry travel association.

(2) A joint Federal Government-industry corporation.

(3) A Federal Government corporation.

(4) A commission.

(5) An expanded version of the U.S. Travel Service with its director at assistant secretary level.

(6) A new independent government agency.

It has also been variously suggested that, if the organization remains a Government office, it remain in the Department of Commerce, or be shifted to the Department of the Interior, or the Department of Transportation.

Whatever the organization's structure, it should be responsible for the following type functions:

(1) Continuous market research: The United States needs to know much more about what markets should be promoted, in what sequence and why; what financial rationale should be followed; what U.S. areas and attractions appeal to which markets; the size and structure of inbound tourism, where it comes from, where it goes to, and what it spends. This information should be distributed regularly throughout the business community and government agencies.

(2) A vastly stepped-up balanced tourism promotion program pointed at the most promising markets, and concentrating on those U.S. points of interest and attractions that have special appeal to such markets.

(3) Cooperation with State and local organizations, banks, and Federal agencies concerned with, or involved in, the financing of transportation facilities, accommodations and special attractions.

(4) Improved handling of foreign travelers. This includes improving operations and services at points of entry and elsewhere, overcoming language barriers, and helping to develop additional and better things for foreign tourists to do, see, and buy.

(5) Assist in or sponsor training facilities for services needed at points visited by foreign tourists.

(6) Coordinate the widespread activities of the Federal Government affecting the international travel business. At the same time, the organization should work with and through State organizations, local or community groups, and trade associations.

In determining the structure of the organization the following should receive consideration:

(1) The travel development program must be based on an extremely close working relationship between Government and private business. The Government has authority over transportation facilities, controls immigration procedures, collects taxes on the travel industry, runs the national parks and forests, administers certain tourist sites, etc. Private industry owns and operates airlines, shipping companies, travel agencies, and hotels. Moreover, it has special skills in travel promotion. Therefore, blending of these facilities and operations, cohesion of public and private interests and a joint use of technical personnel have advantages.

(2) A format in which both the business community and the Government contribute funds and manpower to the overall travel program and organization. An organization with this structure could also generate income from market research and other travel-related studies, from advertising placed in its publications, and from other promotional services.

(3) An organization in which the board of directors would include both public and private representation. If desired, Government could exert control by having a majority on the board, or by controlling funds.

(4) An organization of maximum operational flexibility in which its director is given sufficient authority to run an effective program. His prestige must be great enough to command support in both Government and private industry.

(5) An organization whose head is a presidential appointee under the Civil Service System would be able to officially speak for the United States and would be privy of Government councils.

(6) The majority of countries have found it preferable that their travel organizations be governmental agencies. There are, however, outstanding examples of countries, among which the United Kingdom is preeminent for the size of its annual budget, that operate successful travel organizations as industry-government partnerships. Among others in this category are: Austria, Denmark, Netherlands, Switzerland, Hong Kong, and Thailand.

It is the view of the Task Force that analysis of the problem, testing of business community reactions, settlement on a specific organization, and drafting of legislation could be completed in 90 to 120 days. During this period, it would also be possible to draw up budget recommendations for the travel development program. We have received varied budget recommendations, but detailed backup material has not yet been developed on such basics as: the amount of funding necessary to permit the United States to compete effectively in selected travel markets; a rational priority system in promoting selected markets; the portion of the budget, if any, that might be obtained from private sources.

Because of the large scope of domestic travel business, and the diverse nature and characteristics of domestic and foreign travel, the Task Force believes that, at least initially, the work of the proposed organization should be limited to travel by foreign visitors.

The Task Force recognizes that it will take some months to carry out the work described above, and to set up the proposed travel development organization. Meanwhile, we recommend that the budget of the U.S. Travel Service be increased, and its functions be expanded to permit it to launch an immediate promotion program abroad and to strengthen its existing operation. If it is to play the needed role in carrying out an increased program to complement activities in the private sector described in earlier sections of this report, the Task Force believes that the U.S. Travel Service requires its full authorization of funds, necessitating a supplemental appropriation of $1.7 million before June 30, 1968, to complement the $3 million already appropriated. The money would be used for market surveys, research, promotion, advertising, and necessary expansion of offices and public relations activities abroad. The amount proposed is modest, but the period until June 30 is short and the funds are promptly needed to be effective before the summer travel season.

For fiscal year 1969, the Task Force recommends that the authorization for the U.S. Travel Service be increased to $30 million. Its appropriation should be developed within that limit as is needed. The appropriation should be transferred to the new tourist office if it becomes operational during fiscal year 1969. Timely availability of these funds is essential if the needed work for the 1969 travel season is to be undertaken and produce results. The increased promotional effort by the U.S. Travel Service should be concentrated in countries with the largest potential for increased travel to the United States.

When the new travel development organization is launched, we recommend that the USTS be incorporated into it.

S. 2907

A bill to amend the International Travel Act of 1961 in order to promote travel in the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Travel Act of 1961 (22 U.S.C. 2121–2126) is amended—

(1) by striking out the first and second sections and inserting in lieu thereof the following:

"That it is the purpose of this Act to strengthen the domestic and foreign commerce of the United States, and promote friendly understanding and appreciation of the United States by encouraging foreign residents to visit the United States and by facilitating international travel generally, and by otherwise encouraging and facilitating travel within the United States (including its possessions for the purposes of this Act).

"SEC. 2. In order to carry out the purpose of this Act the Secretary of Commerce (hereinafter in this Act referred to as the 'Secretary') shall—

"(1) formulate for the United States a comprehensive policy with respect to domestic travel;

"(2) develop, plan, and carry out a comprehensive program designed to stimulate and encourage travel to and within the United States for the purpose of study, culture, recreation, business, and other activities and as a means of promoting friendly understanding and good will among peoples of foreign countries and the United States;

"(3) encourage the development of tourist facilities, low-cost unit tours, and other arrangements within the United States for meeting the requirements of all travelers;

"(4) foster and encourage the widest possible distribution of the benefits of travel at the cheapest rates between foreign countries and the United States and within the United States consistent with sound economic principles;

"(5) encourage the simplification, reduction, or elimination of barriers to travel, and facilitation of travel to and within the United States generally;

"(6) collect, publish, and provide for the exchange of statistics and technical information, including schedules of meetings, fairs, and other attractions, relating to travel and tourism; and

"(7) establish an office to be known as the Office of Travel Program Coordination, which shall assist the Secretary in carrying out his responsibilities under this Act for the purpose of (A) achieving maximum coordination of the programs of the various departments and agencies of the United States Government to promote the purposes of this Act, (B) consulting with appropriate officers and agencies of State and local governments, and with private organizations and agencies, with respect to programs undertaken pursuant to this Act, and (C) achieving the effective cooperation of Federal, State, and local governmental agencies, and of private organizations and agencies, concerned with such programs.";

(2) by inserting before the period at the end of section 3(b) the following: "and shall not otherwise compete with the activities of other public or private agencies";

(3) by inserting "(a)" after "SEC. 4", and by inserting at the end of such section 4 a new subsection as follows:

"(b) The Secretary may appoint two assistant directors for the purpose of this Act. Such assistant directors shall be compensated at the rate provided for GS–18 in the Classification Act of 1949.";

(4) by redesignating sections 5, 6, and 7 as sections 6, 7, and 8, respectively, and by inserting after section 4 a new section as follows:

"SEC. 5. (a) The Secretary shall establish a National Tourism Resources Review Commission. Such Commission shall be composed of fifteen members appointed by the Secretary from among persons who are informed about and concerned with the improvement, development, and promotion of United States tourism resources and opportunities or who are otherwise experienced in tourism research, promotion, or planning. The Secretary shall appoint a chairman from among such members. The Commission shall meet at the call of the Secretary.

"(b) The Commission shall make a full and complete study and investigation for the purpose of—

"(1) determining the domestic travel needs of the people of the United States and of visitors from other lands at the present time and to the year 1980;

"(2) determining the travel resources of the Nation available to satisfy such needs now and to the year 1980;

"(3) determining policies and programs which will insure that the domestic travel needs of the present and the future are adequately and efficiently met;

"(4) determining a recommended program of Federal assistance to the States in promoting domestic travel; and

"(5) determining whether a separate agency of the Government should be established to consolidate and coordinate tourism research, planning, and development activities presently performed by different existing agencies of the Government.

The Commission shall report the results of such investigation and study to the Secretary not later than two years after the effective date of this section. The Secretary shall submit such report, together with his recommendations with respect thereto, to the President and the Congress.

"(c) The Secretary is authorized to engage such technical assistance as may be necessary to assist the Commission, the Secretary shall, in addition, make available to the Commission such secretarial, clerical, and other assistance and such pertinent data prepared by the Department of Commerce as the Commission may require to carry out its functions.

"(d) Members of the Commission, while serving on business of the Commission, shall receive compensation at a rate to be fixed by the Secretary, but not exceeding $100 per day, including travel time; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"(e) There is authorized to be appropriated not to exceed $2,500,000 for the purpose of this section."

(5) by striking out "$4,700,000" in the section redesignated as section 7 and inserting in lieu thereof "$15,000,000"; and

(6) by striking out "International Travel Act of 1961" in the section redesignated as section 8 and inserting in lieu thereof "International and Domestic Travel Act of 1968".

[From the CONGRESSIONAL RECORD, Feb. 1, 1968]

INTERNATIONAL AND DOMESTIC TRAVEL ACT OF 1968

Mr. JAVITS. Mr. President, on behalf of myself and 11 cosponsors, I introduce the International and Domestic Travel Act of 1968. The cosponsors of the measure are Senators BIBLE, BROOKE, CANNON, CLARK, HANSEN, HARTKE, LONG of Missouri, MCGEE, PERCY, SCOTT, and WILLIAMS of New Jersey.

The proposal made in this bill is a positive approach to a solution of the U.S. travel deficit problem. Positive measures suggested to the administration for the last several years should, in our judgment, be given an opportunity to operate before Congress enacts any measures to restrict travel abroad by U.S. citizens. Travel restrictions as proposed by the administration would be self-defeating, difficult to administer, and would invoke retaliation by countries which depend on income received from American tourists.

Let us emphasize the positive before we go for the negative and restrict the freedom of our people to travel.

This bill, bipartisan in sponsorship, is designed to strengthen the capabilities of the U.S. Travel Service to reduce our balance-of-payments deficit. It would increase foreign travel to the United States and assist private industry and official travel organizations to encourage increased domestic travel by Americans.

Specifically, the bill provides:

First. New responsibilities for the U.S. Travel Service. These include development of a coherent national travel policy, coordination of present travel activities of various Federal agencies, encouragement and improvement of domestic travel facilities, and coordination of and acting as the Federal Government's liaison with State and private tourist organizations.

Mr. President, at the present time the United States Travel Service operates exclusively abroad and it has no domestic functions.

The proposed legislation further provides:

Second. A budget of $15 million to finance the Service's new activities and to strengthen its present activities abroad. Of this, $5 million would be used to start the proposed domestic travel program and $10 million would be used to promote foreign travel to the United States.

Third. A national inventory of our travel resources to lay the groundwork for a long-term national travel program. The bill calls for the establishment of a 15-member National Tourism Resources Review Commission, to be appointed by the Secretary of Commerce from among private citizens knowledgeable and experienced in the travel field.

For the past 7 years the country has been faced with a continuous balance-of-payments deficit, a significant element of which has been the much higher level of U.S. travel expenditures abroad than foreign travel expenditures in the United States.

This has given us the famous travel gap which, in round figures, was approximately $1.9 billion to $2 billion in 1967.

Except for the establishment of the U.S. Travel Service in 1961—in the legislation for which Senator MAGNUSON and I had joined—no action has been taken by this administration that dealt effectively with this problem. The administration has not been willing to fight for congressional approval of the USTS budget request in any year since it went into operation with the result that USTS has never been able to get appropriations even up to its authorized level of $4.7 million per year.

I stood on the floor of the Senate and fought for it time and again. They were knocked down in the Committee on Appropriations, of which I am a member, and by conference committees. No one seems to realize what we were up against. We would never have had travel restrictions proposed in panic if this proposal had been in effect. It could have cut our deficit nearly in half, or from substantially $4 billion to $2 billion. However, that is water over the dam and we are dealing with what can be done now.

The President is proposing very drastic restrictions on travel. Of all of the things the President is proposing to meet the balance-of-payments problems, this is the most unpopular and deservedly so, because especially in all of the years, this country, the greatest tourist attraction in the world, has not begun to be exploited.

In his Economic Report in January 1967, the President called for establishment of a special industry-Government task force to make specific recommendations by May 1 on how the U.S. Government can best stimulate foreign travel to the United States. It took 11 months to appoint this task force, which was not appointed until November 16, 1967, and which was to report by early summer.

On January 1, the President asked them to file their first report by February 15. Then in his state of the Union message the President gave strong hints that he will propose restrictions on travel to reduce the "travel deficit" by $500 million.

I deeply regret that the President is considering—and that Treasury witnesses may propose when they testify before the House Ways and Means Committee on February 5—restrictive measures on travel just 10 days before the President's Travel Task Force's first report is due to be sent to him and the Congress. This makes no sense to me.

Before restrictions are called for on travel—and freedom to travel is a most important right—every conceivable positive measure, my own bill, the proposals of the task force and others, should be tried.

Also, as the Senate heard discussed by the distinguished Senator from Delaware [Mr. WILLIAMS] and me yesterday, recommendations for some means of utilizing foreign currency by U.S. travelers abroad—either derived from U.S. counterpart holdings of certain foreign currencies such as rupees or Israeli pound or by long-term credit-swap arrangements with foreign countries interested in U.S. tourism—are reportedly being explored by the Travel Task Force itself, and should be given a chance to work before we undertake restrictions in this field.

I especially condemn such a discriminatory proposal as taxing every traveler $5 or $10 a day, or imposing a tax of 5 percent on airline tickets, which would only favor the rich over those in moderate circumstances. It would have no other effect.

Restrictions on travel are self defeating. Not only would they be difficult to administer but they will surely invoke retaliation by countries who depend on income received from American tourists. If exemptions are made for certain countries or certain type of traveler, cries of discrimination will be heard and with justification.

My own bill, the proposals of the Travel Task Force and other suggestions taking the positive approach are clearly workable alternatives to restrictive measures and I call on my colleagues in the Congress not to support any restrictive legislation before these positive measures have been tried. If they do not result in reducing the "travel deficit" substantially by $500 million within the next 12 to 18 months and it is clear that there is no hope to get better cooperation from foreign governments, then—and only then—would it be in order to draw up restrictive measures.

Mr. President, for all of these reasons and I respectfully submit that the proposals which have been made in this field are the most unpopular and deservedly so of the measures recommended by the President to deal with our balance of payments, I hope very much the administration will get behind a stimulation of foreign travel to the United States and begin to use brains and ingenuity to work out arrangements with foreign countries which would not inhibit travel but facilitate travel and postpone the impact on our balance of payments, and we could thereby use currencies we have in excess and counterpart currencies for similar purposes.

I think that with an application of ingenuity, brains, and the investment of a small amount of money, a great deal can be done in this field which will obviate the need for imposing harsh restrictions on the traditional right of Americans to travel anywhere in the world.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2907) to amend the International Travel Act of 1961 in order to promote travel in the United States, introduced by Mr. JAVITS (for himself and other Senators) was received, read twice by its title, and referred to the Committee on Commerce.

[From the Washington (D.C.) Post, Feb. 12, 1968]

IMPACT OVERSEAS OF A TRAVEL TAX

(By Marquis Childs)

Cumbersome, regressive, awkward, unenforceable—these are the more polite denunciations of President Johnson's proposed tax on travel. Whether Congress will adopt the levy in the form put forward by the Treasury is questionable.

In Western Europe this is not an academic question. For a half-dozen countries the tourist dollar supplies the margin of essential foreign exchange. What is more, if American travel outside the hemisphere is substantially cut back the recession that has slowed economic growth in Europe will in all probability be accentuated.

Economists are fearful that it will bring reprisals, hastening a trend already evident toward the kind of tariff walls and a struggle for national self-sufficiency that spelled disaster in the early '30's. In some instances—France is one—the United States has a favorable trade balance, offset in part by the spending of the American tourist.

Italy in 1966 had a favorable tourist balance $1.199 billion. This represents the total spent by foreign tourists over and above the amount of spending by Italian travelers abroad. For Austria the figure was $420,000,000; for Greece, $102,000,000; for Portugal, $178,000,000. The figures come from the report on tourism by the Organization for Economic Cooperation and Development. In each country the tourist supplies the difference between a favorable trade picture and the ability to import necessities and belt tightening checking the flow of imports.

A report based on the Department of Commerce figures shows the American tourist making a relatively small contribution to these favorable balances. For Italy, for example, Commerce puts American spending in 1966 at $153,000,000. The Italians put it at nearly twice that—$285,000,000.

Many European countries are putting a determined effort into increasing tourism from the United States. They have invested in advertising and various forms of promotion to attract not only Americans but West Germans and other inveterate travelers. The American travel ban—if it is effective—will slow if not halt this spending stream.

Greece has developed an impressive tourist boom with thousands of new hotel rooms available on the principal Greek islands. A decline in revenue from tourism would coincide with the return of many of the half-million Greeks working in Western Europe, notably West Germany, as a result of the recession there. The tourist trade began to hurt from the colonel's coup of nearly a year ago with Americans hesitating as a result of the initial harsh measures proposed by the dictatorship.

Spain with a market recession would be hard hit by a slowdown in travel, since 42 per cent of foreign exchange earnings come from tourism. A fantastic real estate and tourist boom on the Coasta Brava and on Majorca brings thousands of visitors and more or less permanent residents to Spain. It has meant thousands of jobs and, therefore, the aging Franco's problems in holding down the political lid have been eased.

Secretary of the Treasury Henry H. Fowler had hardly finished reading his lengthy statement on travel taxes to the House Ways and Means Committee before members of Congress were raising doubts about countries that should be exempted. What about Ireland? Thousands of Irish-Americans go back to the old sod each year. Ireland's favorable travel balance was $84,000,000 in 1966. And what of Israel? American Jews with a deep loyalty to what ardent Zionists consider the Jewish homeland make the pilgrimage year after year.

In 1966, according to Commerce Department figures, a trip to Europe cost American travelers on the average $1070. The average stay in Europe was 37 days. Since then prices have risen sharply. Fowler gave the example of a traveler abroad for 30 days spending $700 apart from the cost of air or steamship fare. He would be taxed $110, and if his round-trip fare was an additional $400 the transportation tax would be $20 for a total bill from Uncle Sam of $130.

The impact on those countries that rely on tourism will be not only in the travel tax. The Treasury package calls for reducing the present duty exemption of $100 to $10 and cutting the current $10 duty-free gift mailed back home to $1.

The threat as the last session of Congress ended was a wave of import quotas on major competitive imports. A gathering momentum for stay-at-home protectionism is hardly the way to solve the world's problems.

LITHUANIAN INDEPENDENCE DAY

Mr. JAVITS. Mr. President, I invite the attention of the Senate, as other Senators have done, to the fact that today, Lithuanian Independence Day, is being commemorated and that we should do everything we can to sustain the hope for freedom of these people who have been so long submerged and held enslaved in the Communist bloc.

It has been 50 years since the declaration of Lithuanian independence. Subjugated by successive predatory neighbors, the Lithuanians retain the hope of self-determination. The history of their struggle in this century is one of a frustrated desire for freedom and self-determination in the face of overwhelming odds.

After 120 years of subjugation to Russia and occupation by the Germans during World War I, the Lithuanian people declared the "establishment of an independent Lithuania" on February 16, 1918. Yet, by the end of that year, the Soviet Union had invaded their territory. Lithuania fought back and, though stripped of part of its territory, succeeded in gaining recognition from the Soviet Union as a sovereign state in 1920.

The hard-won independence of Lithuanian people was short lived. In 1940, Soviet troops occupied the country and annexed it to the Soviet Union. When war broke out between Germany and the Soviet Union the following year, Lithuania fell under Nazi domination until in 1944 when Lithuania was again forcefully subjugated by the Soviet Army.

Mr. President for 7 years, the Lithuanian people struggled to liberate their land. During the struggle, 30,000 Lithuanians died for their cause, and hundreds of thousands were deported to the Soviet Union, where they died wholesale in forced labor camps.

But the Lithuanian people continue to yearn for freedom and the establishment of a truly independent Lithuanian state. Mr. President, we in the United States, who have consistently supported the principle of self-determination should also join our voices to commemoration of the 50th anniversary of the declaration of Lithuanian independence, to demonstrate our sincere hope that the love of liberty, so long repressed in Lithuania, will surely prevail.

THE REVOLUTIONARY

Mr. BYRD of West Virginia. Mr. President, the Washington Post has performed a public service today in publishing its editorial entitled "The Revolutionary."

The editorial states that black power radical Stokely Carmichael "is summoning his followers to a revolution."

That is the point that I sought to make in my speech on the floor of the Senate on Monday. The Post's editorial puts the issue succinctly and in the proper focus.

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

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

THE REVOLUTIONARY

Reports from Los Angeles indicate that Stokely Carmichael has turned his coat inside out again. The lamb side has been out in Washington, but the wolf side is out on the West Coast. Once again, he is calling for violence, summoning black and brown people to a war against the white people and urging an American Vietcong to blow up police stations and power stations to check the "genocidal racist" white man.

Carmichael obviously does not speak for many people, Negro or white. The likelihood that he will mobilize any large number of violent followers to carry on his war is not great. But the trouble with this sort of inflammatory paranoic idiocy is not that it will attract Negro followers. The danger is that frightened and gullible white people will believe he does speak for large numbers and prepare themselves to resist. This is the way to begin violence and precipitate bloody racial clashes.

Those who hitherto have responded to Carmichael's more moderate line in Washington made an earnest effort to keep communication with the reckless radical element. It was worth trying and they ought not be condemned for that. But the violent Carmichael speech out West has destroyed the chance that moderate citizens can work with this firebrand. He is summoning his followers to a revolution. Those who associate with him hereafter have been put on notice that this is his purpose.

THE REVEREND DR. DANIEL A. POLING

Mr. DIRKSEN. Mr. President, the Reverend Daniel A. Poling, of New York, who was recognized as one of the great spiritual leaders of the Nation, died a few days ago at age 83. I first came to know him long years ago in connection with his activities and devotion to the work of the Christian Endeavor Society and his particular interest in Christian youth.

Almost to the day of his death, he continued very active and was in constant touch with people in all walks of life in connection with the work of the institutional church. I was delighted when he first manifested to me his interest in my efforts to restore prayer to the public schools of the country and offered his services in any way in which he could be helpful in the development and the adoption of the constitutional amend-

ment which I submitted to the Senate on this subject.

It is a testimony indeed to Dr. Poling and to the profound influence which he exercised on so many people and particularly his own sons. The Nation will never forget that his one son, Clark Poling, was one of the four chaplains who went down to a watery grave on the ship *Dorchester* during World War II, because those chaplains gave their lifejackets to the men who had no jackets at all.

Dan Poling's services to the church, to the Nation, and to the world will be long remembered.

WASHINGTON POST ARTICLE FAVORS BILL TO STOP IMPORTS OF ENDANGERED SPECIES TO THE UNITED STATES

Mr. YARBOROUGH. Mr. President, in an article published on Sunday, February 18, the Washington Post joined the national and international discussion forum, now in progress about the preservation of our disappearing wildlife. S. 2984, which I introduced last Friday, is identical to H.R. 11618, mentioned in this supporting article.

The article, written by Irston R. Barnes, chairman of the Audubon Naturalist Society, explains the bill, which has been reported favorably to the House by the Committee on Merchant Marine and Fisheries, proposing elimination of imports and interstate traffic in endangered species, and recommends its passage.

Noting that the bill would not only eliminate the United States as a major market for this traffic, but would also encourage other countries to do likewise, Mr. Barnes points out that—

> All nations must also take broad, effective action to maintain substantial areas of unspoiled natural habitats. For only if habitats can be preserved will it be possible to assure the survival of free wild population of all forms of life.

This is a comprehensive and knowledgeable article, written by one of the key figures in conservation of our endangered forms of life.

I ask unanimous consent that the Post article, entitled "Kill Status Symbols, Save Wildlife," be printed in the RECORD.

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

KILL STATUS SYMBOLS, SAVE WILDLIFE

(By Irston R. Barnes)

The Dingell bill (H.R. 11618) to extend protection to the endangered species of the world asserts essential American leadership in wildlife preservation. The American market and the flow of American dollars have been the chief stimulus to the commercial exploitation of wildlife around the world. Hence only an extension of the American conservation conscience to all nature's resources everywhere can meet the current threats to the spectacular wildlife of the developing countries of both hemispheres.

Introduced by Rep. John D. Dingell (D. Mich.), the bill was reported out favorably on Jan. 30 by the Merchant Marine and Fisheries Committee, and is expected to come before the House on March 4. According to advance indications, the outlook for passage by both House and Senate is very good. Such action would comport with our historic leadership in wildlife conservation.

When the Audubon movement began some 70 years ago with the Audubon Society of the District of Columbia and the sister organizations in Massachusetts and Illinois, it was essentially a citizen-to-citizen movement. The first members were chiefly ladies who were determined to persuade other stylish ladies to reject the hats and accessories made of the plumes and plumages of egrets, terns, gulls and other birds. Many species had already disappeared over much of their range. The villains were those who thoughtlessly accepted the tastes and styles of the 1890s and the market hunters who catered to their tastes. The dangers to wildlife inherent in commercial exploitation had been amply demonstrated in the destruction of the great buffalo herds, in the extinction of the passenger pigeon, and in the decimation of the shorebird flocks.

Today, commercial exploitation of wildlife extends across international boundaries and to distant continents. People-to-people action would be too slow to be effective. The total number of endangered vertebrates approaches 1000, and each year sees another species pushed into extinction.

The danger again lies in the market-exploiters, the buyers who supply the dollars, and the poachers and commercial hunters who supply the luxury furs, specialty leathers of alligator and wild pig, ivory and trophy items (waste baskets of elephants' feet) and tropical fish and caged birds, as well as monkeys and other exotic animals for pets. Against the flow of dollars that activates the international game merchants and the native hunters and poachers, the laws of African, Asian and Latin American countries are of little avail.

The Dingell bill provides that there shall be no importation (except under license for scientific purposes) into the United States of any species (or part thereof) which the Secretary of the Interior determines to be threatened with extinction. No lengthy negotiations, no international treaties are required for action. The finding that a species is so threatened may be based on consultations with foreign countries or with the International Union for the Conservation of Nature and Natural Resources. The bill thus bypasses the enforcement obstacle of determining whether a particular leopard skin or zebra rug or set of horns has been illegally exported from a specific country.

The Dingell bill extends to mammals, birds, fish, reptiles (alligators), amphibians (frogs), mollusks (oysters) and crustaceans (lobsters) and to subspecies (geographic races) as well as full species.

The bill amends the Endangered Species Preservation Act to apply to the same broad range of wildlife. Thus it will extend the Federal prohibition with respect to interstate commerce to all wildlife species taken or transported in violation of Federal, state or foreign laws.

So, as with egret plumes, it may be hoped that leopard coats, tiger rugs, alligator bags and shoes, and the like will cease to be status symbols—not only in the United States, but around the world. In closing the largest single market to the commercial exploitation of endangered species, we shall surely encourage other nations and peoples to reject exotic furs, trophies, and specialty items where commerce in such things threatens the survival of a species. Only with such international support will the developing countries, with their limited resources for enforcement of game laws, be able to preserve their distinctive wildlife for future generations.

As the Dingell standard becomes world law, countries with wildlife resources will also be encouraged to pursue other measures to preserve endangered species. Commercial exploitation is only the most urgent part of the problem. All nations must also take broad, effective action to maintain substantial areas of unspoiled natural habitats. For only if habitats can be preserved will it be possible to assure the survival of free, wild populations of all forms of life.

We need to appreciate that a species, of whatever form of life, is a unique manifestation of life, the final product of eons of evolutionary development. Each species surely has important things to tell us about life and its evolution, when we are intelligent enough to ask the right questions. No extinguished species can ever be recreated, and the whole world is inevitably poorer when a species anywhere is lost. In recognizing this truth and the priceless value of the species, the Dingell bill establishes the first principle of conservation. It sets an example which every country can follow to the benefit of all future generations.

ANNIVERSARY OF LITHUANIAN INDEPENDENCE

Mr. KUCHEL. Mr. President, last Friday, the 16th of February, marked the 50th anniversary of the establishment of the Republic of Lithuania. Today has been designated as a day to commemorate Lithuanian independence. I am pleased to join in honoring this proud nation.

Two years ago, I strongly supported House Concurrent Resolution 416. On my urging, I believe I may say, the Senate agreed to its adoption on the final day of the 89th Congress. I called upon the President of the United States to urge action in support of the people of Lithuania, Estonia, and Latvia. I now urge the President to direct the attention of world opinion, at the United Nations and elsewhere, to the denial of self-determination for the peoples of the Baltic States. These people look to the United States of America to support the struggle for independence from Communist enslavement.

More than 100 million people behind the Iron and Bamboo Curtains are subjects of Communist governments—the victims of tyranny denying them the basic human and political rights which America's founders declared the birthright of all men. In spite of the abject conditions in which they must continue to endure their subjugation, despite continuous indoctrination, vast numbers continue to resist in spirit, and often in action.

As free men, we must keep alive the aspirations of the people of the captive nations, to show our concern for their present plight and to strengthen our ties with them.

Consistent with our own national interest, the President should invoke the spirit of House Concurrent Resolution 416 to explore all avenues that might lead to widening the scope of liberty for the Baltic peoples.

Let the people of Lithuania, and of Estonia, and Latvia, know full well of our uncompromising support for their unquenchable thirst for freedom. Americans remain dedicated to freedom throughout the world.

THE ETHICAL AND SOCIAL IMPLICATIONS OF HEALTH RESEARCH

Mr. HARRIS. Mr. President, on Thursday, January 11, the Tulsa Tribune pub-

lished an editorial entitled "Heart of the Matter," commenting favorably on the recent proposal by the distinguished Senator from Minnesota [Mr. MONDALE] for the establishment of a Commission on the Ethical and Social Implications of Health Research.

Senator MONDALE is certainly deserving of praise for bringing this matter to the attention of the Senate. As the editorial states:

His place in history may be that he is the first Congressman to articulate the political consequences of the heart transplant.

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

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

HEART OF THE MATTER

U.S. Sen. Walter F. Mondale of Minnesota is a young man by senatorial standards, barely forty. He came to the Senate by appointment when Hubert Humphrey was suddenly elevated to the vice presidency in 1964, and thereafter earned a full term by election. He's a lawyer.

His place in history may be that he is the first Congressman to articulate the political consequences of the heart transplant.

He is not by any means the first to philosophize on this matter, but he is the first in Congress to publicly suggest that perhaps legislation may be necessary, to cope with the consequences. He says he plans to introduce a congressional resolution to set up a commission on the ethical and social implications of health research.

It is easy to scoff at this as a political pretension, but Sen. Mondale raises some intriguing questions. Most vivid is the question of a "black market" in human spare parts. A family desperate because a transplant could mean life or death might feel obliged to seek out a "Murder, Inc." kind of solution, he speculates. Shades of the eighteenth-century bodysnatchers!

That sounds melodramatic, but behind it lies the question of who shall live and who shall die. When operations with human "spare parts" became routine, who will control the supply and disposition of "living" parts. It is not easy to reconcile oneself to the idea of living organs "banked" indefinitely in some artificial hospital environment, but the time may come.

There is also the even knottier medical question of deciding when the donor of such a spare part is in fact dead. Technically, life is not extinct as long as there is a major organ of the body still functioning. The doctors so far involved in heart transplants have not found any insuperable problem yet in determining that the donors were for all practical purposes dead at the time of the donation.

But, again, it is not difficult to imagine cases of premature "donation" which would of themselves terminate life. Are these matters all to be left only to the on-the-spot judgment of the doctor and the wisdom of his medical society?

When we reach the point that human life can not merely be preserved indefinitely, but also in effect recreated, where should the decision-making lie?

These questions are as old as Aldous Huxley and his nightmare novel of the "Brave New World." The difference is that they now come closer to home.

Sen. Mondale is young enough that he may live to help legislate some of the answers.

ARIZONA RECOVERS GROWTH POTENTIAL

Mr. FANNIN. Mr. President, the Christian Science Monitor has a national reputation for its in-depth reporting and generally enriching the national journalistic scene. Mr. Erwin D. Canham, the Monitor's editor, deserves a great credit for the leadership of this great newspaper.

Recently, Mr. Richard A. Nenneman visited Arizona and wrote an excellent report of the business and financial conditions he found there. In spite of the economic hardships many of our people are suffering because of the callous disregard of union leadership for the welfare of those it purports to represent, and the resultant copper strike, we are making progress as a State. In the Monitor's words:

Arizona stands poised for another takeoff in its economic growth.

I ask unanimous consent that Mr. Nenneman's article on Arizona's growth potential be printed in the RECORD.

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

BACK TO THE BOOM—ARIZONA RECOVERS GROWTH POTENTIAL

(By Richard A. Nenneman)

PHOENIX, ARIZ.—Arizona stands poised for another takeoff in its economic growth that, with few interruptions, has continued for the past 20 years.

The excesses of the early '60's have largely been worked off, so a negative restraint on the state's economy is disappearing. At the same time, positive new forces in the form of steady increases in manufacturing employment have created a good base for overall growth.

The glamor growth areas of the United States—California, the Southwest, and in one way or another most of the southern tier of states all the way across to Florida—have one big thing going for them. An increasingly young, mobile, and prosperous population wants to live where the weather is pleasant at least a good part of the year and where there are ample leisure-time activities.

What was temporarily forgotten in Arizona, though, was that growth to some extent must be based on growth in a manufacturing base or some kind of export product vis-à-vis other states. (To the extent that a state is heavy in services such as tourism or education, its "exports" in goods can be somewhat less.)

OVERBUILT FOR YEARS

Thus, in the early '60's in Arizona, single-family housing continued at a pace that the actual incoming population could not absorb. This was followed by a boom in garden-type apartments, which was also overdone. Then, to top it off, over-ambitious developers got into high-rise office buildings far beyond the immediate needs of the area.

In Phoenix, for instance, in the 1964–65 period, some 1.5 million square feet of office building space came on stream. Yet, according to Gary Driggs, economist and vice-president of Western Savings & Loan Association, the largest savings and loan association in Arizona, the Phoenix area can absorb only about 200,000 square feet of office space in a normal year.

Three high-rise projects from those years have been in financial trouble. Two were major office buildings. But the dust is settling; the worst is over.

MANUFACTURING CAUGHT UP

What happened? Two things.

When it became apparent that the area was badly overbuilt, lending institutions put a lid on any large new projects until what was there could be worked into the economy.

Second, there has been a steady rise in basic manufacturing.

In the two-year period from November, 1965, to November, 1967, according to Valley National Bank figures, manufacturing employment in the entire state rose to 81,000. Each manufacturing job provides two or three others in the services, trade, etc.

It may sound strange to East Coast readers, but Arizona is in one sense an urban state. Roughly three-fourths of its population lives in the Phoenix and Tucson metropolitan areas. What happens there, plus some mining that takes place in other counties, very largely makes the Arizona story.

POPULATION TARGET MISSED

Valley National Bank, the largest bank in the state and the state's most prominent collector of statistical data had estimated in 1964 that Maricopa County (metropolitan Phoenix) would have 1.2 million people by 1970, and 900,000 by the next year, 1965. The 900,000 figure is just now being reached, some three years later than anticipated.

As for 1970, the bank's statistical department has each year scaled down its estimate of that figure. Now it stands at 1,010,000. Yet the bank's estimates were careful and were the best available at the time they were made.

In the three years from mid-1964 through mid-1967, construction employment decreased from 16,700 to 13,600. Builders of all kinds of structures—residential or commercial—were forced to cut back.

The gradual increase in other forms of employment, however, offset this. Total employment in metropolitan Phoenix grew from 221,000 to 260,000 during the same years.

BALANCE IMPROVING

What encourages the local economists now is that many new jobs in industry are being created at a time when the housing picture is again about back to normal. Thus, an increase in manufacturing in 1968 should be an assist to construction, wholesale and retail trade, and the service industries.

Motorola, Inc., the largest employer in Phoenix, is in the midst of another wave of expansion. A new Swift & Co. plant will hire 300 workers, all for new jobs. A new Western Electric Company plant about to go on stream making cable will bring in 1,100 new jobs this year.

Phoenix has had no major problems during the last three years, as it adjusted to its over-boom of the early 1960's. That evidences the strength of the underlying economic base.

TOURISTS NOT EVERYTHING

Although the economy of the Phoenix area, and even of the whole state, is small by large-state standards, it appears on the whole well-balanced. And important as tourism (or the "winter visitor" trade, as they like to call it) is, it is by no means the backbone of the Arizona of today.

During the relative weakness of the past few years, real estate prices have not changed substantially, further indication of widespread confidence in future growth here.

And what of the next boom? Boom may not be the right word. Some of the make-it-in-a-hurry millionaires have disappeared from the scene.

The real growth will continue, probably on a more sober base, without some of the hoopla that attended the earlier phases of Arizona's expansion. But 1968 may well be the year when Arizona growth again becomes more visible to non-Arizonans.

PROTECTING THE MILITARY CONSUMER

Mr. BREWSTER. Mr. President, recently a situation was brought to my attention which should be of interest to all those who seek better protection for the American consumer.

The situation was brought to light by the attorney general of Maryland, the Honorable Francis B. Burch, who long has taken an active interest in consumer affairs, and who has established a consumer protection division in his office.

Many of the complaints currently received in the consumer protection division come from military personnel stationed at Fort George G. Meade, and involve deceptive advertising and questionable business practices around that base.

In response to these complaints, the consumer protection division has established a regular service of sending investigators to Fort Meade once a month to investigate complaints from servicemen.

The service has been an overwhelming success. Many of the complaints have turned out to be valid—servicemen at Fort Meade have been proven justified in feeling that they and their families are often the victims of deceptive advertising and fraudulent practices.

In addition, legal assistance officers at Fort Meade now feel that they have an outlet for the many consumer complaints they receive. Through the consumer protection division, they now have a way to get action. In the words of one legal assistance officer, "We are beginning to feel more like lawyers and less like chaplains."

Mr. President, it seems to me that the consumer protection division of the Maryland attorney general's office has set an example that should be heeded by every State in the Union. It is important that servicemen, no matter what State they come from, be given protection against consumer frauds by some agency of the State in which they are stationed. Just like everyone else, servicemen and their families need someone to turn to for help with their consumer problems. Furthermore, servicemen need help fast, before they get transferred to another area.

It occurs to me that perhaps, until now, the serviceman stationed on a base outside his home State has been the forgotten man in the crusade to give better protection to the American consumer. I congratulate the attorney general of Maryland on the bold initiative he has taken to recognize the legitimate consumer protection needs of servicemen, and on his forthright approach to remedying those needs.

DYNAMIC POVERTY WORKERS IN SOUTHWEST WASHINGTON

Mr. NELSON. Mr. President, I invite the attention of Senators to an article entitled "Poverty Aides Help Around the Clock," published in the Washington Post last December.

The article describes the efforts of antipoverty neighborhood workers who have, as Post staff writer Carol Honsa describes it, "set up their own miniature around-the-clock war on poverty."

The poverty aides have formed a group which they call "the Dynamic Nine," which raises funds in the community to help their neighbors with small emergency expenses at times when other help is not readily available.

I highly commend the efforts of these fine people who work with the neighborhood development program at Southwest Community House in Washington.

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

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

POVERTY AIDES HELP AROUND THE CLOCK

(By Carol Honsa)

It's Friday night and the welfare office and the antipoverty offices are closed, and a family doesn't have a dime for food for the weekend.

If the family lives in Southwest Washington, it can get help from a group of antipoverty workers who have set up their own miniature around-the-clock war on poverty.

Called the Dynamic Nine, it was formed by antipoverty staff members who became dissatisfied when they saw that the resources of the Southwest Neighborhood Development Program didn't stretch far enough to meet all the problems of its low-income clients.

Working with a small fund it raised at a dinner, the group helps families with the small emergency expenses so that they are handled by the antipoverty program, which emphasizes community action instead of financial help.

"So many times we would go home worrying about a family's problem that would take only $10 or $15 to solve," said Lillie Whitehead, an officer of the Dynamic Nine.

"We can't give much, but it's enough to tide the family over and relieve their minds."

In one case, recalled Phyllis Martin, president of the group, a family's beds had been ruined in a small house fire. The neighborhood workers found a donor who would give the family new beds but could not supply either the men or the money to deliver them.

The Dynamic Nine—which actually has 11 members—dipped into its reserve fund and paid neighborhood men to move the beds to the family's home.

It has also given families money to buy food stamps, shoes for children, help with the rent and, in one case, to buy new clothing so a family could attend a funeral.

The consumer action component of the Southwest antipoverty program does maintain a small emergency food and clothing bank. But it is sometimes closed when a family needs it, or it may not have the particular food or clothing items a family needs.

The District Welfare Department and private social welfare agencies offer emergency as well as long-term help, but their offices may not be open nights or on weekends when a member of the Dynamic Nine learns of a pressing family problem.

Most members of the Dynamic Nine are long-term Southwest residents with strong ties in the low-income community there. Some, like Mrs. Martin and Altee Atkins, the group secretary, were long involved in volunteer community work before there was an antipoverty program. They feel they give as well as gain more because their "cases" are their friends and neighbors.

Members of the group say they are scrupulous about limiting their extracurricular help to their non-working hours. Although they come across most of the families they aid while working, they plan and extend their special help at night and on weekends.

Mrs. Martin, who is proud that she can visit as many homes and climb as many stairs with her one leg and crutches as any neighborhood worker, said the Dynamic Nine's special efforts have helped draw the Southwest antipoverty staff closer together for more effective work.

Called the "mother hen" by members of the group, she considers herself on call 24 hours a day to aid troubled families through the regular antipoverty program or the Dynamic Nine's special fund.

RESERVE DEPLETED

The group banks its funds at the Southwest Credit Union, an antipoverty unit, at 1251 Carrollsburg pl. sw. and hopes to replenish the reserve—badly dented during the Christmas season—through a January rummage sale.

Other Dynamic Nine members are Arthur Thorogood, Alice Thomas, Minetta Wheeler, Cynthia Blalock, Janie Johnson, Robert Oden, Ruth Mackell and Gloria Tyler.

GEORGE WASHINGTON HONOR MEDAL AWARD TO COLONEL JAMES

Mr. FANNIN. Mr. President, on Thursday, February 22, Col. Daniel "Chappie" James will receive one of the top awards of the Freedoms Foundation of Valley Forge. I take particular pride in Colonel James because he is not only an outstanding American, but a particularly outstanding serviceman formally stationed in the State of Arizona.

In a day when voices of irresponsibility sing out a siren song to youth that calls for upheaval and anarchy as solutions to today's problems, it is refreshing to find a man who not only has convictions about a person's responsibility to himself and society but is not afraid to voice them.

The Air Force colonel will receive the George Washington Honor Medal and a $100 cash prize for a letter he wrote on his "heritage of freedom" while serving as vice commander of the 8th Tactical Fighter Wing in Southeast Asia. The presentation is set for Valley Forge, Pa., on February 22.

Presently assigned as vice commander of the Tactical Air Command's 33d TFW, Eglin Air Force Base, Fla., James added 78 combat missions over Communist North Vietnam to his battle total that included 101 missions during the Korean War. The fighter pilot wrote in part:

Today's world situation requires strong men to stand up and be counted—no matter what their personal grievances are: Our greatest weapon is one we have always possessed—our heritage of freedom, our unity as a nation.

Invited to the White House by President Lyndon B. Johnson upon his return from the battle area last December, James reported to the President that the morale of the men engaged in the air war was "great." He said:

Fighter pilots have always had a great morale. It is the greatest fraternity in the world. They like the equipment, the challenge, and the job.

He explained to the Chief Executive and then to newsmen when questioned on the effects of the bombing:

We like to keep up the pressure. It is having an effect in slowing down goods and supplies.

Support of American ground troops fighting in South Vietnam is one of the colonel's favorite themes:

We must stop the flow of men and supplies to the South—

He said in an interview before leaving Thailand:

The ground troopers in South Vietnam depend upon us for that and we can't let them down. The Marines at Con Thien and along the DMZ are catching hell. With air sup-

port hitting at the total length of the Communist supply lines, we can put a ceiling on the amount of fire power that can be brought against our troops.

Cramming his 6-foot-4-inch, 235-pound frame into the front seat of the F–4 Phantom, James led the Thai-based fighters on a myriad of missions over the Communist north.

Colonel James entered Aviation Cadets in January 1943. After earning his Air Force wings, he served as a flight leader for 4 years, flying P–47's at various stateside locations. He went overseas to Clark Air Base, Philippine Islands, in 1949 and was sent to Korea from that assignment.

Mr. President, in recognition of the award Colonel James is to receive, and so that other Senators may share the conviction he feels, I ask unanimous consent that the award-winning letter of Colonel "Chappie" James be printed in the RECORD.

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

SEPTEMBER 28, 1967.

The strength of the United States of America lies in its unity. It lies in free men blessed and ordained with the rights of freedom working to provide, build, enjoy and grow. Those who would subvert us—or any free people—try to disrupt this unity by breaking the small parts from the whole—driving in the wedges of fear and discontent.

I am a Negro and therefore I am subject to their constant harangue. They say: "You James are a member of a minority—you are a black man." They say: "You should be disgusted with this American society—this so-called Democracy." They say: "You can only progress so far in any field that you choose before somebody puts his foot on your neck for no other reason than you are black." They say: "You are a second-class citizen."

My heritage of freedom provides my reply. To them I say: I am a citizen of the United States of America. I am not a second class citizen and no man here is unless he thinks like one, reasons like one or performs like one. This is my country, and I believe in her, and I believe in her flag, and I'll defend her, and I'll fight for her and serve her. If she has any ills, I'll stand by her and hold her hand until in God's given time, through her wisdom and her consideration for the welfare of the entire nation, things are made right again.

Today's world situation requires strong men to stand up and be counted—no matter what their personal grievances are. Our greatest weapon is one we have always possessed—our heritage of freedom, our unity as a nation.

We must stop finding so many ways to hate each other because of race, creed, religion, political party or social strata. We must stop using personal grievances as an excuse to break the laws of the land. We must not join with any lawless mob no matter what the provocation in disregard for law and order. A thief is a thief—I don't care what he gives as his reason for stealing. A mob is a mob—I don't care what the provocation is.

We can't afford it in this great country of ours. It is our responsibility to preserve our freedom and our unity. Good, thinking men must help unite those with whom they come in contact through hard work and participation. Our contributions to the total effort can be a by-product of what we achieve through excellence in our chosen fields. In our daily lives we must become a strong link in the chain of unity and freedom that has always been the strength of these United States of America.

I am an American. My heritage is bound by the tenets of freedom inherent in that simple statement. My responsibility is to allow my children to join a community of free people everywhere who have the right to say: "I am what I am. . . . because I have the freedom to say it."

DANIEL JAMES, Jr.,
Colonel, USAF, Vice Commander, 8th Tactical Fighter Wing.

RIGHT TO PRIVACY

Mr. LONG of Missouri. Mr. President, the President in his message on crime has recognized that there is a vital need for a concentrated effort to free this country from fear of violence and losses from criminal activities. I support the President in his efforts to achieve this comprehensive program and I urge others to join me.

The Director of the Federal Bureau of Investigation stated in September of last year that in 1966 more citizens were killed or assaulted with guns in American streets and homes than were killed in battle during the entire Korean conflict. A national effort to alleviate this situation is necessary. Local and State efforts must me supported and augmented. This can be done if we will direct our efforts now to an early enactment of those important measures in the President's program.

Because I had the privilege of introducing S. 928, the Right to Privacy Act, I wish to call particular attention to the President's endorsement of this act. This bill is currently before the Committee on the Judiciary and I urge positive action upon it without delay. Privacy is eroding at a frightful rate and we need strong Federal and State action to preserve what is left of it.

THE TWO ASIAS—HUGH TREVOR-ROPER COLUMN

Mr. TOWER. Mr. President, there has been much said, especially in the last few weeks, about America in Asia, about the trouble we are experiencing there, and about the hopelessness of the entire situation. In a recent column for the Sunday Times of London, Mr. Hugh Trevor-Roper, the Regius professor of modern history at Oxford University, examines the situation in Formosa and reveals the great progress that has been made there in the last 20 years. I want to commend this article to my colleagues and ask unanimous consent that the article be entered at this point in the RECORD.

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

THE TWO ASIAS: GIVE AMERICA A CHANCE

(By Hugh Trevor-Roper)

(NOTE.—The Regius Professor of Modern History at Oxford is one of the few recent observers who have visited both Formosa and China.)

The Far East is in ferment. While convulsion continues in China, there have been alarms in Singapore, new threats in Korea, new violence in Vietnam. The American hawks and doves have carried their controversy into the pages of the Sunday Times. How pleasant, we might think, to turn away from that inflamed Pacific coastline to an island of peace, Formosa.

Formosa is the one province of China where the thoughts of Chairman Mao are unread and the cultural revolution unknown. It is the last redoubt of the nationalist government of Chiang Kai-shek. A wide strait severs it from the raging mainland. American arms protect it. Outwardly it seems irrelevant to the present struggles of which Red China is the real centre. In fact I believe that it is very relevant. For Formosa is, if not the real centre, at least the model of that alternative society which may yet be created in the Far East.

This is not how most of us imagine it. We imagine it, if at all, as a large, aging garrison of exiled anti-Communists camped, under American orders, in a passive island. But most of us, as Mr. Alsop has told us, are parochial. In this at least, I think, he is right and we are wrong. If we wish to understand American policy on the mainland, where it is at war, we should look also at what it is defending, in peace.

For Formosa is not an old garrison: it is a new society, solid, prosperous and self-confident. In that social laboratory the displaced Nationalist Government of China has solved, by rational, liberal methods, the problems which had defied it on the mainland; and it has solved them in a way which makes the Communist solution seem not only obscurantist but, in some ways, ineffective.

The crux of the whole Chinese problem, after the Japanese departed was the question of the land. On the mainland, the Communists tackled that problem in a drastic manner, by peasant communes. In the name of social equality they destroyed ownership and seriously damaged production. During the same years, the Nationalist Government in Formosa carried through a systematic land-reform which, within narrower limits, has been far more effective. It has achieved social justice while preserving peasant ownership and has led, incidentally, to a great increase in agricultural production.

The first step was the statutory limitation of rent. The high rural rents formerly charged by Formosan landlords were pegged at 37.5 per cent of the main crop, thus giving new incentives to the tenant. Large holdings (including Government holdings) were sold on easy terms. The peasants are now out of debt and their holdings are being rationalised. These changes have already produced a contented peasantry and a higher yield. At the same time, the landlords have not been expropriated: they have been compensated in Government bonds and shares in public enterprises. The effect has been to divert many of the old landlords into the new light industries which contribute so much to the island's new prosperity. The population was six million in 1945. It is now 14 million, of whom only two million are immigrants from the mainland.

This land reform is the key to all else. "If we had only done this ten years earlier," an official told me, "there would have been no Communism in China now." As it stands, the proposition is surely true. But could such reform have been carried out on the mainland? I rather doubt it. On the mainland the Government of Chiang Kai-shek was not a free agent: it depended largely on landlords and financiers who might well have obstructed such reform. In Formosa the position was very different. There the Government had *tabula rasa*. It also, by this time—under the impact of the Korean war of 1950—had effective American support which it lacked in the difficult years 1945–49.

However that may be, the errors of the past have now been repaired in this last outpost of the Kuomintang. Formosa has now, after Japan, the highest standard of living in Asia. Since 1965 its economy has dispensed with direct American aid. It has become, like Israel—another small social laboratory—the teacher of new nations, sending its techni-

cians to advise the tropical societies of Africa which Red China has wooed in vain. It is now the shop-window of the new and more genuine Pacific "Co-Prosperity Sphere" which the Americans have built out of the ruins of the brief Japanese Empire and whose land-frontier is being defended, with such brutal tenacity, in Vietnam. I must admit that when I see the beneficent revolution which America has patronised in Formosa, I look a little more sympathetically on its struggle in Vietnam. Barbarous in itself, that struggle is part of a wider whole; the rough, inflamed edge of a great social as well as military undertaking.

The Americans have certainly been patrons in Fomosa, but the achievement there is largely Chinese. No doubt this is one reason for its solidity: Unlike some other societies on which American patronage has been imposed Chinese society has a historic vitality of its own, and this vitality has reasserted itself—not for the first time—in Formosa. One of the things which most impressed me there was the firm resolve to continue the essential Chinese culture, fortified but not submerged by Western methods. This after all, was the expressed aim of the founder of the Kuomintang, Dr. Sun Yat-sen.

The Communists also pay lip-service to Dr. Sun. But in fact, it seems to me, they look back to a remoter past. "Chairman Mao," for all his radicalism, assumes imperial attitudes. He looks back, over an interlude of forty years, to the Manchu Emperors. Chiang Kai-shek, the heir of Sun Yat-sen who repudiated the Manchus, continues in Formosa the best traditions of the original Republic of 1911.

Can these two Chinas, which have chosen such divergent roads, ever come together?

At present, short of war and conquest (which neither seems to seek), I doubt it. However disordered by the Cultural Revolution, Red China today has its own vested interests and the structural changes there will not be easily reversed or the indoctrination of a generation easily undone. On the other side, Nationalist China is a society reformed in depth, confident and prosperous, investing in itself both materially and spiritually. It is even less likely to be subverted or absorbed. The desire for reunion, however genuine, must take note of these facts. Between the two Chinas there is a structural divergence which time may attenuate but may also sharpen. The most interested observers will be the 18 million overseas Chinese, whose eyes now turn, increasingly, to Formosa as the new model of a Chinese State.

IN PRAISE OF MORRIS HARVEY COLLEGE

Mr. BYRD of West Virginia. Mr. President, the February 18, 1968, issue of State magazine of the Sunday Charleston, W. Va., Gazette-Mail had a most interesting article by Mr. H. C. Gadd on Morris Harvey College, which is located in Charleston.

I am proud to state that I am a former student of Morris Harvey. I attended while serving as a member of the West Virginia State Legislature.

Morris Harvey College has a distinguished past and an even more promising future.

According to the article:

From 1935 and a half-dozen classrooms on the third floor of the (Charleston) Public Library, to February, 1968, Morris Harvey has become the largest private four-year college in West Virginia in total number of students and also in the number of students from West Virginia. More teachers are graduated from Morris Harvey than from any other private college in the state.

Moreover, the college is in the midst of a tremendous growth campaign that will see a new library, a performing arts wing, and new dormitories built; upgrading of faculty and staff salaries; and expanded academic activities.

All those associated with Morris Harvey College deserve tremendous credit for the great work they have performed in the effort to assure West Virginia's young people of the availability of one of the finest 4-year colleges in the country.

I ask unanimous consent that the article from State magazine, entitled "The Continuing Vision," be printed in the RECORD.

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

THE CONTINUING VISION

(By H. C. Gadd)

Someone, someday is going to write a history of what happened to Morris Harvey College between the years 1935 and 1970—and no one will believe it.

I don't even believe it now and I've lived through most of it.

After-dinner speakers are wont to say that in 1935, Leonard Riggleman, Ashby C. Blackwell and Dr. W. H. "Muley" Walker got off C. & O.'s No. 14 up from Huntington with Morris Harvey in their pockets.

I don't know. I didn't meet the train. I do know that in September, 1935, I attended a student mix on the third floor of the old Kanawha County Public Library building. Just about the complete enrollments of both Morris Harvey and Kanawha College were there.

It wasn't crowded.

This "Old Fellar" preface is by way of introducing two shocks I have had this month.

The first was on Feb. 1, when I was invited to attend a city-council-sponsored tour of the new Civic Center facilities. Now any fool who has passed the Civic Center area as often as I have in my lifetime, certainly shouldn't be shocked at anything about it.

I would guess that 95 per cent of the adults living on the West Side have watched it emerge from a row of dilapidated houses—that were flooded with depressing regularity—to a landfill sort of dump to an airplane-hangar-size barn, to one of the finest facilities in the East.

It wasn't the Civic Center as it now stands that shocked me. It was something former Mayor John Shanklin said in the brief remarks he made on the occasion.

He was reporting how the site for the Civic Center happened to be picked:

"As chairman of the council committee to select a site, I came down to look over what was then a big, stinking garbage pile and a little lot for youngsters playing softball. I called up the mayor (the late John T. Copenhaver) and asked him to come down and look it over.

"He came immediately, glanced around, and standing beside me on a pile of refuse waved his arm toward downtown Charleston.

" 'This is the place,' he said. 'Someday you will be able to stand right here and see all the way to Summers Street.' "

The vision, of a man standing on a pile of garbage, was my first shock this month.

The second came while I was looking at the aerial photo being used on the cover of the Sunday Gazette-Mail's State Magazine today.

It is possible that all this has happened in just 33 years? What tremendous vision has brought this about? A vision shared literally by thousands and thousands of persons?

I remember the Christmas Season of 1942. I was home on furlough from the service and trying to get some last minute shopping done downtown. Salvation Army bell ringers there were, sure, but on practically every street corner and stretched up and down the blocks in between were Morris Harvey students shaking little paper cups.

They weren't begging. They were challenging.

"Help build Morris Harvey!"

Charleston helped! And helped! And helped! It's still helping. And the helping no longer is confined to Charleston. It has become statewide and to a degree, nationwide.

From 1901, when the name was changed, until 1934, when Morris Harvey closed its doors for the last time at Barboursville, the college went bankrupt.

From 1935 and a half-dozen classrooms on the third floor of the public library, to February, 1968, Morris Harvey has become the largest private four-year college in West Virginia, in total number of students and also in the number of students from West Virginia. More teachers are graduated from Morris Harvey than from any other private college in the state.

And the end of the vision is not yet.

Right now, Morris Harvey is in the middle of another campaign. It is called Phase One of the Morris Harvey Advancement Program. I would call it Phase One of the Continuing Morris Harvey Vision.

Phase one includes a new library building, a performing arts wing on Riggleman Hall, further development of the Blackwell Athletic Field, and enlargement of the King Physical Education Building.

Phase Two will seek to build two new dormitory units—one for men students and one for women students, plus purchase of adjacent land as it becomes available to insure adequate room for growth in later years.

Phase Three will seek to build up a substantial endowment fund to provide income for upgrading faculty and staff salaries, and strengthening other academic activities and programs of the college.

Impossible?

Twenty-five years ago—even twenty years ago—I would have said that anyone who hammered out those goals had to be smoking pot.

Not any more. I've just realized what vision can do when you turn it loose in Charleston.

RESPONSIBILITY IN GOVERNMENT

Mr. LONG of Missouri. Mr. President, last year Senator DIRKSEN and I introduced S. 924, a bill to amend section 9 of the Administrative Procedure Act of June 11, 1946 (60 State. 238), to clarify and protect the right of the public to fair and impartial agency practices, and for other purposes.

The objective of this bill was to eliminate a widespread practice in government which we have labeled "trial by government publicity."

Shortly after our bill was introduced, the Federal Trade Commission instituted a change in their press release policy. When the FTC issues a press release announcing that a complaint has been filed, the press release contains the following statement:

A complaint is issued whenever the Commission has found "reason to believe" that the law has been violated and that a proceeding is in the public interest. It is emphasized that the issuance of a complaint simply marks the initiation of a formal proceeding in which the charges in the complaint will be ruled upon after a hearing and on the record. The issuance of a complaint does not indicate or reflect any adjudication of the matters charged.

A recent issue of the Wall Street Journal contains an article commenting on an FTC complaint against Koppers Co. The merits of this case will be determined at a subsequent hearing before the Federal Trade Commission; neither the Subcommittee on Administrative Practice and Procedure nor its chairman have any interest in its outcome. What is of interest to us, however, is the fairness with which this issue has been handled by the FTC. The third paragraph of the Journal article specifically states that "issuance by the FTC of a complaint means that the Commission, after an investigation by its staff, has found reason to believe that the law was violated." The Journal also reports that "the charges don't constitute a finding that Koppers violated the law."

The Subcommittee on Administrative Practice and Procedure intends to hold hearings on S. 924. In the meantime, we believe the FTC is to be commended for the lead it has taken in trying to present a fair and accurate picture in the releases which it issues.

I ask unanimous consent to insert the Journal article at this point in the RECORD.

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

FTC CHARGES KOPPERS MONOPOLIZED OUTPUT OF IMPORTANT CHEMICAL: AGENCY STATES FIRM KEPT U.S. PIPE OUT OF RESORCINOL MARKET—COMPANY DENIES ALLEGATIONS

WASHINGTON.—The Federal Trade Commission charged Koppers Co. with illegally monopolizing the manufacture and sale of resorcinol, a chemical compound with a variety of industrial uses.

The commission alleged that Koppers has used "persuasion, intimidation, threats, coercion, price cuts and long-term requirements contracts" to maintain its monopoly. A prime example, the FTC charged, was Koppers' use of "such acts and practices" to discourage U.S. Pipe & Foundry Co. from entering the resorcinol market.

The charges don't constitute a finding that Koppers violated the law. Issuance by the FTC of a complaint means that the commission, after an investigation by its staff, has found reason to believe that the law was violated.

Koppers said it believes the FTC accusations "don't state all of the pertinent facts and the company doesn't believe the allegations to be accurate representations of the action."

More than a year ago, Koppers said, after consulting with the commission's staff, the company voluntarily changed certain contracting practices referred to in the complaint. "This had the effect of insuring that the market is open to competition," the company said, so it believes the FTC action is "unjustified."

CHANCE TO ANSWER

Koppers has 30 days to file an answer after which the staff will present its evidence and Koppers its defense at a public hearing. The commission, on the basis of this public record will decide whether Koppers violated the law. If it finds the company guilty, it would issue a cease and desist order against the practices. Any such order could be appealed to the courts.

Koppers, based in Pittsburgh, is a large manufacturer of coal tar products, chemicals and other products. U.S. Pipe, based in Birmingham, Ala., is a major producer of pipe, castings and other items.

Resorcinol is an organic compound produced by the fusion of benzene, sulphuric acid and caustic soda. The FTC said resorcinol, or resins and adhesives produced from it, are important in the manufacture of rubber tires and belts, laminated wood products, certain dyes, pharmaceuticals and explosives.

The agency noted that Koppers, for the past 15 years, has monopolized commercial production of resorcinol in the U.S. This is in violation of the Federal Trade Commission Act, which bans "unfair methods of competition and unfair or deceptive acts or practices in commerce." The complaint asserted that other substantial competitors would be making resorcinol, "were it not for certain unfair methods of competition and unfair acts and practices" of Koppers.

Despite the alleged Koppers' effort, U.S. Pipe in April 1965 announced it would build a resorcinol plant.

The complaint said that two Koppers officials in March 1965 went to Birmingham "for the purpose of discouraging" U.S. Pipe from proceeding with plans to build a resorcinol plant. The complaint alleged that the Koppers officials, at a conference with U.S. Pipe officials expressed the hope U.S. Pipe wouldn't enter the resorcinol market and painted a gloomy picture of U.S. Pipe's prospects in the market.

Moreover, the Koppers officials threatened drastic price cuts if U.S. Pipe entered the market, the complaint alleged. Further, according to the complaint, the Koppers officials said that if U.S. Pipe abandoned its resorcinol plans Koppers would be interested in a joint venture to build a benzene purification plant to channel U.S. Pipe's benzene into the commercial benzene market instead of converting it into resorcinol.

KOPPERS PRICE CUTS

Thereafter, the FTC charged, Koppers offered price reductions of as much as 31% in certain grades of resorcinol. The reductions, however, were offered only to large purchasers who would contract to purchase between 80% and 100% of their resorcinol requirements from Koppers for three to five years, the complaint said. It charged that Koppers pressed its customers to sign such contracts and succeeded in signing up a major share of the market. The complaint also alleged that Koppers secured the agreement of two resorcinol sales agents that they wouldn't handle any competitive resorcinol for three years.

The complaint said that, "among the effects" of Koppers' attempts to discourage competition was "the failure of U.S. Pipe to establish itself in the commercial resorcinol market as an alternate producer and viable competitor."

The complaint asserted that Koppers' position as the sole commercial producer constitutes "a potential hazard to the health, safety and well-being of the American people." It noted that manufacture of resorcinol is dangerous due to the risk of explosion and that the resorcinol plant of Hayden Chemical Co. was accidentally destroyed in 1951, which left Koppers the only producer.

BAN ON IMPORTATION OF HAND GUNS—CONCURRENT RESOLUTION OF SOUTH CAROLINA LEGISLATURE

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed in the RECORD a concurrent resolution of the South Carolina Legislature, memorializing Congress to consider legislation necessary to ban the importation of hand guns with the exception of guns manufactured prior to 1900, which would be identified as antique firearms.

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

S. CON. RES. 665

Concurrent resolution to memorialize the Congress of the United States to consider legislation necessary to ban the importation of hand guns with the exception of guns manufactured prior to 1900 which would be identified as antique firearms

Whereas, a dangerous increase in crime, violence and murder has developed in this country; and

Whereas, concurrent with this increase there has been a vast importation of foreign hand guns, official records showing that one million six hundred fifty thousand of these weapons were imported from 1962 to mid-1967; and

Whereas, the low prices and easy availability of these imported weapons have led to their wide distribution; and

Whereas, Captain Harry Snipes of the Columbia Police Department has reported that in a period of four months and thirteen days of last year one thousand nine hundred ninety-seven hand guns, the majority of which were imported, were sold within two blocks of the State Capitol; and

Whereas, many law enforcement officials are convinced that the wide distribution of foreign weapons is contributing substantially to our present increase in crime involving weapons. Now, therefore, Be it resolved by the Senate, the House of Representatives concurring:

That the General Assembly of South Carolina does hereby memorialize the National Congress to take necessary steps to ban the importation of hand guns into this country and consider legislation leading thereto with the exception of guns manufactured prior to 1900 which would be identified as antique firearms.

Be it further resolved that copies of this resolution be forwarded to the members of the South Carolina Congressional Delegation.

THE BUDGET DEFICIT AND THE MORAL DEFICIT

Mr. DODD. Mr. President, James Reston, in his always illuminating column, was particularly perceptive the other day when he discussed the Vietnam war and the case for a tax increase. He calls it the moral argument for raising taxes. I was most impressed by this article, and I would like to share it with my colleagues.

We are engaged in a most important and at the same time costly war in Vietnam. Many of our young men are making the difficult sacrifice of fighting this war under the most unpleasant of circumstances. Others, tragically, have made the supreme sacrifice and their loved ones will never forget them or what they have done there.

Yesterday I delivered the eulogy at the funeral of a young marine who was recently killed in Vietnam. This boy meant a great deal to me. I will not soon forget the fact or significance of his great sacrifice, and it will surely live with his family forever.

Very few demands have been made upon the general population in connection with the war in Vietnam. Yet when it became known some time ago that a tax increase might be necessary this year to help defray the enormous expense of this war, a tremendous hue and cry went up which reverberated against all corners of our land.

Reston writes:

No nation ever fought such a vicious war in the midst of such sacrifice by some of its

people and so little sacrifice by the rest. The American people are not indifferent to this spectacular contrast between the men at the front and the people at home, though they know the facts more than they feel the hurt in the heart.

I commend Mr. Reston for his brilliant analysis in the hope that more of us may gain the perspective that he has demonstrated in this column.

Mr. President, I ask unanimous consent that the full text of the article mentioned above be inserted in the RECORD at this point.

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

WASHINGTON: THE BUDGET DEFICIT AND THE MORAL DEFICIT

(By James Reston)

WASHINGTON, February 15—The economic arguments for and against a tax increase are ending in a miserable stalemate, but the moral argument for raising taxes has scarcely been debated.

There is no such thing as an equal war, and the Vietnam war is more unequal than most. Over 800 Americans have been killed there in the last two recorded weeks. Another 10,500 men have been flown to the battlefield in the last few days, and General Westmoreland wants more.

Meanwhile, adding to the inequality of sacrifice, some of the reserves have been called up while others of the same age and experience have not. The military draft takes the poor and leaves the educated rich, and in order to meet some of the urgencies of the conflict, some men who have survived one year's tour of duty in Vietnam are being sent back for another.

JOHNSON AND MILLS

Yet the economists and politicians argue endlessly and fruitlessly about the tax rise as if the budget deficit were everything and the moral deficit nothing. The President negotiates with Wilbur Mills of the Ways and Means Committee as if Mills were the head of a foreign state. The argument between those who want to raise taxes and those who want to cut Federal spending, has gone on for months and it can go on indefinitely as long as it is left to the arguable mysteries of economics.

In this situation, the case for doing what is fair, what helps to share the burden, what is right deserves at least a hearing alongside what is best for the economy. The life of the nation goes on for most people as if there were no war. In fact, it has fired the boom and created another crop of industrial millionaires.

INFLATION AND DEFLATION

President Johnson has not asked for much in relation to the cost and startling inequality of the war. He is faced with a $33-billion deficit. His war tax, if passed, would reduce this by $13 billion. The Congress, which used to complain that the President exercised too much power in the legislative process, is now asking him to do its job of legislating the cuts; both sides are playing politics with the problem, and the economists are hopelessly tangled in a dispute about whether inflation or definition is the problem.

PLIGHT OF THE TRAVELERS

In economic terms, of course, it is a fair enough debate. Industrial production, according to the latest figures out this week, is down a bit, and this is taken by Senator Proxmire and his anti-tax faction as evidence that we may be headed for the skids. The arguments against taxes on travel are now drowning out the Administration's case for improving the international balance of payments—think of the terrible plight of the poor travelers in Europe this summer; consider the infringements on personal freedom and the inconveniences of the beleaguered tourists homeward bound and broke next August!

There is, of course, a point to all these arguments, though it is hard to make to a drafted "traveler" in Vietnam. The tax burden on the salaried middle class is high. The economy is a little uncertain. The proposed restrictions on foreign investment and foreign travel are awkward, but no nation ever fought such a vicious war in the midst of such sacrifice by some of its people and so little sacrifice by the rest.

The American people are not indifferent to this spectacular contrast between the men at the front and the people at home, though they know the facts more than they feel the hurt in the heart. This time the television cameras have shown them the unspeakable brutalities of war. And yet even the casualty lists have not moved the Congress to vote the funds needed to share the burden even a little bit.

THE PHILOSOPHIC QUESTION

The reason for this is that the larger philosophic questions of the war have somehow got lost in the technical debates over money. The dollar balance-of-payments question gets discussed. The budget deficit is debated ad infinitum. But there is also an unpaid human balance of payments and a human deficit in this war, and neither the Council of Economic Advisers nor the Ways and Means Committee has anything to say to us about them.

THE COPPER STRIKE

Mr. FANNIN. Mr. President, this past weekend the President's special factfinding panel on the 7-month-long copper strike issued its report.

The mountain has struggled mightily and brought forth a molehill. We know little more than we knew more than 3 weeks ago when the President appointed this extralegal body. Now we have only a recommendation which is being studied by both sides. Meanwhile the idle workers in Arizona still are out of work. The small businessmen continue to suffer losses. And the Nation's war effort as well as its balance-of-payments problem continue to be imperiled all because the President is apparently afraid to offend his union boss cronies for the good of the Nation and of the American worker. The public is still the loser.

I have stated repeatedly that the President has the power to end the economic hardships and deprivations being suffered by the copper miners who are pawns in the hands of power-hungry union leaders. The President knows this. Still he refuses to act.

Now it has come to my attention that the copper ore to make up some of the deficiencies caused by the strike comes from Communist countries.

The President is calling for a travel tax reputed to recoup some half billion dollars while inconveniencing millions of Americans; but he refuses to end the copper strike that is costing us at least twice that much in the premium price domestic fabricators are forced to pay for imported copper.

Will the President let these damaging influences go unchecked until after the elections? If so, the damage done may never be repaired. Indeed, the present economic losses will never be recovered by the average copper miner.

Mr. President, I ask unanimous consent to have printed in the RECORD excerpts from a letter relating to the seriousness of the copper strike. The writer is Mr. B. H. Gerwin, assistant to the director, State of Arizona Department of Mineral Resources. His thoughtful letter raises some points that are most pertinent to the problem.

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

THE COPPER STRIKE

It is indeed very depressing and distressing, in view of the war going on in Vietnam to read in the U.S. News & World Report of January 15, 1968 (page 78) that while there are 259,000 tons of copper in the Government defense stockpile:

"Government stock not available. A Commerce Department official said the Government does not plan to release copper from its defense stockpile, because it wishes to avoid union complaints of 'strikebreaking' ".

It also is very depressing and distressing to note that Fabricators' Refined Stocks reported by the U.S. Copper Association as of December 31, 1967 amounted to 479,572 tons, a figure higher than at the end of any year traced back for at least 25 years, except for the end of 1966 when stocks were 558,599 tons. Fabricators' stocks started increasing in June 1966 when the stocks were 460,848 tons and reached an all-time high of 641,083 tons in June 1967. It is apparent that a considerable tonnage of Fabricators' Refined Stocks are in plants tied up by strikes and that for the government to arrange to move such stocks to unstruck plants would be accompanied by union complaints of "strikebreaking".

It was a fairly evident assumption—as the signs all pointed that way—that with the majority of the mining, smelting and refining labor contracts expiring during the latter part of 1967 (with many expiring on June 30, 1967) the fabricators started further building up of their inventories through the importation of increasing tonnages beginning with the Third Quarter of 1966. The Department of Mineral Resources releases of June 21, 1967, July 11, 1967, August 14, 1967, October 9, 1967 (with report of September 1967) and January 10, 1968 pointedly stressed the fact that imports from foreign countries were increasing steadily beginning with the Third Quarter of 1966 as reports of the fall-off in European economy made it plainly apparent that Europe's demand for copper had decreased; that it was diverting to the United States copper that it normally would have received from Canada, Australia, Africa and South America; and that it was reshipping to the United States tonnages received from those sources which it could not use due to its worsening industrial climate. Furthermore, the "Arizona Republic" on February 7, 1968 (page 25) reported an AP dispatch from London that "British and continental Europe operations have been buying substantial tonnages of copper from East Germany and the Soviet Union to replace supplies they have shipped to the United States to take advantage of high copper prices there during its seven month copper strike," and that "U.S. consumers are prohibited from buying metal directly from East European countries."

A very harmful effect upon our adverse dollar balances has been due not only to our making tremendous abnormal purchases abroad which are contributing greatly to our dollar exchange deficit, but both our economy and our government have to pay an augmented price for the consumer goods purchased because of the high cost to the fabricator for foreign copper. Copper that was purchased abroad by fabricators has been bought on the London Metal Exchange, through dealers and merchants, and through

representatives abroad—and the price paid has not been the 38 to 39¼ cents a pound charged by the strikebound American mining companies but whatever price the traffic would bear.

During the last three months of 1966, copper purchased on the L.M.E. averaged 57.3 cents per pound. In 1967—the prices averaged:

	Cents per pound
1st quarter	53.9
2d quarter	46.1
3d quarter	46.9
4th quarter	52.6
On Feb. 7, 1968:	
Spot per Wall Street Journal	70.6
3 months per Wall Street Journal	62.1

The latest N.Y. Commodity Exchange Price available was 66.25 cents on February 7.

The latest N.Y. Merchant market price was a nominal 73.5 cents on February 7.

The American Metal Market of January 23, 1968, quotes Eduardo Simian, president of the Sociedad Minera El Teniente, S. A. as saying (page 10):

"Naturally I among my fellow-countrymen want to see an end of the Vietnam fighting. Of course Chile, within the bounds of propriety, is doing what it can 'to take advantage of the present copper prices in the interests of our economy'."

The "London Mining Journal" December 29, 1967 issue (page 491) states: "The outlook for copper changed dramatically in mid-1967.—Coincident with the improvement in supplies was a decline in the offtake of some consumer countries. At the period indications pointed to a world surplus for 1967 of about 147,000 tons. The L.M.E. price for copper which had opened the year at around L452 per 1. ton (Note—equivalent to 56.5 cents per pound), fell by mid-June to L352 per ton (Note—equivalent to 44.0 cents per pound) for three months' metal—In the second half of 1967 the predicted surplus was soon more than eliminated by the strike in the U.S. which broke out on July 15 and at the time of writing has resulted in losses estimated at between 700,000 and 800,000 tons of refined copper.—Early in November the L.M.E. price for cash copper again touched L500 (Note—equivalent to 62.5 cents per pound) and after devaluation it moved up to L570 (Note—equivalent to 61.1 cents per pound)".

Through December and into January quite a few firms reported the ability to keep going because of inventory accumulation ahead of the strike plus continuing imports at a very high price, but there was a consensus to the effect that this could not keep on.

Dr. James Boyd, president of Copper Range was quoted in the January 22, 1968 issue of American Metal Market as saying in part:

"To make up for the loss in domestic refined metal output consumers sharply increased their imports and high prices brought copper-bearing scrap out into the marketplace. The cost of copper imports, in excess of normal imports is now running at an annual rate of a billion dollars."

The inception of the strikes, fortunately for the country, coincided with a time when world demand was on the downgrade and world production was very much on the upgrade. An exhaustive study by the American Metal Market reported January 11, 1968 that "shortages are concentrated on certain shapes and sizes for which there has been the greatest relative demand," and that the most recent government estimate of when to expect the crucial copper shortage places its arrival in Mid-March.

Exhibit A attached hereto analyzes the "New Mine Production Entering the U.S. Pipe Line" for the January-November 1967 period compared with the January-November 1966. All foreign "refined" copper imported is assumed to be new-mined, although some may have been refined from scrap. At any rate it qualifies under refined copper specifications.

It will be noted that through November 1967, the returnable copper content of exports of ores and concentrates amounted to 48,761 tons. These were tonnages shipped to Canada and Japan under the Government's program of aiding some nonstruck mines to dispose of their concentrates due to the fact that their usual smelter contacts are down because of the strikes. This supplies additional smelter, refinery, and fabrication labor earnings for Canada and Japan (with concentrates also shortly to go to Las Ventana smelter and refinery in Chile) while our own workers are forced to stand aside.

An analysis of the Monthly New Mine Production entering the U.S. Pipe Line for fabrication—(which would not include Stockpile Releases or Scrap Copper) (Exhibit B)—presents the following comparison:

[In percent]

	From U.S. mines	From imports
Prestrike:		
January–June 1966	90.2	9.8
July–September 1966	84.0	16.0
October–November 1966	72.2	27.8
January–June 1967	[1] 81.6	18.4
Strike conditions:		
July (strike started July 15)	75.5	24.3
August	43.3	56.7
September	9.9	90.1
October	14.9	85.1
November	11.1	88.9

[1] Due to increase in production at U.S. mines.

Exhibit C—details the continental shipments of unrefined and refined copper to the United States and presents a supplementary breakdown of the shipments from the various countries of Europe. While the copper from Belgium most probably originated in the Congo and was refined at Oolon, Belgium, no copper was produced in the United Kingdom and Netherlands; and very little in West Germany, Finland, France and Italy; and not enough in Sweden and Spain to spare shipments from their own needs. Only Yugoslavia has the mining capacity and November 1967 was the first month in which they shipped refined copper to the United States. It is very evident that the United Kingdom, the Netherlands, Finland, Sweden, West Germany and possibly France, Italy and Spain are shipping to the United States copper that they imported from other continents and possibly replaced with copper they purchased from East Germany and the Soviet Union.

The February 2, 1968 issue of the Mining Journal states:

"A market convulsion resulted from news that L.M.E. copper stocks had declined by 4,225 tons following the dispatch of 4,200 tons to the U.S. Total stocks are now down to 10,825 tons, of which 9,275 tons is held in Hamburg. Nearly all of this is comprised of East German metal and under existing U.S. Government rules, cannot be shipped to America. At the present time it is hard to see where significant amounts of copper to replenish the L.M.E. stock are to be found."

While our domestic economy is being sadly disjointed—The Department of Mineral Resources, based on data secured from the Employment Securities Commission, has computed that in Arizona alone we are losing 1,750 tons of copper per day and that there are an average of 9,989 men out of work losing $7,213,063 per month in wages—the curtailed copper production in the United States has resulted in the sustained production of copper at practically all of the copper mines, smelters, and refineries elsewhere in the world—beyond the point where it would have been necessary for them to reduce production because of surpluses. While this may have enabled us to procure adequate supplies to tide us over seven months for many of our industrial and war requirements, there have been shortages of a serious nature and they will be an ever-increasing problem which will affect the war effort in more and more ways.

A subject for most serious thought—especially for Arizona whose economy is so dependent upon copper—is the future of copper mining once the strikes are over and once the Vietnam crisis ceases to exist.

Encouragement and financial aid given by our government agencies to governments abroad to increase their copper production have increased our dollar deficit and have resulted in maximum production at foreign mines—which they will expect to continue after our strikes are over. In order to maintain their maximum production in the absence of a great European demand they will want to continue their shipments to the United States at whatever prices they can get. (In 1954 our government bailed out Chile under similar circumstances).

This is substantiated by a paragraph on page 76 of the January 26, 1968 issue of the "Mining Journal" reading:

"Sounding a timely word of warning about present price of copper, British Metal Corporation, in its latest 'Review of Non-Ferrous Metals', notes that once the U. S. strike is over prices must move appreciably lower. The rate of decline would however, be controlled by the need for U. S. consumers to rebuild inventories though probably not up to the high levels of mid-1967. The pace of the fall might also be regulated by such factors as consumer demand in 1968 and any renewal of U. S. national stockpiling. Currently this stockpile amounts to some 259,000 s. tons compared with the official objective of 775,000."

Also to be borne in mind is the fact that the suspension of the copper tariff terminates on June 30th but that the low 85/100 cents a pound tax will not stand in the way of the flow of foreign copper into the United States.

Since foreign producers have had their hey-day during the strike both in the quantity shipped and the excessive amounts they have charged for the copper, American producers should be protected after the strike from undue importation of copper (except that received in bond for processing and re-exportation) especially until the defense stockpile is restored to 775,000 tons and until the inventories of our fabricators are established at pre-strike levels. This, of course, cannot apply in the case of foreign mines owned by American capital, shipping to their own American fabricators. To the greatest extent possible, let us divert all economic advantages to American miners and not to foreign miners.

Also to be further considered is the need of "the item in President Johnson's $79,789 billion overall defense budget which contains an item for the Defense Department to spend $146 million in 1969 to expand defense production under DPA authority. Much of that sum—$124 million higher than this year's total—is directly related to efforts to assure adequate supplies of copper for contractors making the bullets and artillery shells and casings for the Vietnam war". (See American Metal Market—January 30, 1968). Will this be necessary?

It is believed that after the strikes are over and it becomes no longer necessary to be concerned about excessive inventories, the problem might not be one of continuing our own American copper mining operations at maximum level. Instead it might be a saddened problem of lower prices and men out of work. This, of course, will not happen the day after the strike ends—but it may be in the cards!

We shall be pleased to be called upon for any additional assistance we may render.

Very truly yours,

B. H. GERWIN.
Assistant to Director.

REPORT OF INSPECTOR GENERAL—FOREIGN ASSISTANCE

Mr. FULBRIGHT. Mr. President, in 1966, during the Foreign Relations Committee's consideration of the Foreign Assistance Act of that year, I requested and received from the Secretary of State summaries of representative examples of the work that the Inspector General of Foreign Assistance had been doing to improve our foreign aid programs. This report was made a part of the record of the 1966 hearings.

Earlier this year, I had similar correspondence with the Secretary of State. In view of the general interest in this matter, I ask unanimous consent that this correspondence, together with the enclosed listing of examples, be printed in the RECORD at this point.

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

JANUARY 17, 1968.

Hon. DEAN RUSK,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: You will remember that in the spring of 1966 you were kind enough to furnish me with unclassified summaries of representative examples of the work of The Inspector General of Foreign Assistance. These summaries proved helpful to the Committee in its consideration of foreign aid legislation.

I would now be most grateful if you could send me an updated list of additional examples of the work of The Inspector General's office.

With best wishes, I am,
Sincerely yours,

J. W. FULBRIGHT.

FEBRUARY 2, 1968.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of January 17 in which you requested updated summaries of recent examples of the work of the Office of The Inspector General of Foreign Assistance. These summaries are attached.

In our opinion, it continues to be the case that the combined efforts of The Inspector General and the operating agencies are saving many millions of dollars. The results produced have amply confirmed the wisdom of the Congress in sponsoring the establishment of this office.

Sincerely yours,
WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

[From the Department of State]

SOME RECENT EXAMPLES OF THE WORK OF THE OFFICE OF THE INSPECTOR GENERAL OF FOREIGN ASSISTANCE (IGA)

AFGHANISTAN

In view of the United States balance-of-payments problem, IGA strongly recommended that the new P.L. 480 agreement with Afghanistan make provision for generating local currency for United States uses. Steps have now been taken toward this end, and the agreement will produce the equivalent of about $750,000 worth of afghanis.

ALGERIA

An IGA inspection team came upon sizable amounts of P.L. 480 foods—including 2,000 cases of cooking oil and 1,000 sacks of dry milk—which had never been distributed. Prompt corrective action was taken.

ARGENTINA

IGA inspectors walking through warehouses in the Buenos Aires port area found 18 large crates of tool kits which, although consigned to Paraguay under the military sales program, had been sitting on the docks in Buenos Aires for more than nine years. The kits were in good shape; they were still needed; and steps were taken to send them on to Paraguay.

BRAZIL

1. IGA invited the attention of the MILGROUP to large amounts of electronic gear which were going unused and which were excess to the needs of Brazil's armed forces. Some of this materiel had been in Brazil for as long as ten years, and issue rates were very low. The materiel thereupon redistributed included about 10,000 electronic tubes valued at over $150,000.

2. An IGA team visited a warehouse in Rio de Janeiro where, unbeknownst to the AID Mission, and contrary to what it had been told, U.S.-financed goods were being sold at auction. AID is now trying to find out just what has been auctioned, and to arrange with Brazilian authorities to get the proceeds deposited in the counterpart fund.

3. IGA inspectors visiting a highway project came upon design and construction practices which were threatening the structural integrity of the roadbed. New techniques were then adopted.

BURMA

An IGA audit revealed that AID had overlooked opportunities to deobligate monies on projects no longer supported by AID. About $14,500 were thereupon deobligated.

CHILE

IGA cited figures showing that Cooley Loan borrowers who had received Chilean escudos worth $685,000 were able to repay their loans with escudos worth less than $200,000. This was because the repayment terms of the loan agreements did not take sufficient account of the pace of inflation in Chile.

IGA said that borrowers were unduly favored by such arrangements. It urged that maintenance-of-value clauses, which compensated for depreciation of the escudo, be inserted in any future Cooley Loan agreements. Such clauses were then placed in new Cooley Loans which totaled the equivalent of about $360,000.

CHINA

When IGA examined the spare parts production schedule for Chinese Army vehicles, it found that many of the spares being made were either not needed or else that stocks sufficient to meet requirements for several years were already on hand. The production schedule was then revised to reflect real requirements.

DOMINICAN REPUBLIC

1. An IGA voucher analysis showed that AID money was being used to import large quantities of things which were either ineligible for AID-financing or else whose financing did not appear to be justified as a matter of prudent public policy. Among the items in question were champagne glasses, luxury foods, and other non-essentials. AID subsequently filed claims for more than $130,000 in refunds. Also, AID placed a number of new commodities on its list of items which are ineligible for AID-financing.

FRANCE AND GERMANY

IGA cooperated with the Pentagon in a review aimed at making sure that we were taking full advantage of opportunities to satisfy foreign assistance requirements with materiel which was made excess through the military closedown in France. An IGA visit to supply depots in France and Germany contributed to improved procedures for screening this materiel and putting it to the best use.

GUATEMALA

For months, the Peace Corps had been unsuccessfully seeking permission to transfer several jeeps it no longer needed to AID. IGA invited the attention of Peace Corps headquarters to this fact. The transfer was made promptly.

GUINEA

IGA noted that AID had an unspent balance of $130,000 on three projects which had been terminated sometime before. The monies were thereupon deobligated.

INDIA

1. IGA learned that CARE and other voluntary agencies needing rupees for the local administrative expenses of their food distribution programs were buying their rupees with dollars through normal banking channels, thus causing a balance-of-payments drain. IGA recommended that they instead buy excess U.S.-owned rupees from our Embassy. This was done. The contribution to the United States balance-of-payments exceeds $230,000 annually.

2. After visiting several power plants in Eastern India, IGA questioned the need for a proposed AID-financed $215,000 training program for power plant operators. AID thereupon reviewed the project and decided not to go forward with it.

3. IGA suggested that Title III foodstuffs be bagged with Indian-made bags, purchased with excess U.S.-owned rupees, rather than with bags purchased with dollars. AID developed a procedure for using rupees to buy bags made in India, and reported significant dollar savings as a result.

INDONESIA

IGA learned that dollars, rather than U.S.-owned near-excess Indonesia rupiahs, were being used to pay for transportation of Indonesian participants to the United States, for the local administrative expenses of voluntary agencies, and housing costs. Concerned with the U.S. balance-of-payments, IGA recommended that these expenses be met with U.S.-owned local currencies. This will be done.

KOREA

IGA suggested a course of action whereby, through an exchange of equipment, requirements for navigation aids at two Korean air fields could be met with equipment costing only $100,000—rather than a planned $1,000,000. The IGA recommendation was immediately adopted.

LAOS

1. Through an administrative oversight, some 150 tons of Bailey Bridge components to be used in Laos had been needlessly shipped by air from Tokyo to Bangkok. Additional air shipments were in prospect when IGA came upon the matter. The oversight was then corrected.

2. Inquiries initiated by IGA brought to light a $17,000 overpayment to a U.S. supplier which had come about because of a billing error. A refund claim is now being filed against the supplier.

3. IGA inspectors made detailed analyses of stock levels and orders of materiel in our AID program. They found several instances of where, although some commodity was going unused in one part of the program, identical commodities were being bought, and sometimes even airshipped, for other parts of the program. In a related matter, they observed that, although the AID Mission had on hand 800 five-gallon water bottles which had been purchased for $1.85 each through GSA, both the Embassy and USIS were buying similar bottles in Bangkok for $12.50 each. Corrective measures were speedily instituted.

LIBERIA

1. A $64,000 AID-financed purchase order for agricultural equipment was about to be signed when IGA questioned the need for

the equipment. A decision was then made not to issue the purchase order and the $64,000 was subsequently deobligated.

2. An IGA bookkeeping analysis brought to light $25,960 still obligated for a sawmill project—although the last expenditure on the project had been made in 1961. The money was deobligated.

MOROCCO

IGA commented favorably on country team efforts to make maximum use of U.S.-owned local currency, but found two AID contracts on which dollars, rather than U.S.-owned dirhams, were being used to pay for local expenses. This practice was immediately stopped. In the case of one contract alone, the U.S. balance-of-payments drain has thereby been reduced by about $170,000.

NIGERIA

1. Some $480,000 worth of Nigerian counterpart funds had been lying unused for three years, pending the outcome of discussions concerning possible use of the pounds for a scholarship program. At the same time, AID was using dollars to buy local currency needed for other projects. IGA urged that arrangements be worked out to permit these idle Nigerian pounds to be substituted for dollar expenditures in the AID program, thus reducing the drain on the United States balance-of-payments. AID agreed to do this.

2. IGA took exception to the practice of using petty cash funds to pay the salaries of large numbers of local AID employees. Steps were then taken to place the employees on regular AID payrolls or else to acquire their services through formal contractual arrangements.

PAKISTAN

IGA inspectors walking the docks in Weehawken, New Jersey, came upon 16 tons of chains which had been lost in transit to Pakistan and which had been sitting on a pier since 1965. The chains were sent to Pakistan after the matter was brought to the attention of AID.

PANAMA

1. An IGA team visited school buildings which exhibited numerous construction shortcomings. The AID Mission did not know that, in several instances, the time during which the builder was himself responsible for correcting these defects was about to expire. The USAID quickly adopted an IGA recommendation that the builder be asked to discharge his contractual responsibilities and make the necessary repairs.

2. IGA invited the attention of AID to several tens of thousands of dollars of laboratory equipment standing idle at health centers. Vigorous steps are underway to put this equipment to work.

PERU

1. IGA reviewed the construction plans for the La Molina Agricultural University and concluded that the proposed four-story student union building was needlessly lavish. The two top stories of the building were thereupon deleted from the plans, and will be built at a later date, if at all. AID estimated that the cost of the building will thereby be reduced by $1.25 million.

2. The AID Mission and IGA cooperated in a study of how contractor personnel were using motor vehicles. Corrective measures emerging from the study will enable transportation needs to be met with significantly fewer vehicles.

3. An IGA team visited a self-help housing project which had been dedicated some months before, and which had been regarded as finished. IGA found that the street lighting system had not been turned on since the dedication ceremonies and that, although the houses had been wired for electricity, no connections had ever been made between the houses and the electric lines in the streets. When it learned of these facts, AID suspended a final $16,000 payment to the project until the electricity problem was corrected.

PHILLIPINES

1. At a time when the United States was using dollars to buy Philippine pesos, thus contributing to the balance-of-payments drain, some $1.7 million of expired Cooley funds were going unused. IGA lent its support to Bureau of the Budget efforts to have these Cooley funds released for use in lieu of pesos purchased with dollars. This was done.

2. An IGA review of supply management practices in the military assistance program helped focus attention upon materiel which was going unused. Such things as tool sets, communications equipment, and electric generator sets were thereupon issued to military units; and such items as tire vulcanizers and space heaters were declared excess and made available for distribution elsewhere.

PORTUGAL

1. IGA inspectors reviewing the military assistance program in Portugal found a $14,700 degaussing machine for which the military mission had been searching for more than a year. Another search then undertaken by the mission brought to light a second degaussing machine, also costing $14,700.

2. IGA inspection pointed out that a C–54 mobile training unit, as well as a TACAN, were not being used by the Portuguese Air Force. Steps are now underway to put this equipment to use benefiting commercial as well as military air traffic.

SOMALIA

IGA studied the plans for an AID-financed agricultural training center near Mogadiscio and identified several design and construction features which appeared to be excessively costly. AID deleted these items from the plans.

THAILAND

IGA contributed to speeding the deobligation of some $500,000 which was no longer needed for the Accelerated Rural Development Program.

TUNISIA

1. IGA helped accelerate the deobligation of some $790,000 on a loan whose unspent balance was no longer needed.

2. The AID Mission moved vigorously to correct certain weaknesses in distribution controls over P.L. 480 Title III foodstuffs which had been identified in an IGA review.

TURKEY

1. IGA inspectors drew attention to about $700,000 worth of AID-financed commodities which had failed to clear customs. Corrective action was quickly taken.

2. The Peace Corps moved to tighten fiscal and supply controls in the Turkish program and to take greater advantage of Embassy support facilities after being invited to do so by IGA.

URUGUAY

There were plans for staffing a proposed educational television project with Peace Corps volunteers. It appeared to IGA that the station could not be completed by the time the volunteers were to arrive in Uruguay on the then existing schedule. Fearing that the volunteers might therefore have no work to do for several months, IGA suggested that the timing of the project be restudied. The Peace Corps then deferred the training of the volunteers and set a later date for their arrival in Uruguay.

VIETNAM

1. IGA made an intensive investigation of certain transactions in the AID-financed commercial import program involving an American supplier, Thomas Edison Higgins Enterprises, Inc., and a Vietnamese firm, Doanh Tin Cuoc. On the basis of facts developed by IGA, the head of the Vietnamese firm was jailed, the American supplier was suspended from further AID business, and the transactions are now under review by the Department of Justice.

2. During the fiscal year 1967, more than 80 percent of the import licenses issued under the AID-financed commercial import program were under $10,000 in value. Under the rules then prevailing, these licenses were not subject to normal AID procurement regulations concerning advertising and competitive bidding. IGA repeatedly maintained that these under $10,000 licenses showed a pattern of abuse, and urged that AID make them subject to normal procurement regulations. AID took steps to achieve the objectives sought by IGA.

3. AID suspended a United States supplier of steel products to Viet-Nam on the basis of information developed by IGA.

4. AID had spent about $100,000—at the rate of $490 a day—on a contract under which a barge was to take fresh water from the city of Saigon water system to ships berthed in the Saigon port area. However, because permission had never been obtained to make a connection from the municipal water system to the barge, no water had ever been delivered to the ships. Senior AID officials said they were unaware of this situation until IGA drew it to their attention. The contract was thereupon cancelled.

5. In one of its black-marketing investigations, IGA showed that a contractor employee had engaged in large-scale illegal currency transactions. The employee, who had in the meanwhile taken a job with another Defense contractor, was thereupon discharged.

6. IGA inspectors visiting the port of Qui Nhon invited the attention of AID to three barges which had been standing idle for almost a year. Steps were taken to send the barges to Saigon and put them to work.

7. IGA developed information showing that a Vietnamese businessman had been trying to buy howitzer tubes or anti-aircraft gun barrels under the commercial import program. Steps were taken to guard against the possibility of strengthening the military arsenals of the Viet Cong through the transactions in question.

8. AID-financed goods going to Viet-Nam under the commercial important program are supposed to be resold on the Vietnamese economy, through normal commercial outlets. Such goods have been marked with the standard AID emblem. Seeing the goods on sale in Vietnamese stores, many have thought—understandably but wrongly—that they were stolen or diverted. IGA recommended that goods intended to be resold commercially should be marked "May be resold in Viet-Nam." This is now being done.

9. An expensive synthetic yarn was entering Viet-Nam under the AID-financed commercial import program. IGA believed that the product was too expensive to merit AID-financing. Shortly thereafter, the price was substantially reduced by the manufacturer, and after representations from AID, reduced still further. Savings will approximate $200,000 per year.

10. IGA reported that $1 million worth of Dutch guilders, generated under early assistance programs to The Netherlands, were still earmarked for use in demagnetizing ships of the Dutch merchant marine. IGA recommended that we enter into negotiations with The Netherlands, toward the end of freeing these guilders for uses more in line with United States national policy objectives. An agreement was then reached with The Netherlands whereby these monies would be used to support a U.N. social studies project at Switzerland and whereby, in return, the Dutch would contribute, through the U.N., $1 million worth of guilders for social development projects in Viet-Nam.

USE OF EXCESS LOCAL CURRENCIES FOR AIR TRAVEL

IGA pointed out that an AID manual order requiring the use of excess or near-excess foreign currencies for buying airline tickets had overlooked dependents of AID contractor personnel. The order was thereupon amended to include them.

CHEAPER BAGS FOR FERTILIZER

Industry representatives collected data showing that specifications for AID-financed fertilizer bags resulted in unnecessarily expensive packaging. Congressional quarters credited the "speedy action" of IGA with contributing to a decision to buy less expensive bags. Savings to the taxpayer are expected to total over $1.3 million during the coming year.

GOVERNMENT-OWNED MACHINERY PROBE BEGINS TO PRODUCE RESULTS

Mr. SPARKMAN. Mr. President, last fall the Economy in Government Subcommittee of the Joint Economic Committee, under the chairmanship of my distinguished colleague, Senator PROXMIRE, looked into the efficacy of the controls exercised by the Pentagon over Government-owned machinery in the hands of private contractors. The amount of Federal dollars tied up in this machinery is a far from insignificant $15 billion. A General Accounting Office report had pointed up numerous instances of misuse of this equipment as well as inadequate controls over rental payments to the Government when the equipment was used for commercial work.

A recent article in Business Week indicates that the Defense Department is responding to criticisms of present machinery utilization policy by tightening up on its enforcement procedures. The ultimate beneficiary will be, of course, the American taxpayer.

As a member of the Economy in Government Subcommittee I ask unanimous consent that the Business Week article be inserted in the RECORD at this point:

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

PENTAGON LOCKS UP ITS TOOL SHED

The Pentagon is preparing tighter controls over government-owned machinery and tools on loan to defense contractors.

It plans to clear up confusion over how much such equipment may be used for commercial work without advance government approval. It also wants to re-examine the rentals it charges for such use.

The Pentagon is moving under pressure from the General Accounting Office (GAO), the auditing arm of Congress, and from the federal procurement subcommittee of the Joint Economic Committee. Senator William Proxmire (D-Wis.) heads both the subcommittee and full committee.

At the subcommittee's request, GAO checked into the handing of government-owned equipment at 21 defense plants and two university laboratories. The agency alleged:

Some contractors are using the machinery and tools in commercial operations without first obtaining "appropriate government approval" and without paying "equitable" rentals.

Records kept by some contractors on government equipment are not adequate to indicate the manner and the extent of use.

Some equipment sits idle for extended periods even though there are calls for similar machinery in other defense plants.

REVIEW

Initially, GAO reported its findings without naming the 23 contractors involved, because its main purpose was to review the adequacy of Pentagon equipment policies. Moreover, it checked only a small sample of the more than 5,000 contractors holding some $2.6-billion worth of government-owned machinery and tools.

But Proxmire called a news conference and named the involved contractors in order "to dramatize a bad situation." In doing so, however, he put most of the blame on the Pentagon—for laying down fuzzy regulations and laxly administering them.

As a result of Pentagon laxity, Proxmire charged, contractors have reaped windfalls by not paying adequate rentals and by overusing government equipment for commercial purposes, thereby gaining an advantage over competitors without such equipment.

Among the companies checked in the GAO inquiry were FMC Corp., Wyman-Gordon Co., Raytheon Co., Boeing Co., and TRW Inc. The University of Chicago and the University of Maryland also were involved.

Proxmire's statements touched off an immediate furor. The contractors denied wrongdoing and insisted they are operating properly within Pentagon regulations as they understand them. The Aerospace Industries Assn. (AIA) and Assistant Secretary of Defense Thomas Morris joined the contractors in a common complaint: Proxmire, they charged, had confused the public by not pointing out that the rental program—whatever faults may be found in its operation—is designed to save the taxpayers money.

SAVING CLAIMED

"By careful management of this equipment, assigning it to productive work rather than allowing it to remain idle, we have been saving the taxpayer well over $100-million per year in new equipment purchases during the past four years," Morris said.

Morris blasted Proxmire for portraying a "$60,000 case" as one of waste amounting to hundreds of millions of dollars. Morris said that in only five of the 23 cases cited by the Senator did the Pentagon find that contractors owed small additional rentals—$60,000 in all.

Nevertheless, the Pentagon acknowledges that some of the GAO complaints are valid. It plans to require contractors to keep better utilization records on government equipment, perhaps on a machine-by-machine basis, showing the extent and manner of its use. Contractors will have to do a better job of reporting excess machinery to the government so it may be shifted to needs elsewhere.

CONFUSION

The Pentagon also plans to clear up confusion over a requirement that contractors first get approval before employing government equipment for "more than 25% nongovernment use." The Pentagon will clarify whether this means 25% of the actual production time, as GAO insists, or 25% of the time the equipment is available, as contractors now interpret the provision.

In addition, the Pentagon is considering revising the basis for determining rentals on government equipment. GAO complained that rates are not uniformly applied and are not computed on a machine-by-machine basis.

GAO also took the Pentagon to task for not vigorously following its own proclaimed policy of encouraging contractors to spend their own money to replace old, inefficient government-owned equipment. At the agency's suggestion, contractors will hereafter have to state specifically when they seek new government equipment that they are either unable or unwilling to finance the modernization themselves. Defense officials then check to see whether the contractors are justified in their claim.

LITHUANIAN INDEPENDENCE

Mr. RIBICOFF. Mr. President, this month citizens of Lithuanian descent observe two anniversaries of great significance.

Seven hundred and fifteen years ago the Lithuanians established an independent state which preserved its freedom for many centuries, despite the aggressive ambitions of powerful neighbors.

Finally, in 1795, Russia annexed Lithuania, and not until World War I had ended—not until the Lithuanian people had undergone a harrowing occupation by the Germans—could they again establish an independent state. The date was February 16, 1918, 50 years ago.

The period of independence that followed was a progressive era in Lithuania's history. There was advancement on many fronts: in agriculture and industry, transportation, finance, education, and culture. But this period came to an end in June 1940, when Soviet Russia occupied the Baltic States. Since that time, the deportations, the unnecessary loss of life, and curtailment of freedom in these states have been unconscionable.

Mr. President, in this month of February, it is fitting that we mark these two anniversaries by recognizing the hope of free men everywhere for liberty and self-government. May they become a reality for all the peoples of the world.

REPORT OF THE DISTRICT ATTORNEY OF PHILADELPHIA

Mr. SCOTT. Mr. President, Arlen Specter, district attorney of Philadelphia, is one of the outstanding law-enforcement officers in American today. "The 1967 Report to the People of Philadelphia From the Office of the District Attorney" points out that while general major crime increased across the Nation by 11 percent in 1966, FBI statistics showed that the major crime rate in Philadelphia was reduced by 6.4 percent in that same year.

Preliminary figures for the first 9 months of 1967 indicate a further decrease of four-tenths of 1 percent.

Mr. Specter's concluding chapter in his report speaks eloquently of the need for law enforcement and the protection of individual rights.

I ask unanimous consent that this chapter be printed in the RECORD.

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

The ultimate goal of law enforcement is to stop crime. This objective is promoted by (1) certainty of apprehension; (2) prompt trials; (3) appropriate punishment; and (4) adequate rehabilitation.

REDUCING POLICE TIME IN COURT

The administration of criminal justice must seek new ways to minimize the time spent by the police officer in the courtroom, so that he may devote his time to fighting crime on the street. During the past year, the District Attorney's Office liberated thousands of hours of police time by drastically

curtailing police appearances before the grand jury. It was concluded that sufficient evidence could be presented for grand jury purposes in most cases by having a single officer testify from police reports.

In addition, there were more than four thousand lesser offenses tried in the Minor Case Program on stipulated testimony without requiring police officers' appearance. The Police Court Appearance Control Section, initiated by the District Attorney's Detective Bureau in 1967, saved additional police time by eliminating court appearances when the cases were otherwise not triable.

As a corollary, this Office has counselled the police on how to comply with the complex decisions of the Supreme Court of the United States. Guidelines have been circulated on subjects such as search and seizure, confessions, line-ups and other decisions relating to gathering evidence. When there is a failure to execute a search warrant properly or obtain other evidence in conformity with the constitution, there are defense openings which create additional pre-trial proceedings or prolong the trial itself. Guidance on the law, so that the police officer knows how to acquire the evidence, reduces his time in court. And, more importantly, successful prosecutions are not jeopardized by the exclusion of important evidence.

Through constant cooperation and daily contact, this Office and the Police Department are working out new ways for better counselling of the police and for minimizing the time which the officer must spend in court.

PROMPT TRIAL

Prompt trials are a vitally important factor in combating crime. Except in cases of murder in the first degree, every defendant has the constitutional right to bail pending trial. Prolonged time between a charge and trial is obviously undesirable, from both the view of society in general and the defendant in particular. The constitution guarantees each defendant the right to a speedy trial. Similarly, the administration of criminal justice should guarantee the community that the guilty will be convicted and sentenced with appropriate dispatch.

To obtain prompt administration of criminal justice, Philadelphia is urgently in need of a new court structure. During the past decade criminal trials have become substantially more complex. New decisions have enormously increased pretrial litigation. Expanded procedural safeguards have protracted the trial process. Appellate matters have increased by 1600 per cent in the past ten years. Recent decisions have compelled this Office to re-try some cases older than the trial prosecutor.

Judicial reform is indispensable if the administration of criminal justice is to keep pace with the recent decisions of the Supreme Court of the United States. Philadelphia needs consolidation of trial courts, a senior judge bill, more judges and additional courtrooms. Similarly, a new minor judicial structure is urgently required to replace the corrupt and inefficient Magistrates' Courts of Philadelphia. With lawyers presiding in a new Minor Court of Record, many lesser offenses could be tried immediately in order to reduce the backlog on the Court of Quarter Sessions. The Court could then concentrate its efforts on prompt dispositions on the more serious charges.

TOUGH SENTENCES AND DETERRENCE

During the past two years, the courts have cooperated with police and prosecutor by imposing tough sentences where warranted by the facts. More can be done, in the opinion of this Office, but a decisive improvement has been noted. An atmosphere has been created which makes it known to would-be offenders that severe penalties are likely to follow conviction for crimes of violence.

Evidence of this atmosphere comes from a number of sources. There have been increased demands for jury trials with the knowledge that the prosecution will insist on a substantial sentence after conviction. The 1967 report from the District Attorney's Detective Bureau contains this observation:

"According to detectives assigned to return these fugitives and their conversations with these defendants, it was apparent that the increase of persons taking flight to avoid prosecution was the District Attorney's 'Get tough policy' on persons charged with criminal violations, especially those who may have had prior convictions."

Effective deterrence is further indicated by the reduction of the major crime rate in Philadelphia while it has increased in the rest of the nation. In 1966, the major crime rate rose eleven per cent around the nation. It declined 6.4 per cent in Philadelphia. The most recent Federal Bureau of Investigation figures show that in the first nine months of 1967, the major crime rate declined an additional .4 per cent in Philadelphia while it increased in the nation as a whole by sixteen per cent.

Rape offenses dropped significantly during April, May and June of 1966 while there was substantial public attention on that crime because the courts were imposing heavy sentences at the same time the General Assembly was considering a new law on penalty. During those three months, reported rape offenses totalled 114 compared with 155 for April, May and June of 1965. Continued emphasis on the prosecution of rape cases has been marked by an increase in the conviction rate and a reduction in the number of rape offenses.

REHABILITATION

Finally, to complete the picture of crime prevention, the community must devote appropriate resources to the rehabilitation process. Except in a relatively small number of cases, it is a reasonable expectation that those convicted will one day return to society. It is folly to spend so much time and effort to catch and convict and so little time to curing. Our rehabilitation facilities are far behind the times.

In a long-term effort to improve this situation, extensive legislative proposals have been suggested by this Office. The public spotlight was focused on the defective delinquents in 1966 when there were mass releases from the Correctional Institution at Dallas. A comprehensive plan has been proposed to deal with such defectives. Similarly, a rehabilitation program has been proposed for those exhibiting assaultive characteristics including the sex offenders.

A key aspect of crime prevention involves care and attention for the juvenile offenders. This Office has recommended extensive legislation to satisfy the legal requirements of *Gault* and to meet the equally-pressing problem of appropriate care for juveniles.

A substantial volume of crime is caused by the user of narcotics or other dangerous drugs. Efforts of the District Attorney's Citizens Committee on Alcoholism and Drug Addiction, coordinated with other civic agencies, may be on the brink of success in bringing a residential treatment center for drug addicts to eastern Pennsylvania.

Similarly, medical treatment rather than punishment is urgently required for alcoholics. By the time of publication of the next Annual Report by the District Attorney's Office, it is likely that the Supreme Court of the United States will have imposed new standards on the way law enforcement may deal with alcoholics. Through the efforts of a number of civic agencies, the Police Department and this Office, a program has been formulated to reverse the revolving door in order to provide appropriate medical care rather than the inappropriate tank of confinement for habitual alcoholics. When it is noted that almost half of the arrests in Philadelphia are for intoxication, it is obvious that such a program is needed not only in the name of humanity, but also to liberate the police officer to spend his time combating crimes of violence.

There is no more important problem facing our nation or our city than law enforcement. For society, it means law and order on the streets. For each man, it means protection of his individual rights. By looking forward to the goals of the future, as well as concentrating on the immediate problems of the present, the job can be done.

MONEY GOES ELECTRONIC IN THE 1970'S

Mr. LONG of Missouri. Mr. President, the January 13, 1968, issue of Business Week contains an extremely interesting article entitled "Money Goes Electronic in the 1970's." The article goes into great detail about the potential for arriving at an era which is commonly referred to as the checkless, cashless society."

My Subcommittee on Administrative Practice and Procedure held hearings last year on the subject of "Computer Privacy." Recently, we resumed hearings on this same subject, and began to explore this checkless, cashless society from the standpoint of the loss of individuality—or privacy—which will, no doubt, affect the American citizen.

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

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

MONEY GOES ELECTRONIC IN THE 1970'S

Money, as Emerson once said, represents the prose rather than the poetry of life. Yet to many people, few things are more dearly personal: Knowledge of a man's bank account is like a thrust into his heart.

Consequently, even the business of banking manages to capture the public's imagination once every couple of generations. The last time was in the 1930s, when a device known as the "bank failure" attracted long lines of people.

Today, the banks are stirring public interest again, but in a different way. Cocktail party lawyers are arguing that if a mistaken bank computer denies an account holder's identity, a court may rule against him because the computer is more reliable. Elderly widows are writing to local newspaper columnists to ask how they will be able to live when banks abolish checks. And in the Midwest, some churches have staged credit card burnings on the ground that so much credit is sinful.

In reality, computers haven't been in court yet, checks will be around for many years and the churches may or may not be right. But if the public seems a bit madcap, so, in the late 1960s, do the banks.

Soul searching. Myriad credit cards have been flooding the mails. Consumer, corporate, and retailing services are proliferating. Computer programmers are working on scores of projects—all in relative ignorance of what the other fellow is up to. And banking's top management is immersed in orgies of soul searching.

The reason for all this is that the banking industry now faces profound change: It is poised on the edge of a futuristic era of superautomation and supercredit variously called "Moneyless Banking" or the "Checkless, Cashless Society."

Bankers have lately taken to calling it, more accurately, a "less-check, less-cash society." But by whatever name, what they mean is a nationwide electronic payment and bookkeeping network in which com-

puter blips replace most checks and currency.

Shock waves. The topic is No. 1 on nearly every banker's lips. Even so, they are hardly aware of the shock waves they are setting in motion. Moreover, given banking's tendency to back into change like a confused centipede, the steps are halting, the mood uneasy.

Paperwork threatens to paralyze banking's present network for transferring funds. Radical alteration in this central nervous system will bring a thorough overhaul in bank operations and will precipitate deep changes in the nature of money itself. But the repercussions of an upheaval so vast among the nation's 14,000 banks, which hold more than $400-billion in deposits, won't stop there. Among the changes coming in the next two decades:

A single identification card will replace cash in all but a few minor transactions.

Credit will become more readily available, changing many buying and borrowing habits. Also, hidden interest rates, now masquerading as such things as cash discounts, will emerge, and people will be encouraged to play rates much as housewives play supermarket sales.

Banking's "float" will disappear. Common tactics to get free short-term loans, such as overdrawing checking accounts for two or three days, will vanish. Similarly, corporate cash managers will have to devise new investment strategies for their surpluses when the "time value" of all money will have its price tag and idle funds become an anachronism.

Economists will devise new indicators based on daily statistics from computers. And the Federal Reserve Board will find more specific and effective methods to steer the nation's credit.

Service fees will provide the banks with an increasingly larger share of their profits, including fees for services yet undreamed of. Asks Norman McClave, Jr., a senior vice-president of Chicago's Northern Trust Co.: "Are we a banking system or a communications system, or some weird combination of the two?"

Banks will move into collision courses with other industries. Battles have already been joined with the insurance industry, accountants, investment bankers, mutual funds, loan companies, retailers, and service bureaus. Soon banks may clash with communications and publishing companies, computer makers, and perhaps with the Federal Communications Commission. The stake: regional computer utilities of integrated finance, information, and time-sharing services.

Public and political outcries will arise over whether computerized credit ratings and data storage encroach on individual rights.

New concepts of banking regulation will evolve.

STEMMING THE FLOOD

The slogans, if catchy, are misleading. Money won't vanish in Moneyless Banking; coins, some currency, and probably some checks will persist in the Checkless, Cashless Society.

Cash will endure for two reasons. One, there will always be roasted chestnut vendors and people who hawk umbrellas in the rain; they just can't operate with charge cards and bank accounts. Two, people will pay cash for small items for the same reason they don't write checks to buy chewing gum: The bank service charge would double the price.

In a broad sense, however, money has become merely financial information. The change to come is in the transportation of it.

Money now travels almost exclusively by paper (dollar bills, checks, credit card slips, drafts). These billions of pieces of paper are in turn hauled by messengers, trucks, and airplanes all over the country. While passing through scores of hands, even more paper is generated (bills, invoices, notices of insufficient funds, loan applications, deposit slips, withdrawal slips, statements). Banking's pipeline is about to choke on paper.

Avalanche of checks. According to a study made for the Federal Reserve by the Stanford Research Institute, nearly 20-billion checks—just checks—moved through the banking pipeline last year. It cost the banks, account holders, and the Fed $3.7-billion to put these checks through some 20 different operations—from sorting and transporting them to stuffing them into envelopes along with monthly statements. Check volume will double in the next decade, and handling costs are likely to increase even faster as the system gets more jammed.

Computers are no newcomers to this scene; they have helped speed up the Great Paper Shuffle in banks' back rooms for the past decade. Testimony to this is the set of odd numbers on the bottom of checks—the Magnetic Ink Character Recognition (MICR) system which the Fed made obligatory for commercial banks last fall. But the computers haven't diminished the amount of paper a whit.

Pressures. Behind the paper flood is the shift in the industry's center of attention since World War II: It has moved away from wholesaling services for big, exclusive clients to retailing them for the public. The banks' courtship of consumers has been encouraged by continual pressure on the "spread" between what banks pay for money and what they charge to lend it. The pressures come from the increasingly competitive capital markets, and from the growing savvy of corporate money managers who hate to leave funds sitting in interest-free demand deposits. For their profits, the banks have had to move deeper into consumer loans, where rates run up to 18% a year.

The ordinary citizen has thus emerged as a major market for credit in a snowballing consumer economy. This means that banks are doing money puzzles with ever smaller and more numerous pieces—packaging minute savings balances into giant loans for corporations, and distributing fly-speck loans to thousands of John Does. It would be a slow, agonizing, and squinty-eyed game—without computers.

The vital link

Enter the third-generation computers. They are more than high-speed paper shufflers; they have huge memories and message-switching abilities that enable them to communicate. But systems designers feel it's not enough just to move the financial data called money from back to bank electronically. Paper originates during transactions, and the more people (writing checks, filling out deposit slips, keypunching data cards) get between the transaction and the computer, the greater is the chance for errors and breakdowns in the system.

The solution, argue the systems designers, is to bring the computer right into the transaction. Paper could be jettisoned entirely if terminals—all linked to bank computers—were installed in stores, homes, and offices. A transaction in the Checkless, Cashless Society would be merely an entry, tapped out in a twinkling, on, say, a Touch-Tone telephone device.

National hookup. On this concept, visionary bankers and computer experts want to build a nationwide electronic network of instantaneous bookkeeping and financial services that would be connected with everybody, much as the telephone network is now. The computer would become an omnipresent, indispensable "third man" in the exchange of money.

Such a system would cut 5¢ or more from the 13¢ it now costs to process a check, according to W. P. Livingston, a vice-president of New York's Bankers Trust Co. and chairman of the American Bankers Assn.'s committee on payment systems. Further, banks often extend credit in the course of transferring payments (for instance, when an account is overdrawn), and this can double the processing cost. All told, says John J. Clarke, a vice-president of the Federal Reserve Bank of New York and an authority on electronic banking, "A direct funds transfer system in 1975 could at best save 17½¢ per transaction on average."

MAKING A START

It's amazing how close the banking industry is to the Checkless Society now. "We've had parts of our business society operating on a checkless basis for some time," says Chemical Bank New York Trust Co.'s John P. LaWare, marketing vice-president. "So it's clear that we're not being driven into the Checkless Society by the computer, but that we're pushing the computer into delivering us that kind of society."

Numerous savings institutions already have computer terminals that enable tellers to process deposits, withdrawals, and mortgage payments automatically. The Bank of St. Louis has established an "on-line" empire of sorts: To update savings and mortgage accounts instantly, it has hooked to its computer 59 banks, savings & loan associations, and credit unions as far away as 250 miles.

Most large commercial banks have been doing payroll computations for companies for years. The banks still cut paychecks, but for about 4% of the population—mostly top executives—they will deposit the paycheck or send it to another bank. The step to crediting accounts automatically, without cutting a check, is an easy one.

Customer services. Since 1965, San Francisco's Wells Fargo Bank has been hooking branches to its computer center with a system for verifying customers' checks. The teller uses a Touch-Tone phone device made by Bell Telephone and gets a voice response from the computer. Now Wells Fargo is converting to printouts that will show a customer's entire bank relationship, including data on savings accounts, Christmas Club deposits, and loans. The bank hopes to have all of its 220 branches connected by Teletype by the end of the year. Similar projects are under way all over the country.

Some bankers have taken the next big step: pre-authorized payments, whereby customers give their banks standing instructions to pay recurring bills automatically. Banks in Philadelphia, Louisville, and Canton (Ohio) have started such programs with local electric utilities. The difficulty is enticing customers to participate without offering them some discount for paying instantly—a device many insurance companies have used for years.

Trial runs

An Opinion Research Corp. survey has found that telephone banking and automatic loan payments are particularly fertile areas for banks to explore. Beyond that, banks are still largely in the dark about customer incentives and preferences. Clarke of the New York Fed says that "no one really knows what he's talking about" when it comes to electronic bank services "until we run some pilots."

The American Bankers Assn. has been scouting communities all over the country to find sites where merchants and bankers will agree to a trial. Two possibilities: Waterbury, Conn., and Worcester, Mass.

The only real pilot project so far was an intriguing nine-month experiment by the Bank of Delaware. Though relatively small ($165-million in deposits), the bank was one of the first in the country to put all its accounts into a central computer.

Experiment. The bank connected five Wilmington shoe stores to its computer by specially-equipped telephones. It then selected 200 of its customers who frequented the stores and gave each a plastic card with

coded holes that could be "read" by the phones.

The computer kept the books for the stores, but did no automatic transferring of funds; it merely billed the customers each month. Walter E. Trabbold, vice-president and comptroller, who instigated the program, hopes eventually to include additional shops and doctors and to verify credit, post transactions, compute salesmen's commissions, and the sales analyses and inventory control.

The plans of the American Bankers Assn., under the guidance of its director of automation, Dale L. Reistad, are more ambitious. Reistad, who epitomizes the industry's bright new breed, wants to try a Checkless Society in miniature—in effect, seal off an entire town as much as possible, tie it all together with electronics, start some services, and see what happens.

Lots of towns seem willing; so are computer hardware and software suppliers and Bell Telephone. But the ABA is stumbling on a familiar problem: money. ABA's Livingston estimates that a pilot will cost from $2-million to $5-million—or roughly the entire annual dues income of the association.

Death of a gimmick

An important victim of an electronic fund transfer system will be banking's "float"—the millions of dollars in transit among banks on any given day. Many people "play the float" regularly by writing checks for money that isn't in their accounts and covering the overdraft two or three days later. In effect, this creates an interest-free loan. Many merchants and small businesses survive on this.

As George W. Mitchell, one of the Fed's seven governors and a leading apostle of electronic banking, explains it, the game is to collect fast and pay slow. "Some people," he notes, "want their checks to go by dogsled."

Useful lag. Corporations use the time lag in the pipeline, too, though in more sophisticated ways. For example, a cash manager with accounts around the country might switch balances by depositing out-of-town checks—thereby doubling his money while the checks navigate the pipeline—and then invest in Treasury bills, say, over the weekend or even overnight. Such maneuvers account for a significant slice of net earnings for many companies.

In theory, this surreptitious borrowing costs banks a lot of money. In fact, from $1-billion to $2-billion of float is in the Fed's own pipeline each day, enabling the banks to play the same game with their Fed accounts.

It won't be easy for the public, business, or the banks themselves to give up the cherished institution of float. But computers will eliminate it by making payments instantly and keeping close tabs on deferred payments. Eventually, the time value of all money in an electronic economy will have its price: Every postponed payment will become a loan.

Unsettling. This will have some interesting repercussions. For instance, universal interest rates will put great pressure on banks to give bonuses on amounts left in demand deposits, or to drop the distinction between demand and savings accounts entirely. Interest on demand deposits, however, was banned by banking reforms of the 1930s: It was considered one of the many causes of that era's bank failures.

Obviously, the public must be educated in the ways of electronic money. On the one hand, is the vast majority of people who have bought the banks' 30-year sales pitch on the convenience and record-keeping value of checks. On the other are the people who staunchly avoid or misuse bank services: Those who keep their money in mattresses, or pay all bills in cash, or who are afraid of loans and charge accounts. Also in this group are the debt addicts; last year, 191,709 people filed for personal bankruptcy because their debts got out of hand.

Security problems

Because of bad debts and frauds, an automatic payment and loan network will require built-in protection that is both automatic and foolproof. The problem of verifying a cardholder's identity poses a major technological challenge to the Checkless Society.

A score or more companies are working on a variety of techniques. They include such giants as Polaroid, IBM, RCA, Control Data, and Addressograph-Multigraph, as well as smaller outfits such as Sibany Mfg. Co., Cybernetics Development, Inc., Iden Corp., ICV, Inc., Creative Patent & Licensing, R. D. Products, Inc., Dashew Business Machines, Rushell Systems (a joint venture of Sheller-Globe Corp. and Rusco Industries), and Sprague Electric Co.

The potential market is enormous: Besides the credit industry, everyone from airlines and Pinkerton's to a slew of government agencies, including the CIA, is interested in personal identification systems.

Checking credit. Another key security topic is personal credit ratings. These, too, will have to be computerized for quick and automatic access. Dark issues lurk here.

As a whole, the retail credit bureau industry—which is mostly controlled by local stores—has yet to come of age. In many cities, credit files are incomplete. There are few, if any, controls on who examines the files or how the data are interpreted.

To develop a model computer system for this largely backward field, the Associated Credit Bureaus of America is helping to underwrite a system at Dallas' Credit Bureau Services, one of a six-state chain of 45 bureaus owned by Dallas' Chilton family.

Another company is way out ahead, though, and frankly wants to build a nationwide empire. Los Angeles' Credit Data Corp., which is not owned by stores and has had computers for two years, serves banks, retailers, and oil and loan companies throughout California. It will soon automate in Detroit, and it has already put down roots in New York.

"The safe extension of credit, until now, has been limited by the ability to get accurate performance data," says Dr. Harry C. Jordan, president of Credit Data. "The credit bureau industry has not kept pace, with automation." In New York, Credit Data won the contract to design an on-line credit check system for banks serving some 19-million people in the metropolitan area. In the process it beat out some interesting competitors, including Ultronic Systems Corp., Dun & Bradstreet, and Western Union.

Squeeze. Some bankers feel the credit bureau business is a natural adjunct of their operations. Finance companies, for their part, are terrified: They fear that if banks take over the credit file and information exchange field, it will be the first step toward eliminating loan companies altogether. Finance companies are already getting pinched by the banks' moves into consumer credit. C.I.T. Financial Corp. was the first to start hedging its bets. In 1965, it bought New York's Meadow Brook National Bank, which in turn bought Bank of North America last year (and changed its own name to National Bank of North America).

Visions of 1984

Outside the credit industry there is considerable concern over the extent to which on-line computer systems will breach individual privacy. A storm is already brewing over the proposed National Data Center in Maryland, which would combine the files of all government agencies into one accessible memory core.

Certainly there are some serious questions still to be answered about the future of personal, computerized ratings. What, for instance, should go into an accurate measure of a man's financial responsibility: How much he drinks? Who is to have access to the data? Will a person be alerted whenever someone examines his file? Will he be told who is investigating him? What recourse will he have if there is an error in the system?

Controls. The solution to these problems lies, of course, in the computer itself. Complex controls of the most unbeatable sort can be programmed into an electronic network. By way of contrast, there are no controls over today's manual filing systems nor over the guesswork that goes into judging a man's credit worthiness. Indeed, the public is hardly aware that retail credit bureaus exists at all.

No one grasps the importance of controls better than Professor R. M. Fano, who heads Project MAC at the Massachusetts Institute of Technology. MAC is the mammoth model-building effort that will eventually yield a prototype for regional computer utilities. Fano believes that the utilities' systems "may well have long-lasting effects on the character, composition, and intellectual life of a community." He warns: "Once a system starts evolving preferentially in certain particular directions, work in those directions will be favored."

Fano and others who share his concern thus feel that great care and foresight must go into building credit information networks. Many young systems designers tend to be exclusively interested in efficiency. The danger is not so much of evil, but of miscalculation.

CREDIT CARD MESS

All these problems, from consumer preferences to security measures, are enough to make many bankers yearn to retire. But then there's the credit card miasma.

A nationwide electronic bookkeeping network will require a standardized financial identification card and numbering system. Social Security cards might prove adaptable. But first the banking industry and its credit card competitors must sit down to hard talks on an imposing question: Can we get there from here?

Scars of competition. The credit card scene is now a nightmare. The rivalries are multidimensional—not only among banks, but between the banks and retailers, oil companies, car renters, airlines, and food stores. Either cataclysmic shakeouts or considerable compromises must come if the Checkless Society is to follow.

There's nothing new about retail credit cards; they have existed since the 1930s. Then early in the 1950s, several tiny but progressive banks took the industry's first plunge into "charge account" arrangements with small stores: Paterson, N.J.'s Paterson Savings & Trust Co., Franklin National Bank on Long Island, and Preston State Bank in Dallas.

Big banks moved later in the decade. Retail credit card plans designed by Philadelphia's Girard Trust Bank and New York's Chase Manhattan failed utterly. California's Bank of America, Georgia's Citizens & Southern, and New York's Marine Midland suffered staggering costs, large credit losses, and general operational chaos—but survived. This is the card game's traditional baptism of fire; those plans are now hip-deep in profits.

Bandwagon. In the last two years, everyone and his uncle started cards. By the Fed's last count, 627 banks were offering plans. The amount of credit outstanding under these cards is fast approaching $1-billion.

Every bank, of course, hopes its card will become the one everyone in the country will eventually carry. So far, the Bank of America, the world's largest bank, seems to have gotten a jump by franchising its BankAmericard to other banks. The card is now carried by more than 5-million people in 18 states, and BofA is heading overseas. Its card is now interchangeable with Britain's Barclaycard, run by Barclays Bank, and BofA agents are exploring the Continent.

The bank's head start has the rest of

the industry running scared. The threat, though, may be a blessing in disguise. "Banks are notorious for not working together," notes Franklin Stockbridge, senior vice-president for marketing of Los Angeles' Security-First National. Yet industry-wide cooperation is a basic prerequisite for any national electronics payment system. Until now, the MICR numbering system on checks was the only evidence that banks could agree on anything. But now some interesting alliances have sprung up.

In California, for example, 79 banks have banded together to issue their own Master Charge Card. Led by four majors—United California, Wells Fargo, Bank of California, and Crocker-Citizens—the group has formed a clearinghouse for their network, the California Bankcard Assn. Combined, their card carriers nearly equal BofA's 2.4-million card holders in California.

Chicago, too, has seen a measure of cooperation. Late in 1966, First National of Chicago, Harris Trust & Savings, and Central National—plus their correspondents in three states—organized an interchangeable card and clearinghouse system under the name Midwest Bank Card. Two others—Continental Illinois National Bank & Trust Co. and the Pullman Bank & Trust Co. group—decided to stick with their own cards.

Big scramble. Just before Christmas, 1966, the big race started: All the banks hit the mails with 5-million cards. Armed with sheaves of mailing lists, many overlapping, they indiscriminately sent the cards all over the lot in an attempt to get a piece of the juicy holiday sales.

The ensuing tale is shattering. The postal system clogged; cards disappeared; frauds swept the city. Amateur swindlers teamed up and roamed the stores, buying goods under the $50 limit (above that price the stores checked with the banks). Banks' losses were huge: Harris Trust's second-quarter earnings in 1967 plunged 9.1%. By July, the partners in Midwest Bank Card had to recall all their cards, revamp their system, and send out new cards by registered mail.

New dimension. Still another alliance is developing, one that already has national dimensions and could ultimately dwarf BofA's licensing network. Marine Midland Corp., the Buffalo holding company that has 11 banks in New York State, has instigated a plan whereby many banks around the U.S. would honor each other's cards. All the cards bear an "I" for "Interbank Card."

The genie behind the scheme is Marine Midland Executive Vice-President Karl Hinke who presides over Interbank, Inc. So far the other banks include all 79 in California's Master Charge group, plus banks in Oregon, Wisconsin, Arizona, and Pittsburgh's Mellon National and rival Pittsburgh National. Others, such as the Midwest Card group, have been talking to Hinke. Banks in Boston, Baltimore, and Louisville, may join soon.

Challenge. Marine Midland still has a tough nut to crack: the New York City market, where the only bank charge card is First National City's Everything Card. Citibank learned from the Chicago debacle: It sent out only 1-million cards in August to its best credit risks, and limited the mailing to two to a customer. Still, the cards were unsolicited, and many New Yorkers faced the problem of whether to try to burn them or chop them up in the meatgrinder.

Marine Midland Grace Trust Co., one of Marine Midland's holdings, doesn't want to tackle a market as vast and complex as New York by itself. It has been studying a joint card plan, originally with four other banks. Two—Bankers Trust and Irving Trust—have since dropped out; they don't want to start a credit card under any circumstances. Manufacturers Hanover Trust and Chemical Bank New York Trust are still in, but the study is suspended while Chemical looks over another plan offered by Uni-Serv, Chase's old family-service card that American Express Co. eventually picked up in 1965.

Amexco has also tied its prestigious travel card into 217 bank schemes to give cardholders the option of postponing payments beyond Amexco's own 30-day limit. The banks print their own logos on the back of American Express' familiar gladiatorial vignette and offer revolving "Executive Credit" lines of $2,000 and up. That way the lenders get action in the travel and entertainment field, where Americans splurge $30-billion a year. American Express, meantime, stays out of the banking business, keeps its cash free, and avoids loan risks. Rival Diners' Club has failed to get a similar bank plan off the ground—though it services one Eastern bank card behind the scenes.

The travel card companies don't expect much bank card competition. They are betting that retail cards will stay in the hands of housewives, while their market is the bon vivant and expense account crowd. Even in an economy of universal electronic payments, where retail and travel cards could become interchangeable, the travel card companies feel they are invulnerable. One reason is that if banks try to offer worldwide services to low and middle income customers, they say, the banks will get smeared with bad debts.

Setting restrictions

Following the proliferation of bank cards, numerous states have passed or are considering credit card legislation, both criminal and civil, to protect consumers. After the Chicago fiasco, for instance, Illinois decided that a cardholder's liability was nil if he lost an unsolicited card, but that he was responsible for the first $75 worth of fraud if he had asked for the lost card. And in Washington, Representative Wright Patman (D-Tex.), a solitary but persistent banking gadfly who chairs the House Banking Committee, introduced a bill last August that would ban unsolicited cards and put ceilings on the debt that can be charged to them.

The public has devices of its own, besides the fire and meatgrinder. Groups in California and the Midwest have started "cash card" movements to pressure merchants into giving them discounts. If the merchant pays a bank 3% to 5% on a credit card sale, they argue, why can't cash customers get the same discount? They feel strongly that cash customers are subsidizing the advent of the Cashless Society.

ANOTHER APPROACH

The banking industry itself is split over credit cards. Another school, of which the leading adherents are Los Angeles' Security-First National and New York's Chase Manhattan, prefers to issue "check guarantee" cards in conjunction with personal lines of credit that allow a customer to overdraw his account—at, of course, the omnipresent interest rate of 1% to 1½% a month. A variation on this is First National Bank of Boston's Bancardchek, which works like traveler's checks with a bank identification card thrown in.

This approach, which has attracted several banks, including New York's Irving Trust and Bankers Trust, isn't necessarily anti-Checkless Society; it may well prove to be simply another road up the same mountain. Nevertheless, a feud is on.

Proponents of credit cards argue that banks may as well start weaning the public from checks now. And they feel that with a credit card they may be able to get to the 35% of the population that has never had a checking account. These people aren't all hobos and hippies; they include more than 3-million families with annual incomes over $7,000.

The check-guarantee school's philosophy is to build flexible new services on the checking system, rather than to replace checks themselves. They have some big arguments:

Banks make more money, points out Security-First National's Stockbridge, by not maintaining two parallel systems, one for checks and one for credit cards.

Credit cards don't eliminate paper—they increase it. And paradoxically, they increase check volume, too. Charles A. Agemian, executive vice-president of Chase and one of the most caustic critics of banks' credit card binges (which he marks down to "herd instinct"), argues that for the most part, credit card sales replace cash sales, and the bills are eventually paid by check. Of course, check-guarantee plans replace some cash sales, too.

Guaranteed checks and overdraft privileges make the step to pre-authorized payments an easier one, says Harold B. Hassinger, executive vice-president of Boston's First National. That's because the customer needn't have the cash in his account at the time.

Big department stores with their own cards have so far given no indication that they'll ever agree to join bank card plans.

Stumbling block. This last fact could prove an enormous stumbling block for the banks, and has played a large role in past failures of bank cards. For instance, when Minneapolis' two largest banks, Northwestern and First National, tried cards in 1958, "the experience was horrendous," remembers Philip B. Harris, Northwestern's executive vice-president. None of the city's "big five" merchants—Dayton's, Sears, Penney, Donaldson's and Wards—would participate. Yet the "big five" control a major chunk of the city's retail market. The banks, which could only sign up small stores, lost their shirts and finally sold off the card plans in 1960 to Economy Finance Corp. of Indianapolis.

The fact is, big department stores have a big banking business of their own going—which they aren't likely to relinquish easily.

Whether they make much direct profit on it is another matter. They clean up on revolving and installment accounts (on which they charge interest), and lose heavily on 30-day charge plans (on which they don't). Sums up Richard Sprague of Touche, Ross, Bailey & Smart, the accountants that specialize in the retailing industry: "Most retailers lose money over-all on their credit business." Two big exceptions: Sears and Penney.

TRB&S, along with Booz, Allen & Hamilton, are leading accountants to the banking industry, too. Some day, they may find themselves chief mediators between the two giants. But it will be a tough job.

The holdouts

Retailers know there's more to their card plans than just interest rates. For one, cards give them an identity and image in the shopper's pocketbook: A woman with a Macy's card goes to Macy's—and often comes back, in person, to pay the bill, which increases sales all the more. Secondly, retailers who care about customer relations don't want some cold, snobbish banker in the middle if something goes wrong. Thirdly, they consider the information in their customer files pure gold for sales analyses and mail promotions.

All this makes department stores less eager to join in a single system than other industries with cards—oil companies, for example. Mobil has begun accepting bank cards: Though Mobil must pay the banks' discount, the cards vastly increase its service station business. Shell accepts Bank-Americard in California.

Grocery chains are more stubborn holdouts—and are contemplating their own charge plans. Only St. Louis's Mercantile Trust Co. has gained a toehold in this field: It has tied some food stores to its computer to identify customers' credit and check-cashing cards. Meantime, some department stores with established cards are now eying their small specialty food departments and are considering a counter-offensive against the banks: expanding their food departments to supermarket size.

Some industries are vehemently against cards altogether, including vending machine makers, into whose products the public drops some 90-million coins a day. But even these ranks aren't solid. Canteen Corp. has come up with a machine that takes credit cards.

A LOOK AHEAD

Whatever happens with credit cards, other moves can definitely be plotted within the next decade. For one, the Fed will begin tying its computers to those of big-city banks. It's already considering a satellite for transmissions among its own regional offices. This project might well evolve into a Comsat-style company, with communications companies, hardware suppliers, and perhaps the public sharing ownership.

Meantime, commercial banks will plunge into pre-authorized payments, and many retail outlets will get terminal hookups with bank computers. Within 10 years, a few people will start getting bank data phones for their homes.

New patterns. Certainly, the shape of the banking industry could undergo great changes. If bank services are as convenient as the nearest telephone, branch banking could eventually wither; in states where laws prohibit branching and many independent neighborhood banks have sprung up—such as Florida, Illinois, and the Great Plains states—telephone banking may encourage many mergers.

The cost of sophisticated computer systems will encourage mergers, too, among medium-sized urban banks. No one who understands banking, though, seriously expects all 14,000 banks to coalesce into a monolith on the order of AT&T, at least not in the few centuries. As it is, the 1966 Bank Merger Act is currently under heavy fire from the Justice Dept., and any attempted merger may get mired for years.

As for rural banks, Fed Governor Mitchell, for one, doubts they will be swallowed up because of the industry's curiously lopsided shape: A full 82% of the nation's deposits are in only 15% of the banks. That means that small-town and country banks have markets too small to entice urban giants. The small banks can still get data processing through their correspondent relationships. In some areas where rural bankers especially distrust city slickers, computer coops are getting under way.

Wary S&Ls. Commercial banks' cousins (and rivals), the savings banks and savings and loan associations, will have to make sure they aren't left out of an electronic payments network. New York University's Dr. Paul S. Nadler, a leading adviser to and student of banking, raises the question: "Will a savings and loan association be given the right to generate savings through automatic movement of funds from individuals' demand deposits into its own checking account [at a commercial bank]? In practice, this is no different from the automatic payment of utility bills."

Nadler hypothesizes that commercial banks, like utilities, might be "forced to act as common carriers do in the transportation business—having to accept business from any and all comers."

Will the public ever do anything but talk to computers in a Checkless Society? One of the great themes of this century is that technologies should liberate people to become more human, but that they may be dehumanizing them on the way. Most bankers are aware that their industry must seek ways to promote personal contact in an electronic banking era. George Mitchell, for instance, wonders if bankers might not become living room financial consultants, a bit like the more tactful examples of insurance agents. Many in banking foresee their business becoming more and more an advisory one.

Electronic money could present many sociological opportunities. Fano at MIT speculates about the possibility of reducing punishments for tax evasion, for example, as the odds of getting caught increase. ABA's Dale Reistad, in quiet moments, has begun to ponder ways that the lower third of the population can be taught to manage personal finances more effectively—perhaps by bankers who might be recompensed from the savings the government stands to make in a checkless system by not printing, sending, receiving, and storing the 552-million checks it now issues each year.

Monumental task. The sheer complexities of designing an electronic money economy are more than most mortal brains can bear. A certain discouragement is inevitable. "It would take thousands of man-years to convert what everyone wants to computers," says Continental Illinois' Joseph B. Fitzer.

If the banking community wants to avoid an enormous duplication of effort as everyone tries to computerize the same services independently, it may have to make some quiet deals with the Justice Dept. For this reason, some outside the industry are considering sponsoring total bank systems, predesigned, that would be leased throughout the industry.

Most big banks are likely to resist this sort of intrusion, whether it's economical or not. Extemporizing on the future of the computer utilities, which would provide many services above and beyond banking, MIT's Fano says: "The system, on the surface, must appear to the customer to be a single national system; but underneath, technically and organizationally, it doesn't have to be." On the other hand, he feels that "having a specialized system isn't economical. The private computer system will disappear faster than companies' own power plants" when public electric utilities came into being.

Who'll take charge?

No one has any idea who will inherit such a huge new industry. Certainly, those who would like to design and lease bank systems intend to stay in the running. Western Union is one; at least one computer maker is studying the angles. So far AT&T has shown no sign that it wants to provide computer power for others, but it hopes to hold onto the communications lines and to claim a major portion of the rich computer terminal field. Even publishing giants have a stake in the future of the computer utility. The question that visionary bankers are chary of voicing, but that haunts them nonetheless: Why shouldn't the banks themselves be the heirs?

Two lawsuits, little publicized, but highly significant, give some glimpse of the future. In the Twin Cities, a Minneapolis service bureau, Data Systems, Inc., teamed up with the Assn. of Data Processing Service Organizations to bring suit against St. Paul's American National Bank & Trust Co. for selling "nonbanking" computer services. In Providence, R.I., another service bureau is suing Industrial National Bank for the same reason, after the bank took over the city's ailing data processing department. The Minneapolis action was also aimed at the Comptroller of the Currency, William B. Camp, who frankly feels banks should be able to provide new services related to banking, but who refuses to be drawn into discussing legal nuances. The court threw out the case on a technical point this week.

Fading boundaries. The key word is "related," and the courts will likely be a long time untangling its meanings once they come to grips with the issue. The problem is that in a world of high-speed information, "there is no boundary that you can set that is meaningful between one activity and another," says Fano. Traditional industry demarcations are breaking down. The fact is—legal opinions aside—everything is becoming interrelated.

Banks have been performing services peripheral to their saving-lending-fund transfer business for years. All across the country, banks do payroll computations for companies, inventories, accounts payable and receivable for stores, lockbox remittance services for oil and insurance companies, realty management for landlords, accounting for doctors and dentists, and mortgage servicing for corporations.

Philadelphia's Fidelity Bank has been running a computer service bureau since 1961, now collects $1-million a year in fees. Besides performing correspondent services, it does subscription fulfillment (for several Chilton Co. publications), stock transfer work, brokerage accounting, and golf handicapping for the 26,000 members of the Golf Assn. of Philadelphia at $2.50 a head.

In Dallas, Preston State Bank, in a stratagem to gain new accounts, operates a travel agency and a ticket agency for local theatrical productions. One result: When the Beatles appeared in Dallas last year, several thousand people stormed the bank.

Helping Hand. Continental Illinois' Joseph Fitzer says that "for a good customer, we'll entertain any situation that comes to us"—but he emphasizes that the service must be "related" to some normal banking function, no matter how loosely.

The limits are fuzzy indeed, and the frictions are becoming very real. The National Assn. of Insurance Agents sued to stop Georgia's Citizen & Southern from selling insurance. In Massachusetts, a group of travel agents is suing South Shore National Bank for buying a travel agency. In New York, First National City's mutual fund, a natural extension of consumer banking and investment trust operations, has been outlawed by the courts. But Citibank is maneuvering to tie a rider to a bill in Congress to get the law changed.

Meantime, another bill has been introduced to keep banks out of the accounting field; most big accounting firms would just as soon the banks took over the drudgery of accounting so they themselves can move more deeply into management consulting—but many small accountants feel their livelihoods are threatened.

Since the 1930s, banks have been able to underwrite only Treasury securities and municipal general-obligation bonds. At the urging of the industry, the Senate Banking & Currency Committee recently passed a bill that would allow banks to underwrite tax-exempt revenue bonds, too. The bill has now reached Patman's committee in the House, and Wall Street's investment bankers are fighting it tooth and nail.

Troubling questions

Two factors set banking apart from all other industries. It can get money, in huge quantities, more cheaply than anyone else—if only by creating credit. Thus, it exercises an undeniable influence over every other in-industry in the country. Banking also is privy, as financial fiduciary, to reams of crucial information about communities, companies, and individuals.

Just what banks might do with such resources, of course, has been a subject of speculation for centuries. Indeed, in a letter to Elbridge Gerry, the Massachusetts governor and U.S. Vice-President (under Madison) whose name survives in the word "gerrymander," Thomas Jefferson once wrote that "banking institutions are more dangerous than standing armies." They have also proved themselves, over the decades, to be responsible pillars of the nation.

"Theoretically," points out Robert Chaut, president of M. A. Schapiro & Co., the leading U.S. dealer in bank securities, "the banks can do anything." That they have stuck to banking is due mostly to their long-standing conviction that to own industries or to lead nations is to flirt blindly with that capricious wench, Dame Fortune: Kings and economies may rise and fall, but the lender and his spread presumably go on forever.

Whither now? Banks are now bidding to become, in Chaut's words, "the octopi of finance." Behind the bid is a new conscience

in banking, the business that helps all other companies grow. That conscience is asking an understandable, and proper, question: "Why can't banks grow, too?

It may take 20 years for all the pieces of the so-called Checkless Society to be assembled and synchronized. It may take half a century. The process will bring Olympian struggles and Olympian misunderstandings that may kill the electronic economy when it's only half way home. But, as is usual for Americans, the excitement—and the opportunities—will lie in the dynamics of change itself.

LITHUANIAN INDEPENDENCE

Mr. PERCY. Mr. President, in 1918, Lithuanian independence was reestablished. In 1940, that independence was desecrated.

What was done 50 years ago must not be forgotten. What was done 28 years ago must not be forgotten.

And free men will not forget, just as those who have lost their freedom cannot forget.

Today, as we recall the tragic recent history of Lithuania, let us who live in freedom draw strength from the perseverance and courage of the Lithuanian people who have kept alive their national spirit under the most trying and heartrending circumstances.

When I visited Lithuania just 2 years ago, I rejoiced to find that the national spirit was still strong. Let us pray that this spirit will one day be rewarded with a rebirth of freedom.

INTERNATIONAL HEALTH, EDUCATION, AND LABOR PROGRAMS

Mr. YARBOROUGH. Mr. President, I am pleased to announce the establishment of a special subcommittee under the Labor and Public Welfare Committee—the Special Subcommittee on International Health, Education, and Labor Programs. Serving on this new subcommittee with me will be the distinguished senior Senator from Oregon, Senator MORSE, the junior Senator from Rhode Island, Senator PELL, the senior Senator from New York, Senator JAVITS, and the junior Senator from Vermont, Senator PROUTY. The formation of this subcommittee is the culmination of a year of active interest in America's role and responsibility in this area and I would like to thank especially the distinguished chairman from Alabama, Senator HILL, and the chairman of the Education Subcommittee, Senator MORSE, for their support and cooperation.

The first business of this subcommittee will be S. 1779, a bill which I have introduced to establish a quasi-governmental corporation to provide open support for private activities in health, education, labor, and related welfare fields. I ask unanimous consent that this bill be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. YARBOROUGH. Mr. President, I have already heard from private organizations, and representatives of foundations and government programs expressing an interest in testifying at hearings.

We will be particularly interested in three areas: First, the nature, amount, and effectiveness of current international activities by private organizations; second, the need for governmental assistance; third, the role of an independent agency such as the Foundation proposed, in increasing both the quality and quantity of the private sector's effort.

OUR NATIONAL INTEREST

Our vital national interest in this field is well established. For 15 years the Central Intelligence Agency, following National Security Council initiatives, contributed millions of dollars to private organizations involved in international affairs. Although this CIA funding, with all its negative implications, has rightly been stopped, no one can doubt our continuing national interest in seeing private involvement grow.

This interest was further affirmed by the special Presidential Committee established last year after revelations about CIA funding of private organizations. Their report, signed by HEW Secretary John W. Gardner, CIA Director Richard Helms, and Under Secretary of State Nicholas Katzenbach, stated:

It is of the greatest importance to our future and to the future of free institutions everywhere that other nations, especially their young people, know and understand American viewpoints. There is no better way to meet this need than through the activity of private American organizations.

WHO WILL MEET NEED?

The question is before us whether this national need will be met. Newspaper reports indicate that the Government has terminated its covert support but is undecided on any new way to meet the need. The New York Times of December 18, 1967, and the Washington Post of December 19, 1967, reported that after 1 year of study the Presidential Commission is deadlocked and will do nothing. I ask unanimous consent that those two articles be printed at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. YARBOROUGH. Mr. President, the amount of support that will be available from the private sector is also in doubt. When organizations 15 years ago were unable to obtain support from private sources, they turned to the Government and received CIA funds. Because the CIA used businessmen and foundations as conduits for their support, the private sector received credit. But now that support must be more than in name only, we must ascertain whether American industry and philanthropy will accept this responsibility. Several organizations have informed me that attempts to raise funds from our largest foundations and corporations have been difficult.

This subcommittee will be particularly interested in determining what existing Government agencies and others will do to support our private organizations' efforts because we are determined that their need will be met.

Only then will we be able to meet the world's real need for cooperation in constructive ventures with people in the developing areas. As Sargent Shriver has observed:

There is a world election now under way on every continent. The "voting" takes place outside the election booths. The "returns" are measured in terms of people fed, jobs found, schools built, children educated, bodies cured, and economies growing.

There are those who believe we cannot win that election. But we must at least declare our candidacy. And I believe that we can win it.

EXHIBIT 1

S. 1779

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

ESTABLISHMENT OF FOUNDATION

SECTION 1. (a) There is hereby established as an independent agency of the Government an International Health, Education, and Labor Foundation (hereinafter referred to as the "Foundation").

(b) The Foundation shall be composed of a Director and an International Health, Education, and Labor Council (hereinafter referred to as the "Council").

(c) The purposes of the Foundation shall be to establish and conduct an international health, education, and labor program under which the Foundation shall provide open support for private, nongovernmental activities in the fields of health, education, and labor, and other welfare fields, designed—

(1) to promote a better knowledge of the United States among the peoples of the world;

(2) to increase friendship and understanding among the peoples of the world; and

(3) to strengthen the capacity of the other peoples of the world to develop and maintain free, independent societies in their own nations.

DIRECTOR OF FOUNDATION

SEC. 2. (a) The Foundation shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate. The person nominated for appointment as the Director shall be a distinguished citizen who has demonstrated exceptional qualities and abilities necessary to enable him to successfully perform the functions of the office of the Director.

(b) The Director shall receive compensation at the rate prescribed for level II of the Executive Schedule under section 5311 of title 5, United States Code, and shall serve for a term of five years.

(c) The Director, with the advice of the Council, shall exercise all of the authority granted to the Foundation by this Act and shall serve as chief executive officer of the Foundation.

COUNCIL

SEC. 3. (a) The Council shall consist of eleven members to be appointed by the President, by and with the advice and consent of the Senate. The persons nominated for appointment as members of the Council (1) shall be eminent in the fields of education, student activities, youth activities, labor, health, scientific research, or other fields pertinent to the functions of the Foundation; (2) shall be selected solely on the basis of established records of distinguished service; and (3) shall not be officers or employees of the Government of the United States. The President is requested, in the making of nominations of persons for appointment as members, to give due consideration to any recommendations for nomination which may be submitted to him by leading private associations, institutions, and organizations concerned with private activities in the fields of health, education, and labor, and other

welfare fields related to the purposes set forth in the first section of this Act.

(b) The term of office of each member of the Council shall be six years, except that (1) the terms of the members first appointed shall expire, as designated by the President, three at the end of two years, four at the end of four years, and four at the end of six years after the date of enactment of this Act; and (2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. No member shall be eligible for reappointment during a two-year period following the expiration of his term.

(c) The members of the Council shall receive compensation at the rate of $100 for each day engaged in the business of the Foundation and shall be allowed travel expenses as authorized by section 5703 of title 5, United States Code.

(d) The President shall call the first meeting of the Council and designate an Acting Chairman. The Board shall, from time to time thereafter, select one of its members to serve as Chairman of the Council.

(e) The Council shall meet at the call of the Chairman, but not less than once every six months. Six members of the Council shall constitute a quorum.

(f) The Council (1) shall advise the Director with respect to policies, programs, and procedures for carrying out his functions, and (2) shall review applications for financial support submitted pursuant to section 4 and make recommendations thereon to the Director. The Director shall not approve or disapprove any such application until he has received the recommendation of the Council thereon, unless the Council fails to make a recommendation on such application within a reasonable time.

(g) The Council shall, on or before the 31st day of January, of each year, submit an annual report to the President and the Congress summarizing the activities of the Council during the preceding calendar year and making such recommendations as it may deem appropriate. The contents of each report so submitted shall promptly be made available to the public.

GRANTS IN SUPPORT OF PRIVATE ACTIVITIES

SEC. 4. (a) To effectuate the purposes of this Act, the Director is authorized, subject to section 3(f), to make grants to private, nonprofit agencies, associations, and organizations organized in the United States, to public or private nonprofit educational institutions located in the United States, and to individuals or groups of individuals who are citizens of the United States not employed by the Government of the United States, a State or political subdivision of a State or the District of Columbia, for the purpose of enabling them to assist, provide, or participate in international activities, conferences, meetings, and seminars in the fields of health, education, and labor, and other welfare fields related to the purposes set forth in the first section of this Act. No portion of any funds granted under this section shall be paid by the Director, or by any recipient of a grant under this section, to support any intelligence-gathering activity on behalf of the United States or to support any activity carried on by any officer or employee of the United States.

(b) Each grant shall be made by the Director under this section only upon application therefor in such form and containing such information as may be required by the Director and only on condition that the recipient of such grant will conduct openly all activities supported by such grant and make such reports as the Director may require solely to determine that the funds so granted are applied to the purpose for which application is made.

(c) The Director shall develop procedures and rules with respect to the approval or disapproval of applications for grants under this section which will provide, insofar as practicable, an equitable distribution of grants among the various applicants for such grants and types of activities to be supported by such grants, but which will assure that grants will be made to those qualified recipients most capable of achieving a successful or significant contribution favorably related to the purposes set forth in the first section of this Act. In making grants under this section, the Director shall not impose any requirements therefor or conditions thereon which impair the freedom of thought and expression of any recipients or other beneficiaries of such grants.

(d) The Director may (1) pay grants in such installments as he may deem appropriate and (2) provide for such adjustments of payments under this section as may be necessary, including, where appropriate, total withholding of payments.

PUBLIC REPORTS BY DIRECTOR

SEC. 5. The Director shall, on or before the 31st day of January of each year, submit an annual report to the President and the Congress setting forth a summary of his activities under this Act during the preceding calendar year. Such reports shall include a list of the grants made by the Director during the preceding calendar year; a statement of the use to which each recipient applied any grant received during the preceding calendar year; and any recommendations which the Director may deem appropriate. The contents of each report so submitted shall promptly be made available to the public.

GENERAL AUTHORITY

SEC. 6. The Director shall have the authority, within the limits of funds available under section 9, to—

(1) prescribe such rules and regulations as he deems necessary governing the manner of the operations of the Foundation, and its organization and personnel;

(2) appoint and fix the compensation of such personnel as may be necessary to enable the Foundation to carry out its functions under this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates: except that the salary of any person so employed shall not exceed the maximum salary established by the General Schedule under section 5332 of title 5, United States Code;

(3) obtain the services of experts and consultants from private life, as may be required by the Director or the Council, in accordance with the provisions of section 3109 of title 5, United States Code;

(4) accept and utilize on behalf of the Foundation the services of voluntary and uncompensated personnel from private life and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(5) receive money and other property donated, bequeathed, or devised, by private, nongovernmental sources, without condition or restriction other than that it be used for any of the purposes of the Foundation; and to use, sell, or otherwise dispose of such property in carrying out the purposes of this Act; and

(6) make other expenditures necessary to carry into effect the purposes of this Act.

PROHIBITION AGAINST REQUIRING INTELLIGENCE GATHERING

SEC. 7. No department, agency, officer, or employee of the United States shall request or require any recipient or any other beneficiary of any grant made under this Act to obtain, furnish, or report, or cause to be obtained, furnished, or reported, any information relating, directly or indirectly, to any activity supported by such grant, except as is (1) provided by section 4(b) of this Act or (2) authorized under law in the case of any information directly relating to the violation of any criminal law of the United States by such recipient or beneficiary.

INDEPENDENCE FROM EXECUTIVE CONTROL

SEC. 8. (a) Determinations made by the Director and the Council in the discharge of their functions under this Act shall not be subject to review or control by the President or by any other department, agency, officer, or employee of the Government.

(b) The provisions of subchapter II of chapter 5 of title 5, United States Code (relating to administrative procedure), and of chapter 7 of such title (relating to judicial review), shall not apply with respect to the exercise by the Director or the Council of their functions under this Act.

APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated to the Foundation such sums as may be necessary to carry out the purposes of this Act, except that the aggregate of such sums appropriated prior to June 30, 1972, shall not exceed $100 million. Sums appropriated under this section shall remain available until expended.

EXHIBIT 2

[From the New York Times, Dec. 18, 1967]

PANEL ON CIA SUBSIDIES DIVIDED OVER ALTERNATIVES

(By Robert H. Phelps)

WASHINGTON, December 17.—The committee set up to propose a plan for openly financing voluntary organizations once secretly supported by the Central Intelligence Agency is divided so sharply that it cannot meet the Dec. 31 deadline for reporting to the President.

The study panel, headed by Secretary of State Dean Rusk, has narrowed its choice to four plans. These range from a stopgap appropriation that would help some of the organizations carry on their work next year to the establishment of a semi-public independent organization that would take over many of the overseas academic and cultural activities now under other agencies.

While the committee will meet again in January, the division among the 18 members is so deep that there is little hope of agreement. As a result, the problem is expected to be tossed back to the White House without a clear-cut decision.

Most Congressional members, feeling the need for economy, favor the least costly of the four plans. Under this proposal, known as Alternative I, up to $5 million would be appropriated, probably to the State Department, for the fiscal year beginning next July 1.

BACKED BY REPRESENTATIVES

This money would be used to finance the neediest of the student, religious, union, cultural and other groups subsidized for years by the C.I.A. to counter Communist influence abroad.

At a recent meeting, the four House members of the panel gave their support to Alternative I. They were George Mahon, Democrat of Texas; L. Mendel Rivers, Democrat of South Carolina; Thomas Morgan, Democrat of Pennsylvania, and Frank Bow, Republican of Ohio.

After the House members announced their support, Senator Carl Hayden, Democrat for Arizona, said the Senate would go along with the House. However, not all the Senators on the committee agree.

Some of the Senators and many of the private members of the panel favor the most ambitious of the four plans. Under this proposal, known as Alternative IV, a quasi-public commission of 15 to 29 members would be set up. It would receive about $25-million to finance what the panel members call the "C.I.A. orphans"—the voluntary groups formerly subsidized in secret.

This proposed agency would also take over the State Department's academic and cultural exchange program, which supervises Fulbright scholarships, performances abroad of American orchestras and plays, seminars and courses in American studies, and other projects.

The agency would also assume control of the libraries now operated by the United States Information Agency and handle grants now made by the Agency for International Development to colleges and hospitals for projects abroad.

COST $50 MILLION A YEAR

The programs of these other agencies cost more than $50 million a year.

To protect the proposed commission from possible charges of being a tool of American foreign policy, the plan calls for the new agency to be operated independently of the Government. A majority of the members would be from private life and the commission would have a permanent staff abroad. But Congress would have to appropriate funds for the commission, although it could receive money from private foundations.

This plan is being vigorously pushed by Dr. Milton Eisenhower, former president of the Johns Hopkins University; Dr. Herman B. Wells, chancellor of Indiana University, and Paul R. Porter, a Washington lawyer and former chairman of the Federal Communications Commission.

Mr. Porter commented in a telephone interview that the subsidization of voluntary organizations had accomplished so much for so little money that, in a way, it was "too bad the C.I.A. got caught." But, he said, the subsidy program should be strengthened and the best way of doing this is to put all the programs under a "single protective umbrella."

SUPPORTED BY FULBRIGHT

Senator J. W. Fulbright, Democrat of Arkansas, the chairman of the Senate Foreign Relations Committee, also favors Alternative IV, on the basis that detachment of the program from foreign policy concerns would improve the American image abroad.

Budget Director Charles Schultze, however, favors a gradual approach. Cattel Alternative III, his plan would set up a quasi-public commission but give it only authority to make grants to the "C.I.A. orphans." The other programs would continue under the State Department, U.S.I.A. and AID.

Dr. Frank A. Rose, president of the University of Alabama, commented that while he favored Alternative IV, he thought that the present need for economy in Government made Alternative III the wisest choice now. The other programs could be brought in later, he said.

But Dr. Eisenhower insisted, in a telephone interview, that if only the previous functions were going to be included, then "unfortunately the effort would be discredited before it began."

One fear is that there would be competition for funds between the proposed agency and the cultural unit of the State Department, the information agency and the aid agency.

"All the other outfits would have their knives out for the new commission," one foe of Alternative III commented.

The other proposal, Alternative II, would make the subsidization of the voluntary organizations a part of the foreign aid program. There has been little support for this idea, however.

President Johnson set up the Rusk committee last spring after directing the C.I.A. to end covert financing of private voluntary groups. He acted after disclosures that the intelligence agency was supporting private voluntary organizations engaged in overseas programs. The amount of yearly subsidies by the C.I.A. has never been disclosed, but one informed guess is $15 million a year.

With Dec. 31 as the cutoff date for such C.I.A. subsidies, the Rusk committee once considered asking Congress for a supplementary appropriation to help some of the voluntary organizations during the period when there will be no Federal program.

One of the organizations that is said to need assistance is the Asia Foundation, which provides technical assistance to underdeveloped countries, aids in the establishment of rice cooperatives and helped write the South Korean Constitution.

A strong supporter of the subsidy program said he believed that the C.I.A. had "thrown a little fat" into its grants in recent months to tide some voluntary organizations over.

The subsidies are difficult to trace because they are often hidden in grants from foundations to the voluntary group.

[From the Washington Post, Dec. 19, 1967]

CIA SUBSIDIES STUDY REACHES NO DECISION

(By Richard Harwood)

When the Central Intelligence Agency's secret philanthropies were discovered last spring, President Johnson's response was to appoint a study committee.

It was headed by Under Secretary of State Nicholas deB. Katzenbach and it recommended that still another study committee be appointed because of the "considerable complexity" of the problem.

The President agreed and the new committee was formed with Secretary of State Dean Rusk as its chairman. It was a "consensus" group that included Senators and Representatives, young men and old men, Democrats and Republicans, academicians and businessmen, thinkers and doers. Its assignment was to figure out how the government of the United States could do publicly what the CIA had been doing covertly, which was to subsidize the overseas activities of countless religious, cultural, labor, and scholarly organizations.

NOTHING DECIDED

In the nine months that have passed, the Committee had decided nothing except that there are at least four ways for the Government to hand out money to the CIA's former clients—through the State Department (Plan 1), through the foreign aid program (Plan 2), through a new "quasi-public" corporation with limited responsibilities (Plan 3), or through a "quasi-public" corporation with very broad responsibilities (Plan 4).

One reason for the Committee's failure to come to a decision is that it has spent very little time on the job. There have been only three meetings of substance since March. The last one, according to Dr. Milton Eisenhower of Johns Hopkins University, was held three months ago.

"We are all," said another committee member, Dr. Frank Rose, president of the University of Alabama, "very busy men. The Secretary of State is very busy. So is the Budget Bureau (whose director, Charles Schultze, is a committee member, and whose international programs man, James Clark, is the committee's executive director.)"

NO SENSE OF URGENCY

Senator Milton R. Young, one of the congressional Republicans on the panel, has been so busy that he hasn't "been to a one of those meetings" and isn't sure what is going on.

Another reason for the inaction is the general feeling that, as Rose put it, "there's no sense of urgency about this. No deadline or anything of that kind." A State Department official on Rusk's staff used the phrase "no in-built deadline" which was interpreted by Clark at the Budget Bureau to mean no "external" deadline fixed by the President or by Rusk.

Sen. J. William Fulbright (D-Ark.) was under a different impression. He thought he and his fellow committeemen were expected to come up with a plan by Dec. 31, which is the date the CIA expects to cut off its covert subsidies. "But I guess," said Fulbright yesterday, "that deadline has been dropped."

DEADLOCK REPORTED

A third explanation for the position in which the committee finds itself at Christmastime is that it is hopelessly deadlocked over what should be done.

This is denied by Rose, Eisenhower and men in the Administration who prefer anonymity. Fulbright, however, reports that there are rather substantial disagreements and Young has heard rumors to the same effect.

One faction, "highly oriented toward the military," as Fulbright puts it, is represented by three House members on the committee—George Mahon (D-Texas), L. Mendel Rivers (D-S.C.), and Frank Bow (R-Ohio). They favor the inexpensive Plan 1 (about $5 million a year) which would be administered by State.

Fulbright, Eisenhower and Rose favor the more ambitious Plan 4 which would involve new funds of about $25 million a year, would extend subsidies to groups presently unsubsidized, and would take over some of the cultural and information programs presently administered by State, USIA, and AID.

Schultze, presumably speaking for the President and Rusk, favors Plan 3, and does not favor taking any programs away from existing agencies.

Plan 3 would be cheaper than Plan 4 and for that reason Rose is willing to go along with it "in view of the budget squeeze."

In reply, the Administration says money is no problem.

The panel, in any case has come to no decision which means that some of the CIA's secret beneficiaries may begin the New Year with pinched budgets.

"But there's no real problem," says Dr. Rose. "All we have to do is sit down and come to a conclusion."

That effort will be made again in January.

THE FIVE OUTSTANDING YOUNG MEN OF MARYLAND

Mr. BREWSTER. Mr. President, each year, junior chamber of commerce chapters throughout Maryland select the five outstanding young men of the year. Each of these men is the recipient of the outstanding young man or distinguished service award in his own community.

Selection is based on achievements in his business or profession as well as service to his community. The quality of these accomplishments is demonstrated in the sketches of each nominee contained in the program of the final awards banquet.

Mr. President, I ask unanimous consent that the descriptive sketches of the five outstanding young men of Maryland be printed in the RECORD.

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

Thomas E. Embree, Greater Elkton, age 21, Instructor, Service School Command, USNTC, Bainbridge. In addition to his military duties, this young man finds time to serve his community and state. He is currently President of the Cecil County Council of P.T.A.s and has served as a member of the State Board of Managers of the Maryland Congress of Parents and Teachers. He was a member of the Policy Advisory Committee for the Headstart Project of the Cecil County Board of Education. He is a former vice president and international director of the Maryland Jaycees and was selected for inclusion in the 1968 edition of "Outstanding Young Men of America."

Werner H. Fornos, Annapolis, Age 34, Management Consultant, Werner Fornos and Associates. This newly elected representative in the Maryland House of Delegates ended his freshman session as a guiding force in the General Assembly. His work in the Ways and Means Committee and his political knowledge led to his appointment to the Legislative Council's Committee on Legislative Organization. He was selected as a delegate to the Maryland Constitutional Convention from Anne Arundel County and was cited as being among the progressive leaders of the Convention. He is finance chairman for the Committee for a Beautiful Annapolis, Chairman of the Promotion's Committee of the Annapolis Fine Arts Festival and a member of the Board of Trustees of the Davidsonville Methodist Church. In 1966, he was awarded the Distinguished Citizen's Award by the Governor of Maryland.

Michael P. Goodrich, Severna Park, Age 32, General Agent, Northwestern Mutual Life Insurance Company. The youngest general agent ever appointed by his company, Mike has many accomplishments to his credit in his young career. He is a member of the Million Dollar Roundtable for the fifth consecutive year and his company honors include the "Top Twenty" in production for the past two years. He received his CLU degree in 1967. Active in community life, he is the author of a five year development plan for the Pasadena Methodist Church. He holds a Local Minister designation in the Methodist Church. Mike is the president of the Folger McKinsey School P.T.A. and was the charter treasurer of the Severna Park Jaycees.

William D. Greene, Jr., Crescent Cities, Age 26, Supervisor, Program Planning Control Data Corporation. While keeping pace with his position and furthering his education, Bill is active in community service. He is a member of the Crescent City Jaycees and his performance has won for him every competitive award within the Jaycee organization. He is chairman of a building project to construct a 2½ million dollar sports park for the Boys' Clubs of Prince Georges County. The project won the Maryland Jaycee Community Development Award for 1967. Bill is president of the Prince George's Coordinating Council of Jaycee Chapters and in a short time has turned an almost defunct organization into an effective instrument of Jaycee activity. He is a supervisor of a group responsible for the Polaris training planning and has achieved status as one of the leaders in his career field.

Robert M. Lawrence, Salisbury, Age 35, President, Lawrence Volkswagen, Inc. A quiet, unassuming young man, Bob is one of the most active individuals in his community. In 1967, he conceived, coordinated, and underwrote the expense of a program to stimulate business in the community. Entitled "Business is Great in Salisbury," the program was very successful. It became a household phrase and boosted morale in the community. Bob was chairman of the 1967 Cancer Crusade in the county, chairman of the Industrial Development Committee of the Chamber of Commerce and a Director of the Delmarva YMCA. Active in the Faith Lutheran Church, Bob was chairman of the Building Fund Committee, and through his efforts and initiative, the church has a new building. He teaches in the Sunday School and is a member of the Church Council. In 1964, he purchased control of Lawrence Volkswagen, Inc. and was the youngest franchise operator in the United States.

FREE PRESS, FAIR TRIAL

Mr. LONG of Missouri. Mr. President, yesterday, the American Bar Association, meeting in Chicago, adopted new rules of conduct for lawyers and new procedures for judges designed to restrict the release of crime news to the press.

As a lawyer, and as a subcommittee chairman concerned not only with legal problems but also information problems, I feel compelled to urge a note of caution on this subject. The problem of balancing the first amendment—which guarantees a free press and free access to information—and the sixth amendment—which guarantees a fair trial—is certainly not an easy one. But neither is the problem a new one. The very same American Bar Association which yesterday adopted the new guidelines, many years earlier considered identical issues as a result of the famous Bruno Hauptmann-Lindbergh kidnaping case. Thus, as lawyers, we have lived with the delicate balance problem for a long time.

According to an article which appeared in this morning's New York Times, written by Fred P. Graham, the distinguished law editor of the Times:

The impact of (the ABA's) action will not be immediately apparent to newspaper readers across the country, because it amended only the rules of ethics of the national bar group and not those of state bar associations, which handle most lawyer discipline matters.

But, Mr. Graham suggests that the ABA approval is "expected to touch off a wave of similar actions by State bar associations."

Mr. President, a strong plea was raised by responsible representatives of the newspaper industry at yesterday's ABA meeting, to delay any action for 1 year. This request for delay, in my opinion, was not a dilatory tactic. Rather, it was based on a number of factors.

First, this country is experiencing a tragic and increasing crime wave. The function of a free press to inform the public of such a crime wave not only alerts us to the many dangers, but also keeps the responsible law enforcement officers on their toes. Additionally, often the report of capture of a heinous criminal relieves community tensions and dispels community fears.

Second, the American Newspaper Publishers Association is presently conducting a study of the effects of publicity on juries, and it would have been desirable for the results of this study to be available to the bar association members considering the current action.

A third valid reason for delaying the ABA action, in my opinion, is the fact that voluntary agreements have been worked out in several States by bar and press groups on the subject of pretrial and trial publicity. From what I understand, these agreements have been successful.

Accordingly, I can only express the hope that the State bar associations across this country, including my own bar association of the State of Missouri, will heed the pleas of the newspaper profession, and will not jump on the bandwagon of arbitrarily curtailing crime news.

At the Federal level, we have yet another aspect to this problem. On July 4, 1966, President Lyndon Johnson signed into law the Freedom of Information Act. As chairman of the Subcommittee on Administrative Practice and Procedure, charged with legislative oversight of this act, I intend to continue to encourage Federal Government agencies to abide both by the spirit and letter of this Freedom of Information Act. Accordingly, I do not feel that it would be in the best interests of the American public at this time to adopt the ABA guidelines as the policy of the Federal Government. The Subcommittee on Administrative Practice and Procedure will hold hearings shortly to review the operations of the FOI Act. At that time, we will also consider the American Bar Association guidelines.

Mr. President, I ask unanimous consent to insert, at this point in the RECORD, the article by Fred Graham.

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

NATIONAL BAR ADOPTS STANDARDS TO CURB RELEASE OF CRIME NEWS

(By Fred P. Graham)

CHICAGO, February 19.—The American Bar Association approved today new rules of conduct for lawyers and new procedures for judges designed to restrict the release of crime news to the press.

It acted over the objections of news media officials who had warned that the move would hinder nonprejudicial press coverage and could prevent full public discussion of rising crime patterns.

The action was taken by the bar association's policy-making body, the House of Delegates, which today opened its two-day midwinter meeting at the Palmer House here.

The House of Delegates voted overwhelmingly to adopt the recommendations of the controversial "Reardon Report."

The report is the product of a three-year study by the association's Advisory Commitee on Fair Trial and Free Press, headed by Justice Paul C. Reardon of the Supreme Judicial Court of Massachusetts. It sets out detailed rules aimed at sharply curtailing the flow of information about arrested persons that is made available to the press in most communities.

The report was approved by a strong voice vote—only a few noes were heard—after the group voted 176 to 68 against a proposal by the news media to delay any action for a year.

The impact of today's action will not be immediately apparent to newspaper readers across the country, because it amended only the rules of ethics of the national bar group and not those of state bar organizations, which handle most lawyer discipline matters.

However, the approval is expected to touch off a wave of similar actions by state bar associations, which would mean that lawyers in these states could be disbarred if they gave the press more information than the new standards allow.

Also, much of the Reardon report consists of suggested rules for judges to follow in preventing the police and lawyers from giving what might be considered prejudicial information to the press, and in barring newsmen from certain hearings.

In most states, trial judges can adopt these rules on their own volition. Some have already done so, and now that the American Bar Association has given the rules its blessing, many more local judges are expected to put the news restrictions into effect despite opposition from local news media.

Today's action accomplishes four basic results.

First, it amends the Bar Association's canons of ethics, subject to the formality of drafting the exact wording, to declare it unethical for any prosecutor or defense lawyer to tell the press anything about a pending case except basic identifying facts about the defendant and the circumstances surrounding the arrest.

Lawyers are specifically forbidden to mention a defendant's prior record of arrests or convictions, to say whether he made a confession, to divulge the results of any tests or the identity of witnesses, or to make any other suggestions about the possible guilt of the accused.

THE POLICE EXHORTED

Second, the report urges police departments to impose similar restrictions on their members, and calls upon judges to use their contempt powers to enforce the restrictions on both lawyers and the police, if necessary.

Third, it calls upon courts to adopt the report's judicial standards, which would make it easier for defendants to get trial delays or transfers to other communities and to keep potentially prejudiced jurors off jury panels.

These standards would also bar the press and the public from pre-trial hearings and from any part of a trial held outside the presence of the jury, if the defense lawyer or the judge felt that coverage might prevent a fair trial.

Fourth, it gives judges the power to punish newsmen for contempt if they publish articles during the course of a trial that are willfully designed to affect the outcome.

In many communities now, the police disclose the conviction or arrest records of arrested persons and give such information as the apparant motive. This pattern of disclosure would not be permitted in any jurisdiction that adopts the new standards.

FINAL PLEAS HEARD

Before the vote today the bar delegates heard final pleas for a delay from D. Tennant Bryan, publisher of The Richmond Times-Dispatch and The Richmond News Leaders, who was a spokesman for the American Newspaper Publishers Association; Michael J. Ogden, executive director of The Providence Journal and The Providence Bulletin, who is president of the American Society of Newspaper Editors; and Theodore Koop, a vice president of the Columbia Broadcasting System, who is chairman of a committee that represents eight more news media groups.

They said there was a need for full public scrutiny of the phenomenon of rising crime and added that voluntary agreements between bar and press groups in a half-dozen states had been successful.

They also pointed out that the American Newspaper Publishers Association was conducting a study of the effects of publicity on juries, and argued that the lawyers should not act on the Reardon report before all the evidence was in.

However, many leaders of the association spoke out for an immediate decision.

They included Chief Judge J. Edward Lumbard of the United States Court of Appeals for the Second Circuit, in New York, who heads the parent committee that sponsored the Reardon study; William T. Gossett of Detroit, the president-elect of the bar association; Earl F. Morris of Columbus, Ohio, the incumbent president; and two former bar presidents, Lewis F. Powell of Richmond and Ross L. Malone of New York.

OTHER REPORTS APPROVED

The 190-member House of Delegates also approved five other reports from subcommittees of Judge Lumbard's Special Committee on Minimum Standards for the Administration of Criminal Justice.

Four of these were approved with little debate. They urge states to adopt post-conviction review procedures as a normal part of the criminal process; endorse the theory of plea-bargaining between prosecutor and defense lawyers for guilty pleas, under proper safeguards; call for the outright dismissal of charges when a speedy trial is denied; and ask for free lawyers for poor defendants in all cases that might result in jail sentences.

The delegates voted to change a fifth report, which had urged that appellate judges be given the power to reduce harsh prison sentences. The delegates instead approved a rule that would permit appeal judges also to raise sentences that they found too lenient.

SENATOR ALBERT GORE ADDRESSES BORAH FOUNDATION

Mr. CHURCH. Mr. President, the distinguished Senator from Tennessee [Mr. GORE] recently delivered an address of unusual importance at the University of Idaho, which was the climax of a 3-day conference on American foreign policy, conducted under the auspices of the Borah Foundation.

The address is an eloquent expression of the frustration and futility which inevitably accompanies the frantic effort we are now making to adapt the world to the realities of our current foreign policy, rather than adapting our foreign policy to the realities of the world.

I commend the address to the thoughtful consideration of Senators and ask unanimous consent that it be printed in the RECORD.

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

ADDRESS OF SENATOR ALBERT GORE, BORAH FOUNDATION SYMPOSIUM ON VIETNAM, UNIVERSITY OF IDAHO, MOSCOW, IDAHO, FEBRUARY 17, 1968

The receipt of your invitation to participate in this symposium with such distinguished and eminent Americans on the subject of Vietnam was exhilarating. The moment of my participation is far more sobering than exhilarating. Indeed, I venture my views somewhat timidly, but in the hope that a searching public analysis and debate of the present, such as you have had, may possibly be of some assistance in shaping the momentous decisions in the days and months ahead.

It is with regret and disappointment that I note the absence of an incisive public dialogue between the President and the Senate, through their selected agents, in particular the Secretary of State and the Senate Foreign Relations Committee. The most vital thing to a democracy, without which a democracy cannot function or survive, is an informed, enlightened, alert, and interested public opinion. A nation, its government, and its policies can be only so wise, only so sound, only so progressive, and only so secure as the people are informed on and interested in public issues. Our form of self government, in my view, requires the maximum public dialogue between the executives of our government and the elected representatives of the people. The President and the Senate, in my view, share equally the responsibility to conduct an informed and incisive examination of foreign policy so that the people can understand our policies and the objectives of policy, form an opinion as to whether these objectives are reasonable and attainable at acceptable risks and costs, assess the probable consequences and possible alternatives. There is no justification for a lack of public dialogue at this crucial hour. Unless a policy can withstand the light of public examination, then a change in policy is indicated.

Free debate is necessary for a free society; for it is through debate that the truth is distilled and the truth shall make a nation free.

True, the President is our nation's leader in foreign policy, but he cannot lead very far where the elected representatives of the people will not follow. The Constitution places the Congress, more particularly the Senate, and the President in a position of limited partnership so to speak, for the formulation and conduct of the nation's foreign policy. Each has power and responsibility. The whole Congress has the power of the purse with respect to both revenue and expenditure. Moreover, it has the specific power to raise or not to raise, to support or not to support, an Army. In addition, the advise and consent clause of the Constitution places upon the Senate a special responsibility. All too many times, and with all too many people, assent after the fact is regarded as a sufficient discharge of the Senate's constitutional responsibility. I do not agree.

What is needed at this critical time is the best that can come from cooperative teamwork. And I am reminded of an old Idaho adage that two heads are better than one even though one be a sheep's head.

We have the word now from Secretary McNamara that the executive team unanimously recommended the Bay of Pigs operation to the late President Kennedy. There was, in fact, one and only one voice at the table of this crucial conference which firmly advised against it. This sole adverse advice came firmly but clearly from Senator Fulbright. Several Senators strongly and urgently advised against the commitment of combat troops to Vietnam.

A number of mistakes could have been averted had the advice of the Senate been heeded. This is not to say, nor do I mean in any respect to imply, that the advice of the Senate has always been correct. On the other hand, I do not wish to impute infallibility to the Executive Branch.

What is needed, I repeat, is the best that can come from the teamwork our forefathers, wisely in my view, ordained. Nothing less than this is justified by the criticality of our time.

In the course of this symposium, the relationship of Vietnam to United States security has been in question. That is now and should have always been the central issue. It is precisely on this level that our policies, particularly our future policies, should be examined.

In this connection, perhaps it should be said that there is some distinction between the interest of the United States and the security of the United States. Moreover, it might be well to note that the security of the United States cannot be measured alone by military stratagems or theories, material values, and political dogmas, but must be viewed in a broader context that includes geopolitical realities, human, cultural and moral values in the broad sweep of history.

The security of the United States with respect to our involvement in the Vietnam war is quite a different question today than it was at the time President Johnson decided to commit combat troops to the conflict. It was and still is my view that our vital interests were not involved in the outcome of the insurgency, the revolution, or the civil war, however one may wish to characterize the conflict, under way in Vietnam before our combat involvement. I think most experts on Vietnam would concur in the view that North Vietnam was then far from being an actual, let alone willing, Chinese puppet or satellite. Two thousand years of Vietnamese-Chinese relations had left the Vietnamese with feelings toward the Chinese which one eminent author has described as "like those of the Irish for the English of Oliver Cromwell's day."

I challenge the validity of the notion that somehow the United States was, or ever would have been, placed in mortal peril by the ultimate nature of the government of Vietnam, by the unification of Vietnam into one country or the severing of the country into two, or by the manner of government that may have ultimately prevailed in either one Vietnam or in both Vietnams.

Surely it is in our interest to have peace in the world everywhere. Surely it is in our interest to have a less militant brand of "Asian communism." Surely a government

friendly to the United States in Vietnam, as elsewhere, is in the interest of the United States. But these statements are virtual tautologies.

However desirable our interest in a pro-Western government in South Vietnam, this interest falls far short of involving our national security. And yet it was precisely upon this premise that President Johnson sought to justify United States use of force in Vietnam in his San Antonio speech of September 29, 1967.

A portion of this speech has somehow come to be known as "The San Antonio Formula". One passage of this speech in which the President referred to conditions under which the United States would be willing to stop the bombing of North Vietnam has been most often quoted. In this passage he said,

"As we have told Hanoi time and time and time again, the heart of the matter really is this: The United States is willing to stop all aerial and naval bombardment of North Vietnam when this will lead promptly to productive discussions. We, of course, assume that while discussions proceed, North Vietnam would not take advantage of the bombing cessation or limitation."

In the same speech, the President also said,

"But the key to all we have done is really our own security. At times of crisis, before asking Americans to fight and die to resist aggression in a foreign land, every American President has finally had to answer this question:

"Is the aggression a threat not only to the immediate victim but to the United States of America and to the peace and security of the entire world of which we in America are a very vital part?"

The President then proceeded in a variety of ways to answer this question in the affirmative, and he proceeded to quote former President Eisenhower, former President Kennedy, the President of the Phillipines, the Foreign Minister of Thailand, the Prime Minister of Australia, the President of South Korea, the Prime Minister of Malaysia, the Prime Minister of New Zealand, and the Prime Minister of Singapore, in remarks which the President interpreted as indicating they had reached the same conclusion.

I do not know whether the term "San Antonio Formula" refers to the entire speech of President Johnson in San Antonio or only to a part thereof. It would be interesting to know if the so-called domino theory is also a part of the "San Antonio Formula". I say this because in that speech the President clearly endorsed the domino theory by saying,

"I would rather stand in Vietnam in our time and by meeting this danger now and facing up to it, thereby reduce the danger for our children and for our grandchildren."

If the entire speech made in San Antonio on September 29, 1967, constitutes the "San Antonio Formula", then I must interpret that formula to be a pledge to resist, at whatever cost, the spread of communist influence in Southeast Asia. Apparently, it is a pledge to resist the spread of communist influence even though a majority of people in the area may prefer communism. It would appear to me that this would be the logical conclusion that one must reach if one follows the thesis stated by President Johnson in his San Antonio speech. He said,

"We cherish freedom—yes. We cherish self-determination for all people—yes. . . ."

"But the key to all we have done is really our own security. . . ."

So in my considered view, the "San Antonio Formula" is an Alamo complex in a nuclear age.

Though, as I have said, I did not then believe and do not now believe that the happenings in Vietnam before the commitment of combat troops in this ground war in Asia involved our vital national security, I have come to the firm conviction that our National security is now, in fact, involved.

The question is how will that national security be best served. Is it served or disserved by present policies in Vietnam?

We have stumbled into a morass in Vietnam. We must decide to negotiate ourselves out of it. This will truly serve our National security. We must decide—decide definitely and irrevocably—to negotiate disengagement from Vietnam, not from Asia but from Vietnam, honorably and honestly, which means, in my opinion, on condition that Vietnam be neutralized.

Having lost our innocence in Vietnam, can we retain our honor? I believe that we can because of the common interests—if we and they can but see them through the smoke and fire of war—that exists even between the North Vietnamese and the people of the United States. Even between antagonists there are common interests—common interests that are forgotten in the heat of war where the first casualty is always truth and the second might be said to be objectivity.

The first common interest we share is a desire and need to end the war. American lives are being lost and American treasure spent, but the North Vietnamese are losing far more. By ending the war, we could save our lives and our precious material resources. But they could save their country.

Of course, if our vital national security demands that South Vietnam be a U.S. satellite, we should not try to negotiate neutralization or anything else. But, in my view, such is not the case.

Even taking the administration's case at face value—which I do not, except for purposes of argument—if the war in Vietnam is a confrontation between "Asian communism" and the free world, a confrontation that will determine not only the future of Asia but also the future of the United States—the battle is being fought in the worst possible place and at a place and under conditions of the enemy's choosing. And to carry this argument to its logical conclusion, if our real enemy is Communist China why do we not strike at the root of the problem? Are we unwilling to face up to the logical consequences of our policy or do we suspect that there is a logical flaw in our argument?

I believe our leaders are mesmerized by mirages in Vietnam and that as a result they see national interests there where none exist. But this is only part of the tragedy of this quagmire war. The other part of the tragedy is that, mesmerized by mirages, we are unable to see where our real national interests lie.

It seems clear to me—it has for some time—that in the long run our real national interests lie in our present and future relations with the two other great powers in this world, the Soviet Union and China. What is the war in Vietnam doing to this fundamental national interest, to our relations with these two great powers?

Some believe that the war is bringing China and the Soviet Union closer together. The more sophisticated opinion is that the ideological differences between these two countries are so great that even an attack on a fellow Communist country has not been able to heal the breach—at least not yet, although I must say we seem to be working hard at it. But, unquestionably, the war in Vietnam is worsening our relations with both the Soviet Union and Communist China, and, I might add, with most of the rest of the world.

Let us debate our involvement in Vietnam, then, on a more rational basis than has thus far been the case, and perhaps we can then come to some national conclusion and true concensus as to just what we ought to do. Once we know what we ought to do and what we want to do, I, for one, believe our country has sufficient genius to find an honorable conclusion to this bloody war.

I have said that I am not persuaded that we have a "real" national interest in Vietnam; that the visions of containing Chinese expansion and deterring wars of national liberation are just that: visions, dreams. In any event, I do not believe we are containing Chinese military expansion in Vietnam. How could we be when we are fighting against 50,000 North Vietnamese and 250,000 South Vietnamese Vietcong—a task the 700,000 South Vietnamese forces are apparently unable to undertake. Are we teaching China a lesson for the future when 100,000 American boys have been killed or wounded but not one Chinese has been scratched? Will this inhibit China from any desire to "overrun" her neighbors, as Secretary Rusk has suggested? And, for that matter is China now "overrunning" her neighbor, North Vietnam?

We are destroying the country we profess to be saving. We are damaging our relations with most other nations of the world. We are destroying any basis for cooperation with the two other major powers upon which the future of world peace depends—the Soviet Union and China. We contaminate ourselves by embracing a corrupt regime in Saigon. And the further tragedy is that we are also seriously damaging, if we are not in danger of destroying, ourselves.

I say this not only because we are running our relations with the other nations which inhabit this rapidly shrinking globe, not only because of our identification with a corrupt governmental clique, not only because we are diverting resources so critically needed to preserve in America the traditional American way of life, not only because we are squandering this nation's resources including the most precious resource of all, the lives of our young men, and our country's position in the free world economy, but also because we risk transforming the American dream into a nightmare.

We have been the symbol of many admirable qualities for all mankind—liberty and justice, tolerance, restraint and wisdom, idealism and altruism. We are surely not perfect, and often we have fallen short in the practice of what we have preached, but we have remained generally true to our principles, which means that we have remained true to ourselves.

We have now become obsessed and driven not by idealism but by fear, not by righteousness but by self-righteousness; not by wisdom but by folly; not by altruism but by fancied self-interest.

These are strong words, I know. They are words that can be read often, yes, I know, abroad as well as at home, and words that can be heard often, not only abroad but at home. These are the words' of an American who is disturbed about what is happening to the American dream.

AMERICAN CIVILIAN FIELD REPRESENTATIVES—UNSUNG HEROES OF VIETNAM WAR

Mr. McGEE. Mr. President, the Washington Post, in an editorial published on February 15 paid tribute to what it called the unsung American heroes of the war in Vietnam—the civilian field representatives of the U.S. Information Agency, AID, the State Department, and such voluntary groups as the International Voluntary Service. They live among the people of Vietnam. They know the people. They know the enemy. They are caught in the war. Indeed, as the Post editorial points out, not a few have been casualties of the recent enemy offensive, which is, at present, commanding so much of our attention.

As the Post editorial says, however:

Sooner or later, it is all going to come down, once again, to the people and their security and to the question of how to counter terror with the appeal of a strong and active Saigon government. This is the part of the struggle nobody thinks enough about until the AID men and USIA officials and young Foreign Service Officers who are waging it, and trying to get the South Vietnamese to wage it more vigorously, are caught up in the conventional fighting and become casualties of war.

Mr. President, I ask unanimous consent that the Washington Post editorial, entitled "The Unsung Americans," be printed in the RECORD.

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

THE UNSUNG AMERICANS

It is one of the many anomalies of Vietnam that the richest lode of expertise and first-hand experience in all the complexities of a war against insurgency lies buried beneath layers of bureaucracy, beyond the reach of the men who make the policy. It is to be found in the far reaches of the countryside, among the hundreds of civilian field representatives of such assorted agencies as the USIA, AID, and the State Department. In other wars, those with the lowest rank could be faulted for seeing only a slice of the battlefront. In this war, the underlings, work among the people and see it all because the people, who are the same everywhere, are what the war is all about. The average "pacification" worker, whatever agency he works for, is likely to speak Vietnamese and to be as knowledgeable in stringing barbed wire defenses as in well-digging or dealing diplomatically with a hamlet chief. He is also likely to be living dangerously amidst an unseen enemy.

Just how dangerously is all too vividly dramatized in the latest casualty reports on the Vietcong offensive of the past two weeks. In that span, at least eight civilian officials were killed; two were captured, including the U.S. provincial representative in Hue; eleven are missing; and ten were wounded, six of them seriously. Five young members of the International Voluntary service, a private "Peace Corps" under contract to AID, are also missing. This is a small tally, all but lost alongside the military casualty reports, but it speaks volumes about the Vietnam war.

It tells of a struggle in which civilian officials are as much combatants as men in uniform—for these are only the worst, not the first civilian casualties. It offers a measure, too, of the damage inflicted by the latest Vietcong offensive, however impermanent the enemy's military gains. For if this many American "pacification" workers were caught up in the fighting, a much larger number of their South Vietnamese coworkers must be casualties, too. Whole programs, it is reckoned, must now be patiently reassembled and reinstalled.

Perhaps most important, these casualties among civilian workers are a sharp reminder of where the ultimate problem lies. Our attention now is riveted to the ebb and flow of military battle; official reassurances rest on "the best military advice"; by the body count, we are told, enemy forces are "failing" everywhere. Sooner or later, however, it is all going to come down, once again, to the people and their security and to the question of how to counter terror with the appeal of a strong and active Saigon government. This is the part of the struggle nobody thinks enough about until the AID men and USIA officials and young Foreign Service Officers who are waging it, and trying to get the South Vietnamese to wage it more vigorously, are caught up in the conventional fighting and become casualties of war.

"TO THE UNKNOWN SOLDIER"—POEM BY JAMES R. HOWARD

Mr. MOSS. Mr. President, James R. Howard was one of the two students from Utah who were chosen to come to Washington for the Senate Youth Conference sponsored by the William Randolph Hearst Foundation. Mr. Howard is a senior student at Granite High School and a finalist in the merit scholar competition. His leadership activities in high school have been very many. While James Howard was in Washington, he had the opportunity to visit the Tomb of the Unknown Soldier in Arlington Cemetery. As a result of this experience he has written a poem, which I ask unanimous consent to have printed in the RECORD.

The poem speaks for itself. In my opinion, the perception and depth of feeling of this young man and his ability to express it are both inspiring.

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

TO THE UNKNOWN SOLDIER

(By James R. Howard)

You lie in your cold grave—triumphant in death because you defeated tyranny, peaceful in death because you died a free man.
And I wonder what tribute can I pay to you—
A patriot who loved freedom and country enough to forfeit life and name on a foreign battle field?
I would thank you—but words of thanks cannot penetrate the grave.
I would weep for you—but tears can neither stir your silent body nor warm your still heart.
I would laugh for you but laughter would disintregate against the walls of your joyless tomb.
I would comfort you as a brother—but brotherhood cannot surmount the obstacle of eternity.
I would show you the free land you helped to save—but your vision is blocked by the curtain of death.
So I will offer you the one tribute which makes your death meaningful and my life worthwhile. I will honor your memory by pledging myself to the perpetuation of those ideals for which you fought and died—the defense of freedom, the love of liberty and a peaceful future.
Thus will your death enrich my life. Thus will my actions honor your unknown name.

THE 50TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

Mr. CURTIS. Mr. President, nearly 200 years ago the fires of freedom were ignited on this continent and have burned brightly ever since. In our brief history as a nation our freedom has been threatened from time to time but never demolished. It is perhaps the fortune of geography which has made this possible for us since 3,000 miles of water separate our shores from those whose greed and avarice might lead them to venture against us. It is also, unquestionably, our own vigorous defense of freedom here at home and our desire to maintain freedom for others abroad which have dampened the enthusiasm of any would-be tyrant for a military advanture our way.

There are many nations less fortunate than ours in that geography places them next to those who are more powerful and whose greed is unbounded. Europe has for many centuries been plagued by this mischance of geography which has placed small and vulnerable nations in such a position as to be easily victimized by their powerful neighbors.

This is the problem which in all of its existence has troubled the tiny country of Lithuania on the Baltic Sea. Throughout its history it has had powerful, greedy neighbors both to the east and west, and throughout most of its history its men have been under arms in an effort to protect themselves and their homes against the overwhelming odds of the powers against them.

Early in their history the Lithuanian people fought and eventually conquered invading forces of the Teutonic Knights. But there was no respite. Within a matter of years, the Golden Horde overran them and once again the men of Lithuania had to fight in the fields and the woods and even the city streets. They fought bravely and they fought well and were able to drive out the invaders.

The might of their Russian neighbor, however, was then poised against them and, although the people of Lithuania fought with all the bravery they possessed their tiny country was overwhelmed by the massive forces unleashed from Moscow. For over a century the Lithuanian people were the serfs and bound servants of the Russian empire. Nearly 30 years ago, once again the people of Lithuania were a free nation. It was in 1918 that the bells of their church towers rang out the good news. There for a brief space between the wars Lithuania lived as a sovereign and independent country able to guide its own destinies and to permit its people to build for its own future just as for 200 years the United States has so been blessed.

The tide of history, however, ran against them once again and their tiny land was swallowed up by the voracious and ruthless Soviet Union and all vestiges of independence were destroyed. When the armies of Nazi Germany rolled eastward the people of Lithuania were crushed under the wheels of this monstrous war machine and their land became a battleground between two giants.

In 1945 when the rest of Europe was freed from the power of Hitler's Germany, no such glorious event could be celebrated in Lithuania because an evil and malignant power was again controlling their land. Since that day Lithuania has been a part of the Soviet Union physically, but never a part of the Soviet Union in spirit.

Mr. President, the light of freedom has flickered in Lithuania but it has never gone out because in the hearts of the people it still glows.

As Americans we have been concerned for all our history with the freedom of all men everywhere. In more recent times, we have undertaken a mighty struggle to preserve freedom in another small country—Vietnam—where Americans have fought and died in an effort to stem the tide of aggression. At times I feel we are so concerned as a nation with the fate of this one people that we

tend to overlook or to ignore the equally disastrous fate which has overtaken many other people in many other parts of the globe.

Such is the situation in Lithuania today. The people are not free. The people are subject to brutal and continuing tyranny. But their hopes for freedom live on. As long as they do hope for freedom we in the United States must dedicate ourselves to the proposition that their freedom is ours as well. As long as one man in this world is not free, no man is truly free. So long as one nation in this world must bow to another no nation is truly free.

Mr. President, every American, I am sure, shares my hope that within our lifetime freedom once again will ring out for this tiny and beleaguered nation, and that Lithuanians can once again stand tall, as proud in their freedom as we are in ours.

A POORLY BALANCED DIET OF JOURNALISM

Mr. McGEE. Mr. President, on Sunday, February 18, Howard K. Smith took leave of his newspaper column, at least for the time being, by saying he believed that a big contributing factor to the confusion and frustration now damaging the spirit of this Nation is, as he put it, "the poorly balanced diet of journalism it is getting."

Mr. Smith, I would observe, is a fortunate man. He is taking a sabbatical—time off to ask questions and study documents, to steep himself in the facts of the dispiriting sixties, and make sure that he has not been among the journalists who have been wrong. Would that we in the Senate could arrange time to do the same. It is, as you know, a fond dream of mine that, one day, the Congress will provide a mechanism for its Members to take time off and recharge their batteries and rethink their thoughts. Even if we cannot, however, it is encouraging when a columnist of Howard K. Smith's caliber does so. I, for one, shall miss his columns in the Evening Star. But I shall await his return to the printed medium with great interest.

For now, Mr. President, I wish to draw the attention of Senators to his Sunday column in which he states his belief—and it is a belief I share—that—

> Too many reporters today are not rising to the demands of a time that calls for especially perceptive reporting and especially judicious interpretation of events.

Mr. President, I ask unanimous consent that the Howard K. Smith column, entitled "A Poorly Balanced Diet of Journalism," be printed in the RECORD.

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

"A POORLY BALANCED DIET OF JOURNALISM"

(By Howard K. Smith)

With regret I have decided to make this my last column for a while. The reason for interrupting this series may serve as a closing comment on the times.

In several past periods—notably in the years around our entry into World War II—I had the exhilarating feeling of being a tiny part in a great age of journalism. I miss that feeling now. Though there are many exceptions, I believe too many reporters today are not rising to the demands of a time that calls for especially perceptive reporting and especially judicious interpretation of events. I believe that a big contributing factor to the confusion and frustration now damaging the nation's spirit is the poorly balanced diet of journalism it is getting.

A ready example is the elevation of Stokely Carmichael into a real force in our nation. The similar elevation of Joe McCarthy a generation back was bad enough; but at least he was a U.S. Senator one could not ignore. Mr. Carmichael is basically a nobody who, before the press took notice of him, had achieved nothing and represented no one. He failed to win a following—except from us with our cameras and note pads—in the rural south and in the city ghettos. Exclusively due to the prominence given him by journalism he has now been promoted into a factor to be reckoned with.

"If I say no to Stokely," a rights leader told me recently, "you fellows won't print it in one sentence on the back page. My people think I am doing nothing. But if I go see him, it's on the front page and my people think I am in there pitching."

In the realm of government, the reporters' term "credibility gap" is one of the most distorting over-simplifications of the time. The President is dealing with unutterably complex situations in which the very facts on which to base judgment may not be in for weeks; yet we tend to call it calculated deception if he does not instantly provide conclusive facts and admit failure. He is dealing with situations subject to rapid and drastic change, calling for highly flexible response; but if he does not keep a frozen consistency, he is held to be lying. No government ever has been run that way and none ever will.

This writer finds the role of defending established authority, after a career made up mostly of dissent, uncomfortable. But the criticism of Mr. Johnson has long since burst the bounds of legitimacy and even often of decency. To cite a random example. I find it hard to adjust to the suggestion of a famous TV commentator the other day that it is becoming easier to believe an Oriental tyrant (Ho Chi Minh) than it is to believe the President of the U.S. That commentator has simply not kept up with the statements of the Oriental tyrant, who insists no North Vietnamese troops have ever been in South Vietnam and who states that 150,000 Americans have been killed in the war.

The Vietnam war itself offers a cluster of troubling examples. Consider as one tiny but typical example the space, attention and incitement to protest allowed the photo the other day of an overwrought South Vietnamese officer executing a Vietcong. The Vietcong had just murdered many of the officer's men, and was out of uniform and therefore subject to execution. Not even a perfunctory acknowledgement was made of the fact that such executions en masse, are the Vietcong way of war: my son witnessed the execution by the Communists of a dozen American soldiers—in uniform—in the same way. He was permitted to remain a witness because he was so bloody and paralyzed by his wounds that the Communists thought him dead and not worth a bullet.

Some journalists of the present time are dreadfully wrong. And the thought has not escaped me that I may be one of them. So, I have decided to take time off from regular comment, ask questions and study documents, steep myself in the facts of the dispiriting sixties, and make sure. I hope to put the conclusions into a book. I am very grateful to Publishers-Hall Syndicate and the newspapers that have carried this column. After a while I shall be knocking on their doors and asking space again.

"WHILE 6 MILLION DIED: A CHRONICLE OF AMERICAN APATHY"—STRONG ARGUMENT FOR RATIFICATION OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, a book has appeared that should be required reading for every Senator. It is called "While 6 Million Died: A Chronicle of American Apathy," and was written by Arthur D. Morse. The book is not comfortable reading, for it tells of American indifference to the Nazi atrocities against the Jews—indifference which assisted Hitler in carrying out his dreadful decision to kill millions of innocent people.

Balfour Brickner in reviewing the book said:

> Perhaps the best that can be said is that our nation was then not yet ready for the role history and human madness imposed upon it, and that surely we would not let such a horror reoccur. One certainly hopes this is the case, but reviewing the present scene, one wonders. It is hard not to be cynical these days.

Mr. President, it is indeed hard not to be cynical. Twenty-five years after the implementation of Hitler's final solution, the Senate has not ratified the Human Rights Convention on Genocide. Twenty years after we participated in the Nuremberg war trials, we have still not declared genocide an international crime. It is indeed hard not to be cynical.

I urge the Senate to act. Let us sit on the sidelines no longer. Let us join 71 other countries. Let us ratify the Genocide Convention.

MORIARTY, N. MEX.—NATIONAL CLEANEST TOWN TROPHY WINNER

Mr. MONTOYA. Mr. President, the old adage of "dynamite comes in little packages" is an apt description of a small but one of the most dynamic towns in New Mexico and probably in the entire United States. I speak of the town of Moriarty, N. Mex., which with a total population of approximately 1,200 citizens is proving that you do not have to be big to be heard.

Moriarty is blessed with a community spirit of cooperation which is unmatched anywhere. Led by its town mayor and city council, this small town which is located on U.S. Highway 66—the most traveled highway in New Mexico—just 30 miles east of Albuquerque, has won not only statewide but national recognition time and time again.

Once again, Moriarty has shown us all what local initiative and cooperation can accomplish. This year—for the second year in a row—the town of Moriarty has been awarded the distinction of the "national cleanest town" in the United States. Moriarty has conducted a year-long cleanup campaign in competition with hundreds of other towns and cities nationwide, including our great metropolitan areas. But once again, as they did last year, the delegation from Moriarty will be taking home the trophy—the true mark of a winner.

This morning, in ceremonies sponsored by the National Cleanup-Paintup-

Fixup Bureau, the First Lady, who has been in the forefront of all recent beautification efforts, presented the National Cleanest Town trophy to the delegation from Moriarty, led by its mayor, Mr. Ray Johnston. Thus, Lady Bird Johnson officially bestowed the recognition upon the town of Moriarty that the citizens of that small community so well deserve.

Mr. President, seated in the Senate Gallery today are the representatives of Moriarty. Among them are Mayor and Mrs. Ray Johnston, State Senator and Town Councilman Ernest Hawkins, Town Clerk Mrs. Rita Davis, Town Marshal John Davis, Moriarty Chamber of Commerce Board Member and Mrs. J. T. Turner, and Chamber of Commerce President and Cochairman of the Town Cleanup Campaign Bob Durham. I take great pride in congratulating them, and the entire citizenry of Moriarty for this honor and recognition which they have brought not only to their town but to the entire State of New Mexico.

Mr. President, I ask unanimous consent that a report prepared by the Moriarty delegation outlining the efforts put forth by the community be inserted at this point in the RECORD. I believe it is interesting to note the part which the youth of the community played in this achievement. With such inspired youngsters, Moriarty can look forward to many, many years of growth, prosperity, and continued accomplishments.

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

HIGHLIGHTS OF MORIARTY, N. MEX., CLEANUP CAMPAIGN, 1967

Attempting to single out a particular highlight of our campaign is a difficult thing to do. But it just has to be the well-organized work of the youth of our city.

Three years ago the Governor of New Mexico appointed a Governor's Youth Beautification Committee. This later became the "State Youth Committee to Keep New Mexico Beautiful". We were fortunate in having Miss Linda Dunn, a Junior in high school elected to this committee. And, she was truly a "live wire" in our campaign.

We decided that one way to really get things done was to get the youth enthused and involved in beautification and clean-up. This responsibility was given to Miss Dunn. Although her time was already completely occupied by many activities, we felt that she would be able to accomplish this tremendous task. She completely took over and the youth work was started. The "Youth Committee to Keep Moriarty Beautiful" was formed, composed of a representative of each youth organization in Moriarty. Members of the Youth Committee and the organizations they represent are:

Gene Williams, Future Farmers of America; Pamela Mooney, Future Homemakers of America; Nixie Williams, Moriarty Junior 4-H Club; Mary Ann Grissom, Moriarty Senior 4-H Club; Sylvia Ireland, Order of Rainbow for Girls; Max Cisneros, Order of Demolay for Boys; Cathy Chaney, Pegasus Horse Club; Steve Wilson, Moriarty Little League; Gayle Tillery, Moriarty Youth Council; Michaela Anaya, American Legion Junior Auxiliary; Larry Senter, Moriarty High School Student Council; and Betsy Clark, School Band.

These young people established what they called:

"A CHALLENGE TO THIS COMMITTEE

"We are the ones who have to decide
Whether we will do it or toss it aside.
We are the people who make up our minds
Whether we will lead or linger behind.
Whether we will try for a goal that is far
Or be contented to stay where we are.
Take it or leave it: Here's something to discuss,
Just think it over—it's all up to us."

They met frequently to plan, and follow-up these plans with progress reports. All of the youth organizations were active in the serious business of promoting and taking part in beautification and clean-up. Their participation in our campaign gained momentum day by day and also gained them several awards. They assisted in the preparation and planting of flowers for beautification, cleaning of property belonging to elderly people, who could not do this themselves, and collecting old tin cans from vacant lots and trash and litter from alleys.

They spread the word of beautification and clean-up—but not just locally. They promoted our state beautification organization by selling decals and printed sweatshirts to help in financing the state organization. Some gave talks and reports in other towns and successfully encouraged other youth to be aware of and promote beautification.

The trust we placed in the youth of Moriarty was certainly the rewarding highlight of our 1967 clean-up campaign. They are already working this year; as a matter of fact, they didn't quit last year.

To make a long story of praise short—don't sell the youth short. Give them a job to do and it will be done.

THE "PUEBLO" INCIDENT

Mr. BREWSTER. Mr. President, the Dallas Times Herald, in an editorial entitled "A Time for Calmness," said that President Johnson "is acting wisely in his cautious, carefully calculated, though determined, moves through diplomatic channels to secure a bloodless settlement of the *Pueblo* crisis."

President Johnson and the members of his administration have displayed the highest degree of tact and intelligence in handling the *Pueblo* crisis. Rash or precipitous action that only would have inflamed an already critical situation has been avoided.

Instead, recognizing full well that the most important factor is the safe return of the members of the *Pueblo's* crew, the President has acted with determination but with restraint in his efforts to bring their return about.

The United States is doing all it can to resolve this situation. We cannot let North Korea's actions go unchallenged. But we must act wisely ourselves. That is the course the President is following, and he deserves commendation for it.

I ask unanimous consent that the editorial from the Dallas Times Herald of January 28, 1968, be printed in the RECORD.

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

[From the Dallas (Tex.) Times Herald, Jan. 28, 1968]

A TIME FOR CALMNESS

In the sudden explosion of feeling set off in this country by the North Koreans' hijacking of the Pueblo, we must take care that the heated atmosphere here does not become overheated.

As in all times of crises, this is a time for calmness, a time for hard-headed, realistic appraisals by the citizenry of this nation. Secretary of State Dean Rusk Wednesday advised the North Korean people to "cool it." The same admonition for coolness could well be directed at our own people also.

Certainly, as Dean Rusk also declared, the seizure of the Pueblo and its crew is intolerable, and "there can be no satisfactory result short of prompt, immediate release of the ship." The ship and its crew must be returned. The Communists' arrogant challenge to our pride and our prestige precludes any other result. Just as compelling is the fact that if the Communists succeed in defeating us on this issue, they will be encouraged to go on to further acts of provocation, less deterred by fear and consideration of the consequences.

Nevertheless, hotheaded demands for immediate military retaliation, whether by congressmen or an excited public, are at this point premature.

The President is acting wisely in his cautious, carefully calculated, though determined, moves through diplomatic channels to secure a "bloodless settlement of the Pueblo crisis." A number of diplomatic paths are still open to this end, not the least of which is persuading the Russians to use their influence to convince the North Koreans that the ship and crew must be released.

Continued pressure must be, and undoubtedly will be, kept on Moscow to intercede with the North Koreans, even though initial efforts in that direction have failed. The Russians undoubtedly have their apprehensions about the possibilities of a war which could push the North Koreans into the embrace of their mortal enemy, Red China.

The gravest danger of precipitate military action now appears to be the implied threat by the North Koreans that they might try the captured Americans, the threat that the crewmen "must be punished by law."

The North Koreans must be solemnly warned that any such action would inflame the anger of the American people to the point where military reprisal would be almost inevitable. Surely the Communist government of North Korea will not choose to visit such a catastrophe on their people, and surely a "bloodless" settlement can be achieved.

PRIME MINISTER HAROLD WILSON OF GREAT BRITAIN APPEARS ON "FACE THE NATION"

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD the transcript of the CBS television network broadcast "Face the Nation" for February 11, 1968, the guest for that day having been the Right Honorable Harold Wilson, Prime Minister of Great Britain.

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

FACE THE NATION

(Broadcast over the CBS television network and the CBS radio network, Sunday, February 11, 1968)

Guest: The Right Honorable Harold Wilson, Prime Minister of Great Britain.

News correspondents: Martin Agronsky, CBS News; Marquis Childs, St. Louis Post-Dispatch; Marvin Kalb, CBS News.

Director: Robert Vitarelli.

Producers: Prentiss Childs and Sylvia Westerman.

ANNOUNCER. The following program was recorded on Friday.

Mr. AGRONSKY. Mr. Prime Minister, would you say now, after your talks with President Johnson, what you said after your talks with Premier Kosygin in Moscow, that is, that only a very narrow bridge remains to be crossed to reach peace in Vietnam?

Prime Minister WILSON. I believe that, yes. But, of course, the events of the last ten days have made it a lot harder to cross that very narrow bridge.

ANNOUNCER. From CBS Washington, in color, "Face the Nation," a spontaneous and unrehearsed news interview with Prime Minister Harold Wilson of Great Britain, who visited the United States this week for talks with President Johnson. Prime Minister Wilson will be questioned by CBS News Diplomatic Correspondent Marvin Kalb, Marquis Childs, Washington Bureau Chief of the St. Louis Post-Dispatch, and CBS News Correspondent Martin Agronsky.

Mr. AGRONSKY. Mr. Prime Minister, in light of the fact that Premier Kosygin said very recently that he was not authorized to do anything about peace in Vietnam, aren't you giving perhaps a misleading impression when you indicate, as you did after your Moscow meeting, as you do now, that the prospects for peace have perhaps improved?

Prime Minister WILSON. Not at all a misleading impression. He has not been authorized by Hanoi to negotiate, that is what he has made clear on a number of occasions. Last year, in London, when he was there in February, he spent a great deal of time with me trying to work out exactly what the gap was to be bridged and how it could be bridged. And this year he made clear in the communique that the Soviet government would do everything in their power, either jointly with us, as Geneva co-chairmen, or separately, to try and achieve the kind of political settlement that at the end of the day must be reached in Vietnam.

Mr. CHILDS. But last year, in London, Mr. Prime Minister, the whole stress by both you and Premier Kosygin was on ending the bombing, and you gave every indication that if the bombing were ended there could be peace talks. Now you seem to have changed your viewpoint on that because you do not urge an end to the bombing.

Prime Minister WILSON. No, no. Last year all the emphasis—and it went on day after day and night after night—was to see what guarantees could be given by Hanoi that if the bombing were to stop there would be no undue military advantage taken of that position. And we made a lot of progress in trying to work out a basis on which there could be an assurance to the United States of the bombing stopped. At the end of the day the operation failed. This year we were talking much more, in Moscow, from the position laid down by the San Antonio formula, which I believe and which I said again in these past few days in Washington, is the road to peace, and to try to reconcile that with the statement of Foreign Minister Trinh of North Vietnam. And here the problem is how we can insure, if we can ever insure, that Hanoi would follow the bombing by going promptly to the conference table and that the talks will be meaningful and not just time-wasting or, shall we say, another Panmunjom.

Mr. KALB. Mr. Prime Minister, a number of people in this country say that if the Soviet Union were so interested in bringing this to a peaceful settlement they could do it in one way by reducing their arms supplies to North Vietnam.

Prime Minister WILSON. This is not realistic, you know. The Soviet government has their own problems within the Communist world of their relations and their rivalry with China. This is a big problem in Hanoi, the struggle for power within Hanoi between China and Russian influence there. Of course, Russia could cut off arms supplies. I don't think that would increase their influence in Hanoi if they were to do it.

Mr. CHILDS. Mr. Prime Minister, in your toast to the President you put great stress on restraint and the importance of restraint. As you know, at the time of the Pueblo incident there was congressional clamor for the use of tactical nuclear weapons if a second front developed. Now something like that same pressure is growing in relation to the massive attack on Khe Sanh for the use of tactical nuclear weapons in South Vietnam. What, in your opinion, would be the effect on a world view of the United States if in the last resort we use such weapons?

Prime Minister WILSON. You realize, of course, I can't comment on internal political controversy in the United States or say anything about what is being said in Congress or the Senate. But to answer the direct question I think any attempt to escalate this war will be most dangerous, to escalate it either qualitatively or in an extent or in an area or—I think will be extremely dangerous. As for the proposal, whoever makes it, to use tactical nuclear weapons in that war, this would be lunacy.

Mr. CHILDS. You think this would be disastrous for America's position?

Prime Minister WILSON. It would not only be disastrous to America's position, it would run a very, very great risk of escalation for the world. It would be sheer lunacy.

Mr. KALB. In what way, sir? What kind of scenario do you see?

Prime Minister WILSON. I don't knock out scenarios. A lot of other people can do that. But I think, in the first place, it would—when you talk about America's position, meaning America's image in the world, I think it would have a disastrous effect, certainly.

Mr. KALB. What about that image right now, Mr. Prime Minister? You have traveled around the world a good deal. Do you find that that image has suffered in any way because of the war?

Prime Minister WILSON. Everybody has got their own mind made up about this one way or the other. I have found that at prime minister conferences, I get anti-Vietnam, which means anti-American, demonstrations almost everywhere I go. In Britain I get these things, especially in university towns. The only place I have been to recently where I didn't have any at all was Moscow, where they don't demonstrate about Vietnam. But most people have made up their minds about this. I believe that the American position, for example, in San Antonio, on the stopping of the bombing hasn't been thoroughly understood. I tried to help this week in this matter as indeed I have in the British House of Commons. And I think the other thing is that the scene on our television screens, some of the evidence of atrocities and barbarism, in the last ten days' fighting in Saigon, may have had some effect in bringing home to our own people what the issues are. Though, of course, there is barbarity and there is ferocity on both sides. That ghastly picture that the world saw of that execution in cold blood—now this has a very bad effect, but so I think do the effects of some of the Viet Cong activities.

Mr. AGRONSKY. Mr. Prime Minister, a recent public opinion poll in your country demonstrated that 66 per cent of the people of Great Britain are opposed to U.S. policy in Vietnam and, therefore, are opposed to your supporting American policy in Vietnam. Does that affect you in any way? Do you feel that they are wrong and that you speak rightly for Britain?

Prime Minister WILSON. I don't think a government can just follow a policy based on public opinion polls. If so, every country would abolish taxation and increase government expenditure. So far as this is concerned, I think our line is right. It is not an easy line to take. There is very great criticism of it in the House of Commons from my own friends and supporters. It is not easy. We believe this line is right, but, of course, as I have said and said again in Washington this week, if I thought that dissociation from the American policy would shorten the war by one day or make the chance of a durable peace that bit stronger, of course I would do it. It is because I don't think that that I haven't done it.

Mr. CHILDS. You have—excuse me.

Prime Minister WILSON. But escalation, if there were escalation of the kind that you said, of course, we should make our view known immediately.

Mr. CHILDS. You have much stronger party discipline in your country than we have here. A very large number of your majority in the House of Commons is opposed to your policy. Do you think you can hold that majority in spite of the deep, apparently emotional reaction to your support of our policy in Vietnam?

Prime Minister WILSON. We had these difficulties when I had a majority of three in the House of Commons. And I believe what is called party discipline must depend on freedom of expression of views, and I think it right that my colleagues in the parliamentary party express their great anxiety in any way to me or to my colleagues in the government. But at the end of the day it has got to be government's responsibility, particularly where major issues of world affairs are affected, and then our colleagues are going to decide their attitude to the action that we have taken.

Mr. AGRONSKY. Mr. Prime Minister, isn't your own influence and the impact of your whole position in Great Britain seriously endangered when you find yourself in the paradoxical position, as you now do, of finding Mr. Heath, the leader of the opposition, passing a resolution in the House, supported by the entire shadow cabinet of the Conservative Party, supporting your position on Vietnam, and you find something like 30 or 40 per cent of your party against it? You stand with the opposition and you stand against almost half of the position of your own party. How long can you continue that?

Prime Minister WILSON. Oh, any identification of particular groups, whether opposition or anything else in the British House of Commons, is purely coincidental. We do what is right. I will express my views on that particular motion when I get back to Britain. I am very much in favor of all possible exports to America except political controversy, which I would like to keep at home.

Mr. KALB. Mr. Prime Minister, the implication of what you have said twice in this broadcast is that if the President were to decide to escalate the war in Vietnam, as a result of the current Communist offensive, that you then might be forced to disassociate Britain's support.

Prime Minister WILSON. We support the action taken by the United States when we think that this is the one most likely to bring the political settlement which, at the end of the day, must come. There will be no military imposed solution in this war. And we support any measures taken to that end, as long as we are satisfied, as we are satisfied about the sincerity of the proposals for peace negotiations.

Mr. KALB. Do you think we're on the right track in Vietnam?

Prime Minister WILSON. This is a matter, of course, the American government must decide. I believe that you are on the right track for ending this ghastly situation, namely by putting forward proposals for peace negotiations, which I think are reasonable and which all of us must try and get the other side to accept.

Mr. CHILDS. Coming back to your relations with Premier Kosygin, do you have a continuing exchange with him, Mr. Prime Minister?

Prime Minister WILSON. Yes.

Mr. CHILDS. On Vietnam?

Prime Minister WILSON. On a number of questions, of course, including Vietnam, including problems of European security. We have this hot link now between Downing Street and the Kremlin which we can use. And also, of course, we keep in touch through ambassadors.

Mr. CHILDS. You use that not alone for emergency situations but for continuing dialogue, do you?

Prime Minister WILSON. It has not been installed very long. It has only been in three or four months, and so a regular pattern hasn't been established. But we would use it exactly as I do the similar link with the White House, for continuing dialogue, quite apart from emergency situations.

Mr. AGRONSKY. Mr. Prime Minister, did you raise with Premier Kosygin, with the Russians, the withdrawal of Britain from—all of its forces east of Suez, from Singapore and from the Persian Gulf, and did you raise with him the obvious concern throughout the free world that the Soviets may step into the vacuum that is created by the British withdrawal?

Prime Minister WILSON. No, I didn't raise it. I didn't need to raise it. He knew the facts exactly as every other country does, so I didn't raise it with him. We took our decision. We don't have to raise it with anybody. In fact, it came up in discussion. I think his anxiety was—he said he is afraid now that the Americans would move into these areas we're moving out of.

Mr. KALB. Well do you yourself feel, sir, that there is the possibility of a Pax Americana?

Prime Minister WILSON. World peace must come from the United Nations. We're no longer living in a world where there can be a pax imposed by any nation, however strong, however specific in its intentions.

Mr. AGRONSKY. There is a very great concern in this country—I repeat, Mr. Prime Minister—as to who will replace Britain in the areas from which she has now removed herself. Did you raise that with the President when you spoke to him?

Prime Minister WILSON. A question of who replaces—you know, there was a song about the Road to Mandalay, which I very much enjoyed. It was beautifully sung. We got out of Mandalay twenty years ago. There has been no problem of replacement in Mandalay. What we have got to do is to help our good friends in Singapore and Malaysia to help themselves. We shall do all we can in the way of training. We shall leave equipment behind. We shall leave them in a position to become viable economically. And, really, the best answer is for our friends to be more capable of looking after themselves.

Mr. AGRONSKY. Well, suppose they cannot?

Prime Minister WILSON. We can't go on carrying on the policeman's role in the world.

Mr. AGRONSKY. Well, if that is your attitude in regard to Malaysia, many Americans are concerned that the South Vietnamese, for example, are not able to help themselves and that is the reason that we are there. Would you expect us to help those who can't help themselves in the other parts of the world because you have laid down the burden?

Prime Minister WILSON. So far as South Vietnam is concerned, I understand it to be American policy that as soon as the people get to the conference table and a political settlement, there will be no intention to maintain United States troops in that area but that the people of South Vietnam would then look after themselves. This is exactly our position. It has been our position in a whole generation of decolonialization, of moving out and leaving the people there with such help as we could give them to look after themselves. Certainly in the areas we are proposing to leave, in the Far East, I have no doubt at all about the vigor and virility and ability of Malaysia and Singapore to look after themselves. We have, of course, and shall have a general capability, based on Europe, based on Britain and on the Continent of Europe, and we would always be ready to consider coming to the help of our Commonwealth colleagues, our Commonwealth partners, if that were necessary. But there will be no prior obligation to do so, nor would there be any question of keeping a special capability in the area.

Mr. CHILDS. Mr. Prime Minister, in connection with your withdrawal from, in effect, a world role, why do you need nuclear power any more? Why do you need a nuclear card in this game?

Prime Minister WILSON. Why do we need it? Well, as I say, of course, this was something we inherited. It had gone past the point of no return. I have never exaggerated the importance of British nuclear power as British nuclear power and I have always, I think, dismissed the pretentions of those who talk about a genuinely independent British deterrent. It isn't. Nevertheless, having got the Polaris submarines and it having gone so far, we believe that we are right to commit this to NATO on a collective basis.

Mr. CHILDS. You aren't going to sell the Polaris submarines, as has been reported?

Prime Minister WILSON. Sell it?

Mr. CHILDS. This has been a rumor over here.

Prime Minister WILSON. Well, I haven't heard——

Mr. CHILDS. It came into print.

Prime Minister WILSON. I haven't had anybody in the market for Polaris submarines and shortly we will be, I hope, all of us, signing the nonproliferation treaty which will preclude the sale, transfer, gift, alienation of nuclear weapons. No, they are committed to NATO. Meanwhile, of course, the bomber deterrent is slowly over a period phasing out.

Mr. KALB. Mr. Prime Minister, given the pending withdrawal of a good deal of British power from east of Suez, do you plan to use some of that power to bolster British forces on the Continent and perhaps to increase the British naval presence in the Mediterranean?

Prime Minister WILSON. It will, of course, be our intention to make a full contribution to NATO and to concentrate our military capability mainly on Europe, including, of course. Britain, which is in Europe. We don't envisage strengthening or increasing our contribution to Germany and there is still, of course, the problem of financing the foreign exchange burden, which we are now discussing with the Germans. I think as to the question of the Mediterranean, we had better sort all of these things out when we publish our new defense policy in July.

Mr. AGRONSKY. May we turn to the question of the Mediterranean? As you know, there is throughout the world a growing concern about the increase in Soviet strength in the Middle East. The Soviets have been arming the Arab states and since the June war with Israel they have re-armed the Arab states; did you raise that concern with Kosygin in Moscow?

Prime Minister WILSON. Yes, of course. We had a very full discussion about the Middle East, including a long talk about the problems of opening the canal. Now, their position and ours is different. Their position and that of America is different. This is well known. What we tried to do is to see what progress can be made within the ambit of the Security Council Resolution which our own representative, Lord Caradon, the British representative, introduced at the end of last year. And they fully support this resolution. We are going to need a lot more, I think, give and take on both sides before we can turn it into a reality. But we said, and they agreed, that the thing for the time being is to back up the Jarring Mission in fulfillment of that Security Council Resolution and that must be the next step in Middle East policy.

Mr. AGRONSKY. Well, did you discuss with them the inconsistency of their being for this resolution, at the same time going all out to re-arm the Arab world?

Prime Minister WILSON. Well, of course, the only answer to this—and we took an initiative in this last June—is arms control an arms control policy in the Middle East. That is not acceptable to the Soviet government, obviously. And I am not at all clear in the present situation what the attitude of France is to the question of arms supply in the Middle East. I don't think it will be generally acceptable, but this is the only way to get any progress. You won't do any good just by telling one country not to arm its friends, however much you may deplore what is going on.

Mr. CHILDS. Mr. Prime Minister, you have had some problems on foreign exchange. You devalued the pound. What is your opinion of the President's proposed travel tax that is intended to keep Americans out of Europe, particularly since I believe three per cent of your foreign exchange comes from the American dollar spent by travelers?

Prime Minister WILSON. Again, I must not get involved in an issue which is now on the floor of Congress. But as far as the general proposals are concerned, they will hit us considerably. They will hit other countries more. In view of the situation the United States was facing, I felt, when I got the message from the President informing me of what he was going to do, that his general package, tough though it was, was a fair and reasonable package. I mustn't comment on individual bits of it, and particularly the tourist tax. What I am worried about is the proposal for what will be a small export subsidy and for border taxes. I think this would not be helpful. It might continue what is already a rather dangerous pile of protectionism and, as we knew thirty years ago, once this begins it can be devastating. But I felt he was justified in taking action, even though it will hurt us a little.

Mr. KALB. Mr. Prime Minister, I would like to get back to Vietnam. You have expressed your support of the President's position, but isn't that expression of support really a qualified expression? Were you just completely in tune with what the President is doing in Vietnam?

Prime Minister WILSON. Of course it is a qualified——

Mr. KALB. Well, could you tell us what the qualifications are?

Prime Minister WILSON. We are a sovereign country, not a satellite. I don't say that whatever he may decide tomorrow or the day after we shall go along with. I say we will go along with it as long as we think it is right and the best way to peace. That is our position.

Mr. AGRONSKY. As of now you think it is right?

Prime Minister WILSON. As of now—and I have had many anxieties over the last three years and I have been living with this problem for three years. I have had anxieties sometimes about whether there was, in the early days, three years ago, a real willingness for negotiations. Since the Baltimore speech onward I have had no doubts about that. And I am supporting this line because I think that San Antonio interpreted, as I did interpret it to the Russians, obviously in accordance with the American interpretation, that this is the road to peace. That is why I support it.

Mr. CHILDS. You don't believe, then, as many critics of the President here believe, that certain peace overtures over the past year and a half or two years have been aborted by sudden unexpected bombing attacks, that there has been a failure to take advantage of peace overtures?

Prime Minister WILSON. This has been said, and I know that it is widely believed on the other side of the Iron Curtain. I have been into this at great length with the Russians, for example—and with others, particularly around about the time of December 1966. I think there were great misunderstandings at that time and sheer breakdowns in communication. But there have been long periods of no bombing. There has been this

very long period of restraints starting last autumn in relation to Hanoi and Haiphong to which there has been no response. I think there have been cases, more of misunderstanding than of any wrong policy.

Mr. KALB. There has been a response, Mr. Prime Minister. The North Vietnamese have come around some ways from "could" to "will." They have said just this past week that the talks will start as soon as the bombing is stopped. There is some give on the other side.

Prime Minister WILSON. Yes, I thought the move from "could" to "will" was important and I don't think it was just an exercise in semantics. It certainly wasn't a problem of translation or interpretation. They are, I think, keen that the world should know that they meant "will" and not "could." But, in addition to that, I think they are probably taking on-board what I tried to tell Kosygin, that it must be a prompt start in negotiation, because you couldn't have them hanging about for six months intensifying the war and then continue with the bombing pause; Nor could they destroy the possibility of negotiations once begun by taking unfair military advantage. In those circumstances I am afraid all bets would be off. And I think they are coming to understand this.

Mr. AGRONSKY. Mr. Prime Minister, would you feel that the last statement of the North Vietnamese Foreign Minister, Mr. Trinh, indicates any more give? We would assume that you discussed that with the President. Would you have gone further than the President has gone?

Prime Minister WILSON. I referred to it in the speech I made in the White House, at the dinner, the latest statement. I would like to know what he means. And sometimes it is what you can get from them in private that is more important than what they say in public. I think it is a further advance. I think it points the road to how to get onto the bridge. But, of course, I mean the sensible thing would be if somebody from North Vietnam would sit around with perhaps one or both of the Geneva co-chairmen and say exactly what it really means. To have these long-range exchanges in Vietnamese semantics when really the lives of thousands of people depends on it does suggest to me the right thing is—all right, if you have got something to say, let's go without prejudice, get around the table and see what these words "will," "could," and the rest mean. I believe the difference is very small if the will is there.

Mr. AGRONSKY. Well, one clear action you could have involved yourself in when you were talking with Kosygin was to call for a reconvening of the Geneva Conference, which you co-chair with the Russians. Did you do that?

Prime Minister WILSON. Oh, we've done that about a hundred times.

Mr. AGRONSKY. This time?

Prime Minister WILSON. And they have not been willing—I raised it with them again—their view is that once there is a willingness by what they call the "parties" to the conflict to get around the table, then the co-chairmen can give any help the parties want, whether by convening this kind of conference or that kind of conference and the rest. I am not absolutely certain that a full-dress Geneva Conference, with all the same personnel who were there last time, would necessarily be the most helpful in securing peace. I think the Chinese were a little difficult on the last occasion in Geneva, in 1954, and I am not sure they are all that more helpful today.

Mr. AGRONSKY. Mr. Prime Minister, I regret we have run out of time. Thank you very much for being here to Face the Nation.

ANNOUNCER. Today on Face the Nation, Prime Minister Harold Wilson, of Great Britain, was interviewed by CBS News Diplomatic Correspondent Marvin Kalb, Marquis Childs, Washington Bureau Chief of the St. Louis Post-Dispatch. CBS News Correspondent Martin Agronsky led the questioning. Next week another prominent figure in the news will Face the Nation. Face the Nation was recorded at CBS Washington.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

INTERFERENCE WITH CIVIL RIGHTS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business which the clerk will state.

The BILL CLERK. A bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

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

There being no objection, the Senate resumed the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

Mr. THURMOND. Mr. President, there is an amendment before us which extends the already long reach of the Federal Government even further into the private acts of American citizens. This amendment, if it should become law, would make it unlawful for the American citizen to sell his home to a purchaser of his choice. The stated purpose of this amendment is "to prevent discrimination on account of race, color, religion, or national origin in the purchase, rental, financing, and occupancy of housing throughout the United States."

When I last spoke on this proposed legislation, I addressed my remarks to the constitutional questions involved in this amendment. Operating on the premises that this great body has an obligation to refuse to pass legislation which we deem unconstitutional, I urged rejection of this amendment on the grounds that it is not authorized by proper interpretations of either the commerce clause or of the 14th amendment.

Today I should like to discuss another aspect of this proposal: Constitutional considerations aside, is this legislation wise? Does this legislation serve the best interests of a majority of Americans? In essence, would our Nation be better off for its passage, or would this proposal further aggravate an already irritated situation?

It is my contention that this would be a bad law. I believe it would be destructive of freedom, rather than an extension of it. I believe that it would destroy the sense of well-being that so many Americans have—a sense of knowing that great changes in their pattern of living will be made by their own decision—not by that of the Government.

We are concerned here with the environment in which people live and with the control of individual citizens over it. We are concerned here with changes in this environment and whether such changes shall be made by citizens voluntarily or by governmental decree. The issue, more specifically, is with the racial, religious, and ethnic aspects of housing patterns in the United States.

All of us are familiar with the great diversity of population patterns in housing in America. This diversity exists from section to section and within the States. It takes the form of an almost complete absence of any discernible pattern in rural areas in much of the South to strictly segregated suburbs surrounding major cities all over the Nation. This diversity is reflected in the existence of entire towns of one race in certain parts of the country, contrasted with small towns in the South with different neighborhoods existing side by side throughout the town.

This diversity is further shown in the tendency in many of our towns and cities for people of a particular religious faith to congregate in one section, or for people of a particular nationality to prefer a neighborhood which reflects the language or the customs of the "old country."

These patterns are not particularly static. In some places cosmopolitan neighborhoods representative of all races and religions and nationalities have developed. Some neighborhoods make an abrupt, and often disruptive, change from one group to another. More recently we have seen the phenomenon of areas of the inner city being occupied by the very people who a generation ago were moving to the suburbs.

It is apparent that the neighborhoods of America have only one thing in common. They are diverse. Some are segregated. Some are integrated. Some reflect an ethnic or religious heritage. Some are cosmopolitan. Some people may move freely into a neighborhood where a generation ago they would have been unwelcome. Some are welcome in some neighborhoods, but not in others.

The foundation of this diversity is the individual. He sustains or changes neighborhoods by his choice of how he disposes of his property, in conjunction with the choices of his neighbors, who are also individual citizens. When changes occur in residential patterns, it is usually the result of a significant change in the opinions of individuals. These changes in the feelings of people about what they want their neighborhood to be are made voluntarily—or perhaps changes are not made voluntarily. The decisions rest with the individuals involved—the decision of a purchaser to try to buy a home in a neighborhood, and the decision of the owner to sell or not to sell.

I believe these decisions should continue to rest with the individual. America boasts of her freedom, of her liberty, of the rights of her citizens and rightly so. If this forced housing legislation should

pass, one more freedom will have been destroyed by an ever-grasping Federal Government. Decisions formerly made in the home or in the neighborhood will be made by Washington. This great diversity of living patterns—this heritage of different living patterns—will have been destroyed. The understandable desire of American families to choose a neighborhood which reflects their own ideas about how they want to live will have been made illegal.

I do not pretend that this system is perfect, but I do believe that it offers the greatest measure of freedom and of choice to American citizens than any other system suggested. This is because the decisions are made by the citizens themselves—without governmental interference. Changes which occur in housing patterns are the result of voluntary changes, reflecting the gradual changes in the customs of men—not governmentally imposed changes.

Mr. President, this Nation is in the midst of a racial crisis. In the last decade or so we have seen the growth of racial tension, or racial hatred, and of racial violence. Those who support this measure believe that this racial crisis will be solved by more legislation. We have had one court decision following another, and one new Federal law following another. What has been the result? More tension, more hatred, more violence.

I suggest there is a lesson here for us. We are attempting to legislate in areas where we should refrain from acting. The actions of the Supreme Court and of Congress have merely aggravated the situation. They have not and they cannot solve it.

This trend in legislation has been a mistake primarily for two reasons:

First, it has promised what cannot be delivered. People were led to believe that with the passage of various civil rights legislation, all their problems would be solved. The legislation has been passed, but the problems remain. And people become frustrated. We were told a new day would dawn, and it has—one of violence and disorder in which no one's rights are safeguarded.

Second, this trend in legislation is based on force. If people will not act as the Federal Government wishes, force them to. Write new laws. Create new crimes. Give the Federal Government new powers.

Mr. President, I do not claim to be an expert on solving this Nation's racial woes. The problems are indeed serious. But the course advocated by the proponents of this legislation has proven to be a failure. The proof of the pudding is in the eating. And Americans are fed up.

These are matters which have historically been handled by the State governments. Perhaps State solutions did not suit everyone, but racial peace prevailed, and unprecedented progress by citizens of all races took place. I am aware that such a view is not acceptable to many of my colleagues. But I suggest that all of us take a fresh look at this traditional theory. In my judgment, the problems we face admit to no simple solution—or perhaps no "solution" at all if we are convinced that they can or should be solved overnight. Allowing the States—where government is closer to the people—to decide on these questions provided domestic peace and progress. Perhaps that system was not perfect, but I suggest it was superior to the chaos which we face today.

Mr. President, a letter by Jack M. Messner to the editor of the McLean Providence Journal, in McLean, Va., dated February 2, 1968, is pertinent to the pending amendment, and I shall read the letter.

DICTATORIAL HOUSING

To the EDITOR:

Your last week edition publishing a letter on fair (forced) housing by Edward O. Mitchell leaves me greatly puzzled. He makes the point that racial discrimination does not exist in our area, but still, we need Fair Housing. Why?

A short review of history may remind us that under Franklin, the Rooseveltian impact of Keynesianism and deficit financing, with the innovation of curing unemployment by bureaucratic handouts, the scheme of federal housing was imported from European Marxist Valhallas.

It began, ironically, with the first housing project in Arthurdale, West Virginia (christened by the sainted Eleanor) from which negroes were firmly barred. The Federal Housing Administration followed by creating racial tension in Detroit, Chicago and elsewhere by constructing housing projects for special groups. Then after agitation and pressure put the Washington politicians in a corner, they would switch and assign the project to another group.

The time was not "ripe," however, to save the Negro. His escape from the parlous situation into which the government had euchered him was not to be facilitated until the passage of the Civil Rights Bill with its housing section (Title IV).

Title IV is a bald denial of right, vicious in both principle and practice because it cannot possibly be administered in accordance with due process of law, and because it adds materially to the forces already at work to introduce the police state into this country.

In opposing the housing provision of the Civil Rights Bill, Senator Harry F. Byrd, Jr., stated:

"This is not civil rights legislation. This is plainly an attempt to circumvent our Constitution. It is a violation of the Fifth Amendment to the Constitution which guarantees a man the right to have and to hold property and, obviously to do with it what he wishes within the bounds of decency.

"It is a violation of the basic Bill of Rights, which guarantees the right of individual privacy and individual action."

Of all the evil things that are being done in the name of civil rights, the attack on the right to buy, own, use and sell property is designed to shake the foundation of the American private ownership system. The so-called open housing section of the Civil Rights Bill is an attack on those small property owners who operate and live in their own apartment houses on which they usually depend for their living. The Fourth Amendment to the U.S. Constitution specifically says, "The right of the people to be secure in their persons houses, papers and effects, against unreasonable searches and seizures shall not be violated."

When the Federal Government attempts to prohibit a homeowner from exercising control over his own property, the government has, to all intents and purposes "seized" that property.

Senator Harry F. Byrd, Jr. of Virginia says that this law is a violation of the Bill of Rights. If you disobey this law and someone makes a complaint, the complainant has the full service, at no charge, of federal lawyers, whereas the homeowner is judged guilty until he proves himself innocent and he must provide his own attorneys.

The purpose of this fair (Open) (Forced) housing is not only to force a mixture of races in residential areas and apartments, but it will also have the effect of putting the small apartment owner out of business, making it easy for the big money boys to buy up thousands of apartments at distressed prices.

This Fair Housing in my opinion is dictatorial and unconstitutional.

It seems to me that Mr. Mitchell and his ecumenical Council of Churches had best reject their social gospel with its philosophical socialism, communism, humanitarianism and anarchism, and above all the constant promotion of discord among peaceful law abiding citizens, both black and white. They should return to the holy scriptures as contained in the King James Bible.

Perhaps Mr. Mitchell should turn to "Ecclesiastes, 10:2" in his Revised Standard Version, which reads: "A wise man's heart inclines him toward the right, but a fool's heart toward the left." Could it be possible that the proof reader was fired?

JACK M. MESSNER.

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.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 3 o'clock and 23 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, February 21, 1968, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 20, 1968:

FOREIGN CLAIMS SETTLEMENT COMMISSION

Leonard v. B. Sutton, of Colorado, to be a member of the Foreign Claims Settlement Commission of the United States for the remainder of the term of 3 years from October 22, 1966, vice Edward D. Re.

IN THE NAVY

The following-named officer, when retired, for appointment to the grade of vice admiral pursuant to title 10, United States Code, section 5233.

Rear Adm. Reynold D. Hogle, U.S. Navy.

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

Horace H. Nation, Jr., Acmar, Ala., in place of N. L. Nation, retired.

Robert L. Ingram, Thomasville, Ala., in place of H. T. Forster, retired.

James B. Hill, Woodville, Ala., in place of R. E. Page, retired.

ARIZONA

Verna M. Spurlock, Navajo, Ariz., in place of G. M. Harris, retired.

CALIFORNIA

Laeta C. Fortney, Biggs, Calif., in place of J. C. Andes, resigned.

Joseph F. Aubin, Kernville, Calif., in place of W. I. Stewart, retired.

FLORIDA

Richard P. Briggs, Bradenton, Fla., in place of H. L. Evans, retired.

James J. Waller, Jr., Immokalee, Fla., in place of L. A. Crews, retired.

Clarence A. Siniard, Summerfield, Fla., in place of T. B. Mills, retired.

IDAHO

Charles L. Fitzsimons, New Plymouth, Idaho, in place of J. C. Newman, retired.

ILLINOIS

Ivan V. Crooks, Cisne, Ill., in place of Gordon Perry, retired.

Wesley L. Weston, Elburn, Ill., in place of H. J. Hall, retired.

Everett L. Shelton, Monee, Ill., in place of J. E. Gorman, retired.

Norlan E. Newmister, Normal, Ill., in place of T. B. Raycraft, retired.

KANSAS

Betty M. Traffas, Sharon, Kans., in place of R. A. Fetrow, retired.

KENTUCKY

John R. Anderson, Carlisle, Ky., in place of E. E. Pfanstiel, retired.

MASSACHUSETTS

John H. Pink, Randolph, Mass., in place of M. R. Brewster, retired.

MICHIGAN

Edward C. McNamara, Birch Run, Mich., in place of S. F. Close, deceased.

Doris E. Brady, Conway, Mich., in place of Erla Grigsby, retired.

Dorothy A. Wetzel, Munith, Mich., in place of G. P. Liebeck, deceased.

MINNESOTA

Dean N. Haycraft, Lewisville, Minn., in place of G. H. Dewar, retired.

NEBRASKA

Harry O. Schaffert, Maywood, Nebr., in place of F. E. Faling, deceased.

NEW JERSEY

Vincent J. Yaede, Edison, N.J., in place of W. D. Hand, retired.

Leonard J. Conway, Freehold, N.J., in place of V. A. Statesir, retired.

Albert J. Fulkrod, Ho Ho Kus, N.J., in place of F. M. Letts, retired.

NEW YORK

Anthony Puzzo, Babylon, N.Y., in place of A. R. Clark, retired.

Bridget F. Stouter, Lebanon Springs, N.Y., in place of Eileen Bechmann, resigned.

SOUTH DAKOTA

George R. Connor, Zell, S. Dak., in place of P. J. Miesen, retired.

TEXAS

Wilmer W. Hewitt, Richmond, Tex., in place of A. C. Wendel, retired.

Richard D. Swanner, Scroggins, Tex., in place of Maud Swanner, retired.

WISCONSIN

Dena C. Hayden, Marshfield, Wis., in place of T. N. Hayden, deceased.

HOUSE OF REPRESENTATIVES—*Tuesday, February 20, 1968*

The House met at 12 o'clock noon.

His Excellency, the Most Reverend Vincent Brizgys, auxiliary bishop of Kaunas in Lithuania, offered the following prayer:

Almighty God, we turn to Thee in the prayer as we begin the deliberations of this day.

Thou hast implanted into the hearts of all men the desire for freedom. Within Thy loving providence nations have been formed and, through freedom, have become creative of spiritual and material progress.

Thou hast taught man to love his neighbor as himself—to give to others what we treasure ourselves. May all men fulfill this command in respecting the rights and liberties of others, while securing them for themselves.

We pray for freedom of Lithuania. And we beg Thy blessings upon those persons and nations who teach men to respect and love one another and who dedicate themselves for the achievement of freedom and peace for all mankind. Amen.

THE JOURNAL

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on February 15, 1968, the President approved and signed a bill of the House of the following title:

H.R. 14563. An act to amend the Railroad Retirement Act of 1937 and the Railroad Unemployment Insurance Act to provide for increase in benefits, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 138. Joint resolution calling on the Boy Scouts of America to serve the youth of this Nation as required by their congressional charter.

HIS EXCELLENCY, THE MOST REVEREND VINCENT BRIZGYS, AUXILIARY BISHOP OF KAUNAS, LITHUANIA

Mr. MURPHY of Illinois. 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 Illinois?

There was no objection.

Mr. MURPHY of Illinois. Mr. Speaker, I rise today to join my colleagues in extending our thanks and appreciation for the honor and privilege of having His Excellency, the Most Reverend Vincent Brizgys, the auxiliary bishop of Kaunas, Lithuania, deliver the invocation today on this auspicious occasion when the House of Representatives observes the 50th anniversary of the independence of the Republic of Lithuania.

CRIME—PARAMOUNT DOMESTIC PROBLEM

Mr. ADAMS. 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 Washington?

There was no objection.

Mr. ADAMS. Mr. Speaker, the paramount domestic problem confronting the American people today is crime. It has developed to such gigantic proportions that control is beyond the capabilities of unassisted local law enforcement agencies. While crime control is the primary responsibility of State and local governments, the vast resources of the Federal Government must be made available for a unified effort in combating this problem which transcends local jurisdictions.

The prospect of becoming a victim of serious crime has increased to the extent that many Americans are deprived of the basic attributes to our system of government. There is no justification for criminal activities. Grave social injustices may contribute to the incidence of lawlessness but criminal conduct must be eliminated.

The President is responding to overwhelming public interest in the enactment of effective measures to curb the rising tide of crime. I commend the President for his direct response to a problem requiring immediate action, and urge the prompt enactment of the Safe Streets and Crime Control Act, and other measures which he has proposed.

VETERANS EMPLOYMENT

Mr. OLSEN. 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 Montana?

There was no objection.

Mr. OLSEN. Mr. Speaker, the Post Office and Civil Service Committee is now considering House Joint Resolution 1052, which proposes to set forth the sense of Congress that prompt and meaningful employment be made available to veterans who have served in Vietnam and in other areas in the Vietnam conflict. The purpose of this resolution is to impress upon employers, both government and industry, the fact that these men are leaving the military after honorable and courageous service and are seeking their place in the labor market.

It is truly the sense of Congress that these men be welcomed by employers everywhere. Their sacrifices on behalf of their Nation should not go unnoticed once their military service is completed.